

**BRATTLEBORO SELECTBOARD
TUESDAY, MAY 5, 2015
EXECUTIVE SESSION – 5:45PM
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 B. Elwell, Assistant Town Manager Patrick Moreland, Planning Services Director Rod Francis, Planner Sue Fillion, several members from the Police Department, and Executive Secretary Jan Anderson.

Media present: Tim Johnson representing WTSA.

Others present: James Banslaben, Orly Munzing, Pam Marsh, Yuko Hamilton-Mori, Elizabeth McLoughlin, Anne E. Howes, 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 5:45pm 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 CONTRACTS, LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, PENDING OR PROBABLE CIVIL LITIGATION TO WHICH THE PUBLIC BODY IS OR MAY BE A PARTY, AND NEGOTIATING OR SECURING OF REAL ESTATE PURCHASE OR LEASE OPTIONS, WITH A FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE MUNICIPALITY AND THE PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER WAS INVITED TO ATTEND. MOTION CARRIED 5-0.

Chair Gartenstein reconvened the meeting at 6:15pm.

CHAIR'S REMARKS

Chair Gartenstein thanked the Fire Department for their diligence and hard work in extinguishing the brush fires near Melchen Road recently. He also asked the public to be cautious with fires during these high risk times.

MANAGER'S COMMENTS

None.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

None.

PUBLIC PARTICIPATION

None.

LIQUOR COMMISSIONERS

MOTION BY DAVID SCHOALES TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 4-0 (MACOMBER WAS NOT PRESENT AT THE TIME OF THE VOTE).

Special Event Permits – Strolling of the Heifers Friday Night Street Festival

- (1) Appalachian Gap Distillery, Inc.*
- (2) Champlain Orchards, Inc.*
- (3) Go America Go Beverages, d/b/a WhistlePig Whiskey*
- (4) Saxtons River Distillery, LLC*

- (5) Vermont Distillers, Inc., d/b/a Vermont Distillers
- (6) Vermont Spirits Distilling Company, d/b/a Vermont Spirits.

Gartenstein said that the Board was asked to approve six special event permits for vendors at the Friday Night Street Festival at the River Garden, located at 157 Main Street, sponsored by Strolling of the Heifers. Orly Munzing, Executive Director of Strolling of the Heifers ("Strolling"), was present and discussed the events of the Strolling weekend. She said that on Friday night, June 5, from 5:30pm to 8:30pm, the River Garden would be open for tastings and samplings from several vendors providing liquor and food at the Friday night street festival. There was a brief discussion by the Board.

**MOTION BY DAVID SCHOALES TO APPROVE SPECIAL EVENT PERMITS FOR:
APPALACHIAN GAP DISTILLERY, INC.;
CHAMPLAIN ORCHARDS, INC.;
GO AMERICA GO BEVERAGES, D/B/A WHISTLE PIG WHISKEY;
SAXTONS RIVER DISTILLERY, LLC;
VERMONT DISTILLERS, INC.; AND
VERMONT SPIRITS DISTILLING COMPANY, D/B/A VERMONT SPIRITS
FOR THE FRIDAY NIGHT STREET FESTIVAL SPONSORED BY STROLLING OF THE HEIFERS AT
THE RIVER GARDEN ON FRIDAY, JUNE 5, 2015, FROM 5:30PM TO 8:30PM. MOTION CARRIED
5-0.**

**MOTION BY DONNA MACOMBER TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION
CARRIED 5-0.**

UNFINISHED BUSINESS

Selectboard Goals – Final Approval with Timelines. Elwell said that the Board was asked to provide final approval to the Annual Selectboard Goals as tentatively approved at the April 28 Selectboard meeting. He reviewed the changes that were made to the goals since the tentative approval and he reviewed the time targets that had been added. There was some discussion by the Board.

**MOTION BY JOHN ALLEN TO APPROVE THE ANNUAL SELECTBOARD GOALS AS PRESENTED.
MOTION CARRIED 5-0.**

NEW BUSINESS

At this time, the Board agreed to adjust the agenda to accommodate the Town Clerk's schedule, so the Police Department swearing-in ceremony would be the second item taken up at this meeting.

Municipal Center Life Safety Improvements – Fire Alarm System Bid Award. Elwell said that the Board was asked to award a contract to J. King Electric of Vernon, Vermont, in the amount of \$36,800, and to approve an overall project budget of \$52,785 for replacement of the fire alarm system in the Municipal Center to comply with the requirements of the Vermont Division of Fire Safety. He discussed the reasons for the work and the scope of the work, and he said that the fire alarm system was the first of several steps being taken to bring the Municipal Center up to fire code within two years. He said that all of the bids had been reviewed by staff and the low bid was being recommended. There was some discussion by the Board about the overall project.

**MOTION BY DONNA MACOMBER TO AWARD THE MUNICIPAL CENTER FIRE ALARM PROJECT
BID TO J. KING ELECTRIC OF VERNON, VERMONT, IN THE AMOUNT OF \$36,800; TO AUTHORIZE
THE TOWN MANAGER TO EXECUTE A CONTRACT WITH J. KING ELECTRIC FOR INSTALLATION
OF THE NEW FIRE ALARM SYSTEM IN ACCORDANCE WITH THE TOWN'S SCOPE OF WORK AND
THE COMPANY'S BID; AND TO APPROVE A TOTAL OVERALL BUDGET OF \$52,785 FOR THIS
PROJECT.**

At this time, Gartenstein ask Elwell to discuss the construction project at the Union Hill and Western Avenue intersection. Elwell said that a substantial amount of road construction would be taking place at that intersection over the next six to eight weeks to improve pedestrian safety and the configuration of the

intersection. He said that the intersection would be narrowed to create a smaller area for pedestrians to cross and improve the vehicular traffic flow. Gartenstein asked drivers to use alternate routes and be patient when driving through the area. There was a brief discussion by the Board.

Police Department Swearing-In Ceremony – Police Department. Elwell said that Jason Hamilton, a new police officer, would be sworn in, along with Sergeant Carl Warner, who had recently been promoted from patrolman, Lieutenant Penny Witherbee, who had recently been promoted from the rank of Sergeant, and many of the other police officers who would repeat their oaths. Town Clerk Annette Cappy administered the oath to the officers.

NO ACTION TAKEN.

Presentation of Proposed Zoning Code/Land Use Regulation Amendments – District Boundaries and Protecting Rural Character while Planning for Growth. Gartenstein said that the Town Zoning Ordinances were undergoing a comprehensive rewrite and that land use regulations were previously contained in two separate documents, Zoning Ordinances and Subdivision Regulations, but would now be incorporated into one document - Land Use Regulations (LURs). He said that land use regulations significantly impact the development in town and individuals' property rights so members from the Planning Services Department and Planning Commission were invited to discuss the revisions and provide the public with an opportunity to comment. He said that maps and other information were available through the Planning Services Department and were displayed on the bulletin board on the second floor of the Municipal Center. Rod Francis and Sue Fillion from Planning Services, and Elizabeth McLoughlin from the Planning Commission, were in attendance and discussed how the revisions were planned and what changes would be occurring within the new LURs. Planning Services Director Francis suggested dividing the LURs into four topics, i.e., District Boundaries; Protecting Rural Character while Planning for Growth; Development Review Procedures; and Design and Performance Standards, and presenting the LURs to the Board by topic for review, comment, and discussion. Francis, Fillion, and McLoughlin provided a lengthy PowerPoint presentation and detailed discussion about the proposed District Boundaries. There were many questions asked by Board members with substantial discussion ensuing on many aspects surrounding the existing and revised district boundaries. The presentation was lengthy and the Board decided not to hear the second topic at this time, and discussed when to hear the remaining three topics. The Board agreed to hear the second topic at the special meeting on May 12, and possibly schedule a special meeting on May 26 to hear the third topic, with the final topic to be heard on June 2.

NO ACTION TAKEN.

Town Committees and Boards

- (1) *ADA Advisory Committee – Set number of seats and length of terms*
- (2) *Regional Economic Hub Study Group – Replace Appointment of Interim Town Manager with the Town Manager*

(1) ADA Advisory Committee – Set number of seats and length of terms. Elwell said that the Board was asked to officially organize the ADA Advisory Committee and establish the number of seats and length of terms. He said that the committee had been functioning as an ad hoc committee until this time, and he suggested that the committee be established and that members' terms begin at this moment in time. He said that at the April 10, 2015 ADA Committee meeting, the committee proposed a membership of 7 seats, with 2 three-year seats, 2 two-year seats, and 3 one-year seats, and also proposed that Elizabeth Snyder be appointed to a three-year seat, Bob Sisler and Gary Snyder be appointed to two-year seats, and Missy Boothroyd, Candace Stoumen and Whitney Nichols be appointed to one-year seats. Elwell also suggested that non-residents be allowed to serve on the committee. There was a brief discussion by the Board.

**MOTION BY DONNA MACOMBER TO APPROVE THE ESTABLISHMENT OF A SEVEN MEMBER ADA ADVISORY COMMITTEE, WITH 2 THREE-YEAR SEATS, 2 TWO-YEAR SEATS, AND 3 ONE-YEAR SEATS;
TO ALLOW NON-RESIDENTS TO BE MEMBERS OF THE COMMITTEE; AND
TO APPOINT ELIZABETH SNYDER FOR A THREE-YEAR TERM, BOB SISLER AND GARY SNYDER**

FOR TWO-YEAR TERMS, AND MISSY BOOTHROYD, CANDACE STOUMEN AND WHITNEY NICHOLS TO ONE-YEAR TERMS. MOTION CARRIED 5-0.

(2) Regional Economic Hub Study Group – Replace Appointment of Interim Town Manager with the Town Manager. Gartenstein said that the Board was asked to appoint Town Manager Elwell as a member of the Regional Economic Hub Study Group to replace the previous appointment of Interim Town Manager Moreland. He said that the Study Group would hold its first meeting on May 7, 2015, at 5:30pm. There was no discussion.

MOTION BY DAVID GARTENSTEIN TO APPOINT TOWN MANAGER PETER ELWELL TO THE REGIONAL ECONOMIC HUB STUDY GROUP IN REPLACEMENT OF THE PREVIOUS APPOINTMENT OF THEN INTERIM TOWN MANAGER PATRICK MORELAND. MOTION CARRIED 5-0.

Gartenstein asked about the process to announce vacancies and make appointments to other Town committees whose members' terms expire on June 30. Executive Secretary Anderson said that the Board was expected to announce vacancies at its May 19 meeting, the vacancies would then be published, and the Board could make appointments at the June 2 and June 16 meetings.

There was no further business.

MOTION BY JOHN ALLEN TO ADJOURN AT 8:35PM. MOTION CARRIED 5-0.

David Schoales, Clerk