

**BRATTLEBORO SELECTBOARD
TUESDAY, FEBRUARY 3, 2015
COMMITTEE INTERVIEWS – 5:30PM
REGULAR MEETING – 6:15PM
MINUTES**

Selectboard members present: David Gartenstein, Kate O'Connor, David Schoales, John Allen, and Donna Macomber.

Staff present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Finance Director John O'Connor, Public Works Director Steve Barrett, Highway/Utilities Superintendent Hannah O'Connell, Fire Chief Mike Bucossi, Planning Director Rod Francis, Police Chief Mike Fitzgerald, Executive Secretary Jan Anderson, and others who did not sign the attendance sheet.

Media present: Olga Peters representing The Commons and Howard Weiss-Tisman representing the Brattleboro Reformer.

Others present: James Banslaben, Maya Hasegawa, J. Eric Annis, Kate Audlin, Avery Schwenk, Tad Montgomery, John Borichevsky, Anne E. Howes, George Reed-Savory, Todd Murchison, ASL Interpreters Elizabeth Bjerke and Janet Dickinson, BCTV staff and volunteers, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 5:35pm in the Selectboard meeting room. He confirmed that the meeting was officially warned. He said that the Board would conduct interviews of applicants to various committees where there were more applicants than seats available. He noted that Chris Blood and Stuart Savel withdrew their applications. The Board interviewed Katharine Manthei Audlin and Eric Annis for seats on the Planning Commission, Todd Murchison, Eric Annis and George Reed-Savory for the Development Review Board, and Maya Hasegawa, Eric Annis and George Reed-Savory for the Development Review Board Alternate. Gartenstein said that the Board would make appointments later in the meeting.

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS EMPLOYMENT OR EVALUATION OF A PUBLIC OFFICER OR EMPLOYEE WITH A FINDING THAT GENERAL PREMATURE PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE PUBLIC BODY OR PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. TOWN MANAGER ELWELL AND PLANNING DIRECTOR FRANCIS WERE INVITED TO ATTEND. MOTION CARRIED 5-0.

Gartenstein reconvened the meeting at 6:15pm.

APPROVE MINUTES

MOTION BY DONNA MACOMBER TO APPROVE THE MINUTES FROM JANUARY 20, 2015 AS PRESENTED. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair Gartenstein announced that a public roll-out and series of presentations about updating the Land Use Regulations and Zoning Ordinances were in-process and the dates, times and locations were noted in the Town calendar. He said that important issues involving the balance between strict zoning guidelines and flexibility about land use were being discussed and he invited the public to actively participate. He also announced that the Selectboard would hold a special meeting on February 12 to discuss the pay-as-you-throw solid waste disposal system and to discuss issues and concerns about the system. He invited the public to attend and participate in discussions on how the process would unfold. He also stated that different entities were asking the Board to take a position on solar panels and the Board would discuss the matter at the February 17 meeting.

MANAGER'S COMMENTS

Town Manager Elwell announced that Public Works would be clearing snow from streets around town starting at 10:30pm this evening and running throughout the night.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

None.

PUBLIC PARTICIPATION

None.

LIQUOR COMMISSIONERS

MOTION BY DAVID SCHOALES TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.

Special Event Permit – Hermit Thrush Brewery, LLC, Harris Hill Ski Jump. Gartenstein said that the Board was asked to approve a Special Event Permit for Hermit Thrush Brewery, LLC. Avery Schwenk, from Hermit Thrush Brewery, said that the permit was for the beer tent at the Harris Hill Ski Jump on February 14 and 15 from 10:00am to 6:00pm each day. There was a brief discussion.

MOTION BY DAVID SCHOALES TO APPROVE A SPECIAL EVENT PERMIT FOR HERMIT THRUSH BREWERY, LLC, FOR THE HARRIS HILL SKI JUMP ON FEBRUARY 14 AND 15, 2015, FROM 10:00AM TO 6:00PM EACH DAY. MOTION CARRIED 5-0.

Special Event Permits – Strolling of the Heifers Beer, Cider and Cheese Festival. Gartenstein said that the Board was asked to approve three special event permits. Elwell said that applications were received from Whetstone Station Restaurant and Brewery LLC, Flag Hill Farm, Inc., d/b/a Flag Hill Farm Vermont Hard Cyder, and Third Place, Inc., d/b/a Zero Gravity Craft Brewery, for permits for the Beer, Cider and Cheese Festival sponsored by the Strolling of the Heifers at the River Garden on Friday, February 13, from 5:00pm to 8:00pm. He said that the Fire Department required the organizer to enforce the occupancy load of 378 people, and that all exits be marked, unlocked, and clear of any obstructions. He said that the organizers agreed to comply with the requirements. There was a brief discussion.

MOTION BY DONNA MACOMBER TO APPROVE SPECIAL EVENT PERMITS FOR WHETSTONE STATION RESTAURANT AND BREWERY LLC, FLAG HILL FARM, INC., D/B/A FLAG HILL FARM VERMONT HARD CYDER, AND THIRD PLACE, INC., D/B/A ZERO GRAVITY CRAFT BREWERY, FOR A BEER, CIDER AND CHEESE FESTIVAL, SPONSORED BY STROLLING OF THE HEIFERS AT THE RIVER GARDEN, 157 MAIN STREET, ON FRIDAY, FEBRUARY 13, 2015, FROM 5:00PM TO 8:00PM, SUBJECT TO THE RESTRICTIONS THAT THE ORGANIZER ENFORCE THE OCCUPANCY LOAD OF 378 PEOPLE AND THAT ALL EXITS ARE MARKED, UNLOCKED, AND CLEAR OF ANY OBSTRUCTIONS. MOTION CARRIED 5-0.

MOTION BY JOHN ALLEN TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.

NEW BUSINESS

2015 Certificate of Highway Mileage – Public Works Department Recommendation for Approval. Public Works Director Barrett said that the Board was asked to approve the annual Certificate of Highway Mileage for Year Ending February 10, 2015. He said there were no changes in the highway mileage since last year. There was a brief discussion by the Board.

MOTION BY JOHN ALLEN TO APPROVE THE CERTIFICATE OF HIGHWAY MILEAGE FOR YEAR ENDING FEBRUARY 10, 2015, AS PRESENTED. MOTION CARRIED 5-0.

VT Alert – Fire Department Presentation. Fire Chief Bucossi discussed the current emergency notification system, Brattleboro Emergency Notification System (BENS), and said with the closure of Vermont Yankee Nuclear Plant that BENS would be discontinued in the future. He said that the State rolled out VT Alert, a similar system that can be used for all hazard alerts. He discussed the benefits of VT Alert and mentioned some of the transitional expectations. He suggested that BENS users and other

members of the public enroll in VT Alert, which was now operational. There was some discussion by the Board about the new system and enrollment.

NO ACTION TAKEN.

Accept and Appropriate Grant Amendment for Emergency Radio Equipment – FY2015 RERP Grant from Vermont Department of Public Safety. Gartenstein said that the Board was asked to accept and appropriate \$13,125 from the Vermont Department of Public Safety as an amendment to the FY15 RERP Grant. Elwell said that the amendment would allow the Town to purchase radio repeater equipment and enter into a lease agreement with the West River Radio Club. Moreland spoke about the RACES network being a network of ham radio operators that would provide redundant communications capabilities in the event of an emergency to areas where other emergency notification services is inconsistent. There was a brief discussion by the Board.

MOTION BY DAVID SCHOALES TO ACCEPT AND APPROPRIATE \$13,125 FROM THE VERMONT DEPARTMENT OF PUBLIC SAFETY FOR THE FY15 RERP GRANT AMENDMENT TO PURCHASE RADIO REPEATER EQUIPMENT AND TO ENTER INTO A LEASE AGREEMENT WITH THE WEST RIVER RADIO CLUB. MOTION CARRIED 5-0.

Accept and Appropriate Grant for Police Equipment – Vermont Department of Public Safety – Governor’s Highway Safety Program. Police Chief Fitzgerald said that the Board was asked to accept and appropriate \$5,000 from the Vermont Department of Public Safety, Governor’s Highway Safety Program for the 2015 Equipment Incentives Grant for the purchase of highway safety equipment. He said that the Town participated in four holiday events and consequently was eligible for the incentive grant award. He said that with the funds, the Police Department anticipated purchasing a DUI sign package, reflective clothes for the officers, and a Doppler radar gun. There was some discussion by the Board.

MOTION BY DONNA MACOMBER TO ACCEPT AND APPROPRIATE \$5,000 FROM THE VERMONT DEPARTMENT OF PUBLIC SAFETY GOVERNOR’S HIGHWAY SAFETY PROGRAM FOR THE 2015 EQUIPMENT INCENTIVES GRANT. MOTION CARRIED 5-0.

Approve Grant Application for Main Street Sidewalk Project – Downtown Transportation Fund of Vermont Agency of Commerce and Community Development. Gartenstein said that the Board was asked to approve the Public Works Department’s application for a \$50,000 downtown Transportation Fund Grant through the Agency of Commerce and Community Development. Public Works Director Barrett and Highway/Utilities Superintendent O’Connell discussed the grant which would supplement funding for the Main Street Sidewalk Project. Barrett said that the project as a whole consisted of sidewalk replacement on the easterly side of Main Street from the Kyle Gilbert Memorial Bridge up to Walnut Street, but the grant covered the portion of the project from the Kyle Gilbert Memorial Bridge to the intersection of Elliot Street and Main Street. They said that the grant required a \$50,000 match and recommended that \$47,500 of the match be funds that were previously approved for this purpose within the Capital Fund and the remaining \$2,500 of the match come from the sidewalks account within the Capital Fund. There was much discussion by the Board about the overall project, some of the challenges, cost of the project, necessary funding, and public outreach.

MOTION BY KATE O’CONNOR TO AUTHORIZE SUBMITTAL OF AN APPLICATION FOR A DOWNTOWN TRANSPORTATION FUND GRANT IN THE AMOUNT OF \$50,000 FROM THE VERMONT AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT FOR THE MAIN STREET SIDEWALK PROJECT, AND TO AUTHORIZE A TOWN MATCH OF \$50,000. THE TOWN’S MATCHING FUNDS WILL INCLUDE \$47,500 PREVIOUSLY AUTHORIZED FOR THIS PURPOSE WITHIN THE CAPITAL FUND AND AN ADDITIONAL \$2,500 ASSIGNED FROM THE SIDEWALKS ACCOUNT WITHIN THE CAPITAL FUND. MOTION CARRIED 5-0.

Committee Appointments – Gartenstein said that the Board was asked to appoint members to fill vacant seats on various committees, and that some interviews were held immediately preceding the business meeting. He asked for nominations for vacant seats on the various committees.

Conservation Commission

David Schoales nominated Drew Adam. Nomination carried 5-0.

Fence Viewer

John Allen nominated Tim Kipp. Nomination carried 5-0.

David Schoales nominated Lee Madden. Nomination carried 5-0.

Inspector of Lumber, Shingles, and Wood

Donna Macomber nominated Chris Grotke. Nomination carried 5-0.

Recreation & Parks Board

Donna Macomber nominated Kristina Aldrich. Nomination carried 5-0.

Planning Commission

John Allen nominated J. Eric Annis for the seat ending June, 2017. Nomination carried 5-0.

Donna Macomber nominated Katharine Manthei Audlin for the seat ending June, 2016. Nomination carried 5-0.

David Schoales nominated Rachel Zamore for the seat ending June, 2015. Nomination carried 5-0.

Development Review Board

David Gartenstein nominated Todd Murchison for the seat ending June, 2017. Nomination carried 5-0.

Development Review Board Alternate

Donna Macomber nominated Maya Hasegawa. Nomination carried 5-0.

John Allen nominated George Reed-Savory. Nomination carried 5-0.

David Gartenstein nominated J. Eric Annis. Nomination carried 5-0.

Gartenstein thanked all of the applicants for volunteering to serve the Town.

Proposed Charter Amendments on the March 3 Ballot

(a) Identification of Selectboard Position

(b) Public Education Effort to Explain Selectboard Position

Gartenstein said that three proposed Charter amendments were on the March 3 ballot, and he asked the Board to discuss whether it would take a position whether to reach out to the public about the effects on Town government if the proposed amendments passed. Elwell distributed and discussed a memorandum from Attorney Fisher containing his legal opinion that the Board may take a position and expend public funds in order to distribute the Board's position to the voters. He said that information may be provided to the community by a mass mailing, posting it on the Town's website, sending it to media outlets, and possible interviews with radio stations. He said that the cost of mailing information to about 8,200 voters in the Town would be approximately \$2,600 in materials. Gartenstein suggested that Board members send their positions and comments to Administration, who would assemble the opinions and present them to the Board for discussion and consideration at the February 12 special Selectboard meeting. He said that action could be taken at the March 3 meeting when the full Board would be present. There was some discussion by the Board about the procedure and timing.

NO ACTION TAKEN.

Schedule Informational Town Meeting – Wednesday, March 11, Doors open at 6:00pm, Caucuses 6:30pm, Meeting 7:00pm, at Academy School. Gartenstein said that the Board was asked to schedule the Informational Town Meeting. Executive Secretary Anderson said that traditionally the meeting was held on Wednesday during the week before Representative Town Meeting. Schoales said that he was not available on March 11. There was discussion by the Board about alternative dates. It was agreed that Anderson would inquire about possible locations for a March 11 meeting and ask the Town Attorney about statutory deadlines. The Board agreed to add the matter to the agenda for the special meeting on February 12.

NO ACTION TAKEN.

CORRESPONDENCE AND MEETINGS

Macomber read the dates and times of Town committee meetings and other upcoming events.

There was no further business.

MOTION BY DONNA MACOMBER TO ADJOURN AT 7:25PM. MOTION CARRIED 5-0.

David Schoales, Clerk