

**BRATTLEBORO SELECTBOARD
TUESDAY, APRIL 28, 2015
EXECUTIVE SESSION – 5:30PM
REGULAR MEETING – 6:15PM
MINUTES**

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

Staff present: Town Manager Peter B. Elwell, Assistant Town Manager Patrick Moreland, Finance Director John O'Connor, Public Works Director Steve Barrett, Highway/Utilities Superintendent Hannah O'Connell, Fire Chief Michael Bucossi, Assistant Fire Chief Peter Lynch, Police Chief Mike Fitzgerald, and Executive Secretary Jan Anderson.

Media present: Howard Weiss-Tisman representing the Brattleboro Reformer.

Others present: James Banslaben, John Wilmerding, Paul Redding, Paul Cameron, Lester Humphreys, Tad Montgomery, Michael Bosworth, ASL Interpreters Janet Dickinson and Janice Wightman, BCTV staff and volunteers, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 5:33pm in the Selectboard meeting room in the Municipal Center. He confirmed that the meeting was officially warned.

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, NEGOTIATING OR SECURING OF REAL ESTATE PURCHASE OR LEASE OPTIONS, PENDING OR PROBABLE CIVIL LITIGATION OR PROSECUTION TO WHICH THE SELECTBOARD IS OR MAY BE A PARTY, CONTRACTS, AND POTENTIALLY CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATIONS MADE FOR THE PURPOSE OF PROVIDING LEGAL ADVICE TO THE TOWN AND SELECTBOARD, AND ALSO POTENTIALLY A PERSONNEL MATTER, BASED UPON A SPECIFIC FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE SELECTBOARD, THE TOWN AND THE PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER WAS INVITED TO ATTEND. MOTION CARRIED 4-0 (O'CONNOR WAS NOT PRESENT AT THE TIME OF THE VOTE).

Chair Gartenstein reconvened the meeting at 6:15pm.

APPROVE MINUTES

MOTION BY DONNA MACOMBER TO APPROVE THE MINUTES FROM MARCH 17, MARCH 23, AND APRIL 7, 2015 AS PRESENTED. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair Gartenstein announced that the Selectboard would be meeting every Tuesday evening for the next four weeks to discuss various ongoing projects and he reviewed many of the projects.

MANAGER'S COMMENTS

Town Manager Elwell discussed the substantial impacts on traffic and businesses due to the closure of Interstate 91 last week. He said that other options were being explored for future closures. He also announced that the Fire Department would be conducting a tanker system training exercise and drill at Hillwinds on Sunday and wanted to inform citizens about the drill so they did not become alarmed. Lastly, he thanked Brown & Roberts, Hannafords, Cumberland Farms, Price Chopper, and Fireside True Value for signing up to be distributors of pay-as-you-throw (PAYT) bags in preparation for the implementation of the PAYT system, and he said other outlets would likely be available in the future. He noted that informational sessions about the PAYT system were scheduled on Wednesday at Academy School and on Thursday at Oak Grove School.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

None.

PUBLIC PARTICIPATION

John Wilmerding displayed a painting of "Nina" and spoke about the local artist, William Hayes, who recently closed his studio and was displaying some of his artwork at Angel Boy Gallery. He also announced that the first meeting of the Finance Committee was scheduled on May 20 at 4:00pm in the Selectboard meeting room. He also said that he was organizing a new multicultural arts festival, Fantastic Wantastiquet, which would take place in the fall during foliage season, and he asked anyone interested in volunteering to contact him.

Paul Cameron, Town Energy Coordinator, announced that Brattleboro Climate Protection and the Energy Committee were working with five local solar companies to launch the Brattleboro Solar Summer campaign to encourage installation of solar electric systems in homes and/or businesses, and he spoke about the campaign. He said that the kickoff event was scheduled on May 2 at the Brooks House and a free solar workshop was scheduled on June 8. He also read a resolution in support of Brattleboro Solar Summer Campaign and asked the Board to approve it. John Wilmerding spoke in support of the resolution. There was no discussion by the Board.

MOTION BY DAVID SCHOALES TO APPROVE THE [BRATTLEBORO SOLAR SUMMER CAMPAIGN] RESOLUTION AS READ. MOTION CARRIED 5-0.

LIQUOR COMMISSIONERS

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

Special Event Permit – Hermit Thrush Brewery, LLC. Gartenstein said that the Board was asked to approve a special event permit for Hermit Thrush Brewery, LLC, to host a brewmaster's wedding welcome party on Friday, May 29 in the tasting room of the brewery at 29 High Street. There was no discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO APPROVE THE SPECIAL EVENT PERMIT FOR HERMIT THRUSH BREWERY TO HOST A PRIVATE BREWMASTER'S WEDDING WELCOME PARTY ON FRIDAY, MAY 29. MOTION CARRIED 5-0.

Outside Consumption Permit – Delta Pie, LLC, d/b/a Ramuntos Brick Oven Pizza of Brattleboro. Gartenstein said that the Board was asked to approve an outside consumption permit for Delta Pie, LLC, d/b/a Ramuntos Brick Oven Pizza of Brattleboro, located at 1111 Putney Road. Paul Redding, General Manager, spoke about the application to serve alcohol on the deck on the front of the restaurant from 11:00am to 11:00pm. Elwell said that the premises and application were reviewed and approved by staff. There was no discussion by the Board.

MOTION BY DAVID SCHOALES TO APPROVE AN OUTSIDE CONSUMPTION PERMIT FOR DELTA PIE, LLC, D/B/A RAMUNTOS BRICK OVEN PIZZA OF BRATTLEBORO. MOTION CARRIED 5-0.

Special Event Permit – Whetstone Cider Works, LLC. Gartenstein said that the Board was asked to approve a special event permit for Whetstone Cider Works, LLC, for a Night of the Ukulele fundraiser for Open Music Collective to be held at the Hooker Dunham Theatre, located at 139 Main Street, on May 30, 2015, from 6:00pm to 10:30pm. Schoales spoke about the event and invited the public to attend. There was no discussion by the Board.

MOTION BY DAVID SCHOALES TO APPROVE A SPECIAL EVENT PERMIT FOR WHETSTONE CIDER WORKS, LLC, FOR A FUNDRAISER EVENT AT THE HOOKER DUNHAM THEATRE ON MAY 30, 2015. MOTION CARRIED 5-0.

First Class Liquor License Renewal – Milagros Vermont, Ltd., d/b/a Milagros Mexican Restaurant. Gartenstein said that the Board was asked to approve the renewal of a first class liquor license for

Milagros Vermont, Ltd., d/b/a Milagros Mexican Restaurant, located at 97 Main Street for a re-opening of the restaurant on or about May 1, 2015. There was no discussion by the Board.

MOTION BY KATE O’CONNOR TO APPROVE THE RENEWAL OF A FIRST CLASS LIQUOR LICENSE FOR MILAGROS VERMONT, D/B/A MILAGROS MEXICAN RESTAURANT. MOTION CARRIED 5-0.

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

WATER AND SEWER COMMISSIONERS

MOTION BY DONNA MACOMBER TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.

Black Mountain Gravity Sewer Main Project

(1) *Approve Clean Water State Revolving Fund Loan.* Elwell said that the Board was asked to approve a loan for the Black Mountain Gravity Sewer Main Project from the Vermont Clean Water State Revolving Fund in the amount of \$995,000, at zero percent interest, with a two percent administration fee, for a term of twenty years. He summarized the project which the Board had discussed several times at previous meetings. There was a brief discussion by the Board.

MOTION BY JOHN ALLEN TO APPROVE A LOAN FOR THE BLACK MOUNTAIN GRAVITY SEWER MAIN PROJECT FROM THE VERMONT CLEAN WATER STATE REVOLVING FUND IN THE AMOUNT OF \$995,000, AT ZERO PERCENT INTEREST, WITH A TWO PERCENT ADMINISTRATION FEE, FOR A TERM OF TWENTY YEARS.

Finance Director John O’Connor stated that the correct amount of the loan was \$985,000, and offered a friendly amendment to the motion. Allen accepted the friendly amendment. Public Works Director Barrett spoke about the project and said that the work was ready to proceed once the Board approved the financing.

AMENDED MOTION BY JOHN ALLEN TO APPROVE A LOAN FOR THE BLACK MOUNTAIN GRAVITY SEWER MAIN PROJECT FROM THE VERMONT CLEAN WATER STATE REVOLVING FUND IN THE AMOUNT OF \$985,000, AT ZERO PERCENT INTEREST, WITH A TWO PERCENT ADMINISTRATION FEE, FOR A TERM OF TWENTY YEARS. MOTION CARRIED 5-0.

(2) *Approve Appointment of Alternate Authorized Representative.* Gartenstein said that the Board was asked to approve appointment of Town Manager Peter Elwell to act as an alternative authorized representative of the applicant for the purpose of furnishing information and documents to the State of Vermont in connection with the Black Mountain Road Gravity Sewer Main Project. Elwell said that Finance Director John O’Connor was the Town’s primary authorized representative and this appointment would replace the Interim Town Manager’s previous appointment as alternate. There was a brief discussion.

MOTION BY DAVID SCHOALES TO APPROVE THE APPOINTMENT OF TOWN MANAGER PETER ELWELL AS THE TOWN’S ALTERNATE AUTHORIZED REPRESENTATIVE FOR THE BLACK MOUNTAIN ROAD GRAVITY SEWER PROJECT. MOTION CARRIED 5-0.

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

UNFINISHED BUSINESS

Property Assessed Clean Energy Program (PACE) – Gartenstein said that the Board was asked to adopt the Property Assessed Clean Energy (PACE) Program, as revised, and to authorize the Town Manager to execute the associated documents. Assistant Town Manager Moreland, joined by members of the Energy Committee Lester Humphreys, Paul Cameron, and Michael Bosworth, spoke about the history of the program and many of the obstacles and concerns that had been encountered over the structure of the

PACE program. Moreland said that he recently drove to Montpelier, along with the Finance Director and Town Attorney, to meet with representatives from Vermont Energy Investment Corporation (VEIC), parent company to Efficiency Vermont, to address and resolve the concerns. He said that the parties and legal counsel had subsequently agreed to several changes to the program documents that resolved the Town's prior concerns. Lester Humphreys discussed several details about the program. There was discussion by the Board about the changes to the program documents, responsibilities of the Town, and the program in general.

MOTION BY DONNA MACOMBER TO ADOPT THE PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM, AS REVISED, AND TO AUTHORIZE THE TOWN MANAGER TO EXECUTE THE ASSOCIATED DOCUMENTS. MOTION CARRIED 5-0.

NEW BUSINESS

Net Metering – *Second Amendment to Agreement with NextSun, Assistant Town Manager and Energy Committee.* Assistant Town Manager Moreland was joined by members of the Energy Committee Lester Humphreys, Paul Cameron, and Michael Bosworth. Moreland said that the Board was asked to authorize the Town Manager to execute an amendment to the Town's existing net metering agreement to address structural requirements of NextSun and provide more favorable financial terms for the Town. He spoke about a previous net metering agreement with Green Lantern Capital and many business difficulties encountered by Green Lantern Capital. He said that the amendment would, among many things, transfer the contractual responsibilities and obligations to NextSun. Humphreys explained net metering and discussed the contract, amendment, and procedures. There was some discussion by the Board.

MOTION BY KATE O'CONNOR TO AUTHORIZE THE TOWN MANAGER TO EXECUTE THE SECOND AMENDMENT TO THE TOWN'S NET METERING AGREEMENT WITH NEXTSUN ENERGY RUTLAND, LLC. MOTION CARRIED 5-0.

Financial Report – *Monthly Financial Report, March.* Finance Director O'Connor presented and discussed the March financial report. There were questions and some discussion by the Board.

NO MOTION IS REQUIRED ON THIS ITEM.

Local Emergency Operations Plan – *Adopt Updated Local Emergency Operations Plan, Fire Department.* Fire Chief Bucossi and Assistant Fire Chief/Health Officer Lynch were present. Bucossi said that the Board was asked to adopt the 2015 Local Emergency Operations Plan (LEOP). He said that all Vermont municipalities are required to update and adopt an LEOP each year and that having a current plan would ensure continued eligibility for emergency funding and assistance. He discussed the plan and changes that were made to it. Gartenstein asked about Town plans for mass medical emergencies. Lynch spoke briefly about medical plans and procedures that were in place. It was agreed that the medical plans could be incorporated into the LEOP. There were questions and some discussion by the Board.

MOTION BY DONNA MACOMBER TO ADOPT THE 2015 LOCAL EMERGENCY OPERATIONS PLAN (LEOP), AS PRESENTED. MOTION CARRIED 5-0.

DEMHS Special Operations Training Grant – *Accept and Appropriate Department of Emergency Management and Homeland Security (DEMHS) Grant, Fire Department.* Gartenstein said that the Board was asked to accept and appropriate the sum of \$7,667.70 from the Vermont Department of Emergency Management and Homeland Security to pay for special operations training.

MOTION BY DAVID SCHOALES TO ACCEPT AND APPROPRIATE THE SUM OF \$7,667.70 FROM THE VERMONT DEPARTMENT OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY FOR OPERATIONS TRAINING GRANT. MOTION CARRIED 5-0.

Gartenstein said that the Board was asked to approve several grant applications and appropriations and that Town Manager Elwell proposed consolidating approval of grants for efficiency of time. Elwell said that the grants could be discussed individually if the Board had questions about a particular grant, but he suggested clustering approval under one motion so long as each grant was properly described within the motion. It was agreed by the Board to proceed in that manner.

DUI Enforcement Grant Amendment – *Accept and Appropriate Vermont Agency of Transportation Grant Amendment, Police Department.* The Board was being asked to approve the 2015 DUI Enforcement Grant Amendment and to accept and appropriate \$3,600 from the Vermont Agency of Transportation for enforcement activities directly related to DUI and impaired driving.

Occupant Protection (OP) Enforcement Grant Amendment – *Accept and Appropriate Vermont Agency of Transportation Grant Amendment, Police Department.* The Board was being asked to approve the 2015 Occupant Protection (OP) Enforcement Grant Amendment and to accept and appropriate \$4,800 from the Vermont Agency of Transportation for enforcement activities directly related to speeding, seatbelt use, aggressive and distracted driving.

MOTION BY DAVID GARTENSTEIN TO APPROVE:

(1) THE 2015 DUI ENFORCEMENT GRANT AMENDMENT AND TO ACCEPT AND APPROPRIATE \$3,600 FROM THE VERMONT AGENCY OF TRANSPORTATION FOR ENFORCEMENT ACTIVITIES DIRECTLY RELATED TO DUI AND IMPAIRED DRIVING; AND

(2) THE 2015 OP ENFORCEMENT GRANT AMENDMENT AND TO ACCEPT AND APPROPRIATE \$4,800 FROM THE VERMONT AGENCY OF TRANSPORTATION FOR ENFORCEMENT ACTIVITIES DIRECTLY RELATED TO SPEEDING, SEATBELT USE, AND AGGRESSIVE AND DISTRACTED DRIVING. MOTION CARRIED 5-0.

Bulletproof Vest Partnership Grant – *Approve Grant Application to the Bureau of Justice Assistance, Police Department.* The Board was being asked to approve the application for a \$2,097 Bulletproof Vest Partnership Grant from the Bureau of Justice Assistance to pay for bulletproof vests.

Town Highway Class 2 Roadway Program Grants – *Approve Applications for Vermont Agency of Transportation Town Highway Class 2 Roadway Program Grants*

- (1) Old Guilford Road Paving Project
- (2) Greenleaf Street Paving Project

The Board was being asked to approve two grant applications seeking funding from the Town Highway Class 2 Roadway Program. Two applications for funds through the same grant were proposed for two separate projects.

Better Back Roads Grant – *Approve Better Back Roads Category A Grant Application, Department of Public Works.* The Board was being asked to approve an application for a \$4,000 Better Back Roads Category “A” Grant from the Vermont Agency of Transportation to inventory, prioritize and develop a capital budget plan for road related erosion problems affecting water quality, and to identify any permitting or right-of-way issues.

There was some discussion by the Board about the grants from the Agency of Transportation. Public Works Director spoke about the Class 2 roadway grant applications.

MOTION BY DAVID SCHOALES TO APPROVE:

(1) THE APPLICATION FOR A \$2,097 BULLETPROOF VEST PARTNERSHIP GRANT FROM THE BUREAU OF JUSTICE ASSISTANCE TO PAY FOR BULLETPROOF VESTS; AND

(2) THE APPLICATION FOR A TOWN HIGHWAY CLASS 2 ROADWAY PROGRAM GRANT FROM THE VERMONT AGENCY OF TRANSPORTATION IN THE AMOUNT OF \$89,660 FOR THE OLD GUILFORD ROAD PAVING PROJECT; AND

(3) THE APPLICATION FOR A TOWN HIGHWAY CLASS 2 ROADWAY PROGRAM GRANT FROM THE VERMONT AGENCY OF TRANSPORTATION IN THE AMOUNT OF \$95,230 FOR THE GREENLEAF STREET PAVING PROJECT; AND

(4) THE APPLICATION FOR A \$4,000 BETTER BACK ROADS CATEGORY “A” GRANT FROM THE VERMONT AGENCY OF TRANSPORTATION. MOTION CARRIED 5-0.

VTrans Annual Financial Plan – Certification, Department of Public Works. Public Works Director Barrett said that the Board was asked to endorse the State of Vermont Department of Transportation (VTrans) Annual Financial Plan for town highways. He said that the financial plan would be used to determine the amount of funding the Town receives from the State for construction, improvements, and repair of Town roads. There was no discussion.

MOTION BY DONNA MACOMBER TO ENDORSE THE STATE OF VERMONT DEPARTMENT OF TRANSPORTATION ANNUAL FINANCIAL PLAN FOR TOWN HIGHWAYS. MOTION CARRIED 5-0.

Proposed Town Plan Amendment – Schedule two Public Hearings (May 19 and June 2), Planning Services. Gartenstein said that the Board was asked to schedule two public hearings to review and discuss a proposed amendment to the Brattleboro Town Plan. He said that Planning Services Department suggested that public hearings be included in the regular Selectboard meetings on May 19 and June 2, 2015. There was a brief discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO ADD PUBLIC HEARINGS TO SELECTBOARD MEETINGS ON MAY 19 AND JUNE 2, 2015 TO REVIEW AND DISCUSS A PROPOSED AMENDMENT TO THE BRATTLEBORO TOWN PLAN. MOTION CARRIED 5-0.

Annual Selectboard Assignments – Committees and Boards (Deferred from April 7 meeting). Gartenstein said that the Board was asked to appointment Selectboard members to the Capital Grant Review Board (2 members), Rental Housing Improvement Program Loan Committee (1 member), Small Business Assistance Program Loan Committee (1 member), Traffic Safety Committee (1 member), and Windham Solid Waste Management District (1 representative and 1 alternate). The Board asked about the Capital Grants Review Board (CGRB). Elwell said that the CGRB was an additional level of review of grants, and that consistent with long-standing practice the CGRB would convene if it was debatable whether investing into a particular capital project and receiving a grant for it was in the Town’s best interest. He said that in keeping with the long-standing practice, he would flag a project or piece of infrastructure that was debatable about being in the Town’s best interest and then call a meeting of the CGRB. Macomber volunteered to be on the Traffic Safety Committee and asked if the meeting time could be changed to 8:00am. There was some discussion about various other assignments.

The Board agreed to the following appointments:

CAPITAL GRANTS REVIEW BOARD – DAVID GARTENSTEIN AND KATE O’CONNOR

RENTAL HOUSING IMPROVEMENT PROGRAM LOAN COMMITTEE – DAVID GARTENSTEIN

SMALL BUSINESS ASSISTANCE PROGRAM LOAN COMMITTEE – DAVID SCHOALES

TRAFFIC SAFETY COMMITTEE – DONNA MACOMBER

**WINDHAM SOLID WASTE MANAGEMENT DISTRICT:
REPRESENTATIVE – DAVID SCHOALES
ALTERNATE – JOHN ALLEN.**

Rules for Conduct of Meetings and Hearings – Discussion (Deferred from April 7 meeting). Gartenstein said that the Board was asked to discuss and approve Rules for Conduct of Meetings and Hearings (“Rules”) for the 2015-2016 Board term. He said that the proposed Rules were the same as last year’s Rules with the exception that a provision was added for the Town Manager to review the warrants in addition to the Selectboard. No other changes were made.

MOTION BY DONNA MACOMBER TO ADOPT THE RULES FOR CONDUCT OF MEETINGS AND HEARINGS, AS PRESENTED AND AMENDED. MOTION CARRIED 5-0.

Selectboard Goals – Discussion (Deferred from April 7 meeting). Gartenstein said that the Board was asked to discuss and adopt Selectboard goals for the 2015-2016 Board term. He read the proposed goals that Town Manager Elwell prepared and provided to the Board. There was discussion by the Board, including prioritizing the goals, setting timeframes for completion, and defining the Town's roll in economic development. [Note: See the materials from the 5/5/15 meeting for the final written version of the approved goals.]

MOTION BY DAVID GARTENSTEIN TO APPROVE THE LIST OF GOALS AS PRESENTED WITH THE REVISION TO THE ECONOMIC DEVELOPMENT GOAL AS DISCUSSED. MOTION CARRIED 5-0.

Adjust Selectboard Meeting Schedule – April through June. Gartenstein announced that the Board would hold a special meeting on May 12 to discuss financial and budgetary matters. He said that the Board would hear presentations and review of proposed amendments to the Town's Zoning Code and Land Use Regulations at regularly scheduled Selectboard meetings on May 5 and June 2, 2015.

There was no further business.

MOTION BY JOHN ALLEN TO ADJOURN AT 8:10PM. MOTION CARRIED 5-0.

David Schoales, Clerk