

**BRATTLEBORO SELECTBOARD
TUESDAY, MAY 6, 2014
EXECUTIVE SESSION – 6:00PM
REGULAR MEETING – 6:15PM
MINUTES**

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

Staff present: Interim Town Manager Patrick Moreland, Fire Chief Mike Bucossi, Assistant Fire Chief Peter Lynch, Police Chief Gene Wrinn, Highway/Utilities Superintendent Hannah O'Connell, Recreation & Parks Director Carol Lolatte, Town Clerk Annette Cappy, Library Director Jerry Carbone, Planning Director Rod Francis, other people who did not sign the attendance sheet, and Executive Secretary Jan Anderson.

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

Others present: Ron Wells, Sue Wells, Jane Southworth, Ronny Johnson, Dottie Pond, Mike Class, Chris Chapman, Richard Chapin, Marshall Wheelock, Veronica Wheelock, Kate Anderson, Ann Wright, Dora Bouboulis, Hyam Siegel, Pat DeAngelo, Moss Kahler, Peter Gaskill, Anne E. Howes, Terry A. Carter, Michael Bosworth, Elizabeth Wohl, Philip Chapman, Adrasteia Andrews, 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 6:00pm in the Selectboard meeting room. He confirmed that the meeting was officially warned.

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACT AND PERSONNEL MATTERS WHERE THE SELECTBOARD HAS CONCLUDED THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD PUT THE MUNICIPALITY AT A SUBSTANTIAL DISADVANTAGE. THE TOWN ATTORNEY, ASSISTANT PUBLIC WORKS DIRECTOR (HIGHWAY/UTILITIES SUPERINTENDENT), AND INTERIM TOWN MANAGER WERE INVITED TO ATTEND THE FIRST PORTION OF THE SESSION. MOTION CARRIED 5-0.

Chair Gartenstein reconvened the regular meeting at 6:20pm.

APPROVE MINUTES

MOTION BY JOHN ALLEN TO APPROVE THE MINUTES FROM APRIL 15, APRIL 22, AND APRIL 29, 2014 AS PRESENTED. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair Gartenstein thanked the public for continuing to participate in the FY15 budget discussions. He noted that a Special Representative Town meeting was scheduled on Monday, June 2, 2014 for the Town Meeting Members to vote on the revised FY15 budget. He said that the Board was continuing negotiations with the engineers and construction firm on the wastewater treatment plant in order to get the plant running to full expectations. Gartenstein announced that forty-three applications for Town Manger had been received and he discussed the interview process and said that the Board expected to make a decision by the end of June.

MANAGER'S COMMENTS

Interim Town Manager Moreland applauded Lt. Marty Rancourt with the Fire Department who recently saved a man's life while on a trip to Ohio, and said that Lt. Rancourt was recently honored by the State Chapter of the American Red Cross.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Allen said that the Police-Fire Facilities Building Committee was in limbo due to current budget negotiations.

Schoales said that the Windham Solid Waste Management District recently released a Request for Qualifications for an owner-agent to participate in a project to cover the landfill with solar panels. He also thanked the public for their comments regarding the budget.

PUBLIC PARTICIPATION

Jane Southworth suggested forming a "hub committee" to study the position of hub communities and to use the resources of the Windham Regional Commission, Planning Services and a citizen committee to investigate and report to the Board about the position of being a hub community.

Terry Carter thanked the Board for the opportunity to speak about budget concerns at the special Selectboard meeting last Tuesday and asked that time limitations for public speaking be enforced uniformly.

LIQUOR COMMISSIONERS

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

Outside Consumption Permit – Northside Subs and More. Gartenstein said that the Board was asked to approve an outside consumption permit for Northside Subs and More. Michael Class and Dottie Pond, from Northside Subs and More, were present. They spoke about the restaurant's operation and liquor policies, provided pictures of the establishment and outside seating area, and asked for an outside consumption permit for the convenience of their dining customers. Pond spoke about the outside "lawn area" with partial enclosures where liquor would be served. They said that they could view the lawn area from inside the building and that they could install a security camera outside. Moreland said that the Fire Department had given its approval for the permit, but that Police Department had concerns about the outside area. Chief Wrinn said that he had concerns with the 4-foot level of the multi-level fence and about blind spots in the lawn area that could not be viewed from inside. Pond offered to bring the 4-foot fence up to 6 feet and to install a security camera outside. There was discussion by the Board about other establishments with outside consumption permits, accessibility by non-customers outside of the 4-foot fence, improving the security system, and better securing the area.

MOTION BY JOHN ALLEN TO APPROVE AN OUTSIDE CONSUMPTION PERMIT FOR DOROTHY POND FOR NORTHSIDE SUBS AND MORE LOCATED AT 686 PUTNEY ROAD.

Schoales offered a friendly amendment to add restrictions that the fence along the side must be raised to a uniform height of 6 feet and that an outside security camera be installed. Allen accepted the friendly amendment.

AMENDED MOTION BY JOHN ALLEN TO APPROVE AN OUTSIDE CONSUMPTION PERMIT FOR DOROTHY POND FOR NORTHSIDE SUBS AND MORE LOCATED AT 686 PUTNEY ROAD, CONTINGENT ON THE FENCE TO THE NORTH SIDE OF THE BUILDING BEING RAISED TO A UNIFORM SIX-FOOT HEIGHT AND SUBJECT TO INSTALLATION OF THE SECURITY CAMERA. MOTION CARRIED 5-0.

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

NEW BUSINESS

Approve Parade Permit – Strolling of the Heifers. Rick Chapin, from Strolling of the Heifers, was present and spoke about the parade and events through the weekend from June 6 through June 8, and he asked the Board to approve a parade permit for Strolling of the Heifers for June 7. Moreland said that staff met previously and coordinated efforts with the event organizers. There was discussion by the Board about the parade, corresponding events, and reimbursement to the Town for actual costs incurred.

MOTION BY JOHN ALLEN TO APPROVE A PARADE PERMIT FOR STROLLING OF THE HEIFERS FOR SATURDAY, JUNE 7, 2014. MOTION CARRIED 5-0.

FY15 Budget – Gartenstein thanked the public for participation in the budget discussions at the May 1 special Selectboard meeting. Each of the Board members then discussed their opinions about the FY15 budget, including proposed cuts, reduction in services, and public comments. Police Chief Wrinn spoke in opposition to eliminating the Animal Control Officer position. Chris Chapman, Pat DeAngelo, Jane Southworth, Philip Chapman, Terry Carter, Hyam Siegel, Marshall Wheelock, Veronica Wheelock, Ann Wright, Dora Bouboulis, Adrasteia Andrews, and Ronny Johnson spoke about their opinions on the budget. There was substantial discussion by the Board about the overall budget and individual line items. Each member of the Board then provided additional comments around cuts to recurring topics, including the Police-Fire project, police cruiser, capital sidewalk work, animal control officer, and use of a portion of the unassigned fund balance. No decision was made and the Board agreed to meet again on Tuesday, May 13 at 6:15pm to continue budget discussions. The Interim Town Manager was instructed to provide revised budget figures, including specific cuts as discussed and a 1% reduction in the proposed budget.

NO ACTION TAKEN.

2013 Bridge Inspection Summary Report – *Department of Public Works*. Highway/Utilities Superintendent O'Connell said that each year the Vermont Agency of Transportation conducted an inspection of bridge conditions and required a report that the inspection report was received and reviewed by the Town. Dora Bouboulis inquired whether the Melrose Bridge was on the State's list. Anne Howes spoke about bridges to New Hampshire. There was a brief discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO ACCEPT AND CONFIRM RECEIPT OF THE 2013 BRIDGE INSPECTION REPORT FROM THE VERMONT AGENCY OF TRANSPORTATION. MOTION CARRIED 5-0.

Parking Budget – *Town Manager*. Moreland spoke about the proposed FY15 Parking Budget. He said that the Parking Fund was separate from the General Fund and operated differently, including that it was an enterprise fund and was supported through its own revenue and not as part of the tax revenue. He discussed the past and anticipated revenue and expenses, along with the proposed FY15 budget. Chris Chapman suggested instituting payment of downtown parking fees on Sundays. Ann Wright asked that the change machines in the Transportation Center be repaired or replaced. Anne Howes spoke about allocating a portion of gamblers' winnings to the Town. There was some discussion by the Board.

MOTION BY DAVID SCHOALES TO APPROVE THE FY15 PARKING FUND BUDGET WITH REVENUE AND EXPENSES TOTALING \$834,200. MOTION CARRIED 5-0.

Award Bid – *Zoning Regulations Re-Write, PlaceSense, Planning Services*. Planning Director Francis spoke about the upcoming revisions to the Town's Zoning Ordinances. He said that a RFP for consultant services was recently released, that three bids were received in response, and he recommended that the bid be awarded to PlaceSense. He discussed the rewriting project and qualifications of Place Sense. There was some discussion by the Board.

MOTION BY DONNA MACOMBER TO AWARD A CONTRACT IN THE AMOUNT OF \$36,000 TO PLACESENSE FOR CONSULTING SERVICES TO REWRITE THE BRATTLEBORO ZONING ORDINANCE. MOTION CARRIED 5-0.

Pay As You Throw (PAYT) – *Town Manager*. Moreland spoke about the recent passage by the Vermont Legislature of Act 148 requiring municipalities to adopt a system of paying for the removal of solid waste based on weight or volume. He spoke in detail about development and implementation of a Town-wide plan to comply with the new law. He suggested that Moss Kahler be hired on a short-term limited basis, with a contract not to exceed \$7,500, to assist in the development and facilitation of a PAYT plan. He also suggested the possibility of forming an ad hoc committee.

Dora Bouboulis spoke about past discussions around a PAYT plan and in support of forming an ad hoc committee with broad parameters and to include a public process. Jane Southworth, member of the

former PAYT Committee, said that the previous plan was voted down and consequently resulted in not having a written plan. She also spoke in support of hiring Kahler and having a public committee. Moss Kahler said that a previous plan had never been completed because it was voted down and that details of a new plan or system would have to be worked out. He said that he would be eager to take on the challenge and cautioned against setting too short a time period for implementation of a plan so as to include necessary efforts after the system was implemented. He also suggested that a committee could be burdensome to expediting the process. Peter Gaskill, from Triple T Trucking, spoke in support of the approach presented by Moreland and in support of Kahler's past successes.

There was substantial discussion by the Board about previous PAYT discussions, hiring a consultant, forming an advisory committee to work with the coordinator/consultant, budgetary considerations, and enforcement mechanisms. Gartenstein suggested having a motion authorizing the Interim Town Manager to enter into a consulting agreement with a consultant with a goal of developing a pay-as-you-throw system for a sum not to exceed \$7,500 and to post openings on an ad hoc advisory committee working toward pay-as-you-throw. There was further discussion by the Board. Moreland offered to prepare a mission statement for the proposed committee and to bring it back to the Board at its meeting next week. The Board agreed to discuss the matter and the proposed mission statement at its meeting on May 13 at 6:15pm.

MOTION BY DAVID GARTENSTEIN TO AUTHORIZE THE INTERIM TOWN MANAGER TO NEGOTIATE AND ENTER INTO A CONTRACT WITH A CONSULTANT TO WORK ON DEVELOPMENT AND IMPLEMENTATION OF A PAY-AS-YOU-THROW SYSTEM FOR A SUM NOT TO EXCEED \$7,500. MOTION CARRIED 4-1 (ALLEN OPPOSED).

Committee and Board Vacancies – Announce Vacancies. Gartenstein announced vacancies on various committees as provided to the Board in its packets. The Board set the deadline of May 29 for submission of committee applications for appointments to be made at the June 3 Selectboard meeting.

CORRESPONDENCE AND MEETINGS

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

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER WHERE THE SELECTBOARD HAS CONCLUDED THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD PUT THE MUNICIPALITY AT A SUBSTANTIAL DISADVANTAGE. MOTION CARRIED 5-0.

Gartenstein reconvened the meeting at 9:35pm. There was no further business.

MOTION BY JOHN ALLEN TO ADJOURN AT 9:35PM. MOTION CARRIED 5-0.

David Schoales, Clerk