

**BRATTLEBORO SELECTBOARD  
TUESDAY, JUNE 2, 2015  
EXECUTIVE SESSION – 5:30PM  
REGULAR MEETING – 6:15PM  
MINUTES**

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

Staff present: Town Manager Peter B. Elwell, Assistant Town Manager Patrick Moreland, Fire Chief Mike Bucossi, Highway/Utilities Superintendent Hannah O'Connell, Planning Director Rod Francis, Planner Sue Fillion, and Executive Secretary Jan Anderson.

Media present: Tim Johnson representing WTSA and Howard Weiss-Tisman representing the Brattleboro Reformer.

Others present: James Banslaben, Ivan Bruneau, Kate Anderson, John Dimick, Angel Mackinnon, Jon Gilelson, Dora Bouboulis, Betty Frye, Hugh Keelan, Adam Hubbard, John Wilmerding, Barbara Holliday, Michael Bosworth, Scot Borofsky, Moss Kahler, Tamara Stenn, Lissa Weinmann, John Loggian, Brenda Siegel, Zoe Flagollet, Elizabeth McLoughlin, Zon Eastes, Gail Nunziata, Jake Roberts, 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 5:30pm in the Selectboard meeting room in the Municipal Center. He confirmed that the meeting was properly warned.

**MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS, LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, REAL ESTATE OPTIONS OR PURCHASE, APPOINTMENTS, AND PERSONNEL MATTERS, BASED UPON A FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE SELECTBOARD, THE TOWN, AND OTHER PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER WAS INVITED TO ATTEND. MOTION CARRIED 4-0.**

Chair Gartenstein reconvened the meeting at 6:20pm.

***APPROVE MINUTES***

**MOTION BY JOHN ALLEN TO APPROVE THE MINUTES FROM MAY 12, MAY 19, AND MAY 26, 2015 AS PRESENTED. MOTION CARRIED 4-0.**

***CHAIR'S REMARKS***

Chair Gartenstein congratulated the Planning Department for their hard work, and the Town as a whole, in obtaining an EPA grant last week. He also reviewed several projects in progress throughout the Town. He noted that the Selectboard had met six times in the last six weeks due, in part, to reviewing proposed amendments to the zoning codes and land use regulations (LURs), and he encouraged the public to watch the meetings on BCTV and engage in discussions about the LURs.

***MANAGER'S COMMENTS***

None.

***SELECTBOARD COMMENTS AND COMMITTEE REPORTS***

Allen reminded the public that Strolling of the Heifers parade was taking place on the upcoming weekend.

***PUBLIC PARTICIPATION***

None.

## **WATER AND SEWER COMMISSIONERS**

### **MOTION BY JOHN ALLEN TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 4-0.**

Purchase Utility Vehicle – Department of Public Works. Highway/Utilities Superintendent O’Connell said that the Board was asked to approve the purchase of a 2015 Chevrolet Sonic from Shearer Chevrolet of Burlington, Vermont. She said that the vehicle replacement was approved as part of the FY15 Utility Capital Plan, and that by utilizing the State bid process the cost of the vehicle was \$15,981. There was a brief discussion by the Board.

### **MOTION BY JOHN ALLEN TO APPROVE THE PURCHASE OF A 2015 CHEVROLET SONIC, AT A COST OF \$15,981, FROM SHEARER CHEVROLET OF BURLINGTON, VERMONT. MOTION CARRIED 4-0.**

### **MOTION BY DAVID SCHOALES TO ADJOURN AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 4-0.**

## **NEW BUSINESS**

Vermont Yankee Letter of Agreement – Ladder Truck Support. Gartenstein said that the Board was asked to approve an agreement between the Town of Brattleboro and Entergy Vermont (ENVY) for the Fire Department’s ladder truck response to the Vernon facility in the event of certain emergencies. Elwell noted that the agreement previously provided to the Board in its packets had since been amended, and he provided a copy of the updated Letter of Agreement (LOA) and reviewed the general changes. He said that the LOA provided an agreement for reimbursement to the Town in the event that ENVY requested assistance from the Fire Department in response to certain incidents that may occur at the plant. Gartenstein noted that Kate O’Connor was Chair of the Vermont Nuclear Decommissioning Citizens Advisory Panel and that the public was invited to attend any of the Citizens Advisory Panel meetings. There was some discussion by the Board.

### **MOTION BY JOHN ALLEN TO AUTHORIZE THE TOWN MANAGER TO EXECUTE THE AGREEMENT BETWEEN ENTERGY VERMONT AND TOWN OF BRATTLEBORO FOR LADDER TRUCK RESPONSE TO ENTERGY VERMONT YANKEE AS PRESENTED. MOTION CARRIED 4-0.**

Town Plan Amendment – Second Public Hearing, Planning Department.

Gartenstein said that before opening the public hearing and hearing about the Town Plan amendment, he asked Planning Director Francis to provide an explanation of the EPA grant that was recently awarded to the Town. Francis said that the grant program was a nationally competitive Federal grant program with a total value of \$400,000 and no required local match. He said that the grant was divided into two broad categories: (1) petroleum related contaminated sites, and (2) other hazardous material sites, with two separate phases. He said that the purpose of the first phase would be to study the site to determine if there was contamination, and the second phase would be to hire consultants to determine the types of contamination found. He noted that no funds would be provided for clean-up of contaminants. Elwell noted there were a large number of potential sites in town and discussed the value of determining whether a site was contaminated and, if so, the amount and type of contamination. Dora Bouboulis spoke in favor of the grant. There was some discussion by the Board.

Gartenstein said that the Board was asked to hold a second public hearing on an amendment to the Town Plan. Planning Director Francis explained that the Town Plan was being amended to incorporate new mapping requirements imposed by the State of Vermont which would then allow the Town to re-apply for Village Center Designation for West Brattleboro before the current designation expired in July. There was a brief discussion by the Board.

Gartenstein opened the public hearing. He noted that the proposed amendments were primarily located at page 149 of the Town Plan, said that the amendments were publicly available, and discussed some

advantages to making the proposed amendments. He invited the public to speak. There was no public comment.

Gartenstein closed the public hearing.

**MOTION BY DAVID SCHOALES TO ADOPT THE PROPOSED BRATTLEBORO TOWN PLAN DATED JUNE, 2015 AS AMENDED. MOTION CARRIED 4-0.**

Gartenstein said that the Board was asked to request approval of the amended Town Plan from the Windham Regional Commission (WRC). Francis said that if WRC approved the Plan, the Town would be eligible for grants and other special considerations by the State.

**MOTION BY DAVID SCHOALES TO REQUEST TOWN PLAN APPROVAL FROM THE WINDHAM REGIONAL COMMISSION. MOTION CARRIED 4-0.**

West Brattleboro Village Center Designation – Gartenstein said that the Board was asked to authorize the submission of a renewal application of the Village Center Designation to the Vermont Downtown Program for the West Brattleboro Village. Francis said that the West Brattleboro Village Center Designation expired in July, 2015, and that participation in the village center program would enable property owners within the district to compete for tax credits to offset the cost of eligible improvements. There was a brief discussion by the Board.

**MOTION BY JOHN ALLEN TO AUTHORIZE A RENEWAL APPLICATION FOR VILLAGE CENTER DESIGNATION TO THE VERMONT DOWNTON PROGRAM FOR THE WEST BRATTLEBORO VILLAGE CENTER. MOTION CARRIED 4-0.**

Pay-As-You-Throw (PAYT) – Update. Assistant Town Manager Patrick Moreland and PAYT Coordinator Moss Kahler were present and provided the Board with updates to the implementation and transition to the variable rate solid waste pricing system (PAYT) as required by Act 148. Moreland discussed some requirements of Act 148 and the new PAYT program being implemented in response to Act 148. He said that the program would start on June 29 and that specially designed trash bags would have to be purchased and utilized in order for residents to have their trash picked up curbside. Kahler discussed many aspects of the public education campaign regarding transition to the PAYT program, including nine public meetings at various locations, materials provided to the press, and meetings at multi-unit housing properties. He also discussed implementation of the program on June 29 and plans for subsequent enforcement. Gartenstein noted that the required PAYT bags would be available within two weeks and sold at the Brattleboro Food Co-Op, Dottie's, Brown & Roberts, Cumberland Farms, Fireside True Value, Hannaford, and Price Chopper, with other possible outlets expected to be added in the future. Tamara Stenn, Brenda Siegel, Dora Bouboulis, Lissa Weinmann, and Betty Frye provided their opinions and comments. There was much discussion by the Board, including authorizing another postcard mailing to remind citizens about the PAYT program and the upcoming start date.

**NO ACTION TAKEN.**

National Endowment for the Arts (NEA) Our Town Grant. Gartenstein provided a brief history about the NEA Our Town Grant and said that the Board heard comments and opinions from several persons at the May 19 Selectboard meeting. The Board suggested at that time that if the grant was to move forward a proposal must be submitted to the Board for consideration at its June 2 meeting. Elwell spoke about financial aspects of the grant, including expenditures to-date, private fundraising, in-kind matches, and other possible matches by the NEA. He said that Kate Anderson and Hugh Keelan provided the Board with a "CoreArts Project Draft Prospectus" for consideration. Anderson and Keelan discussed the draft prospectus, and how they arrived at the terms. Anderson spoke about the importance of creating a path to move forward with the project and creating community involvement. She suggested that the process to move forward include obtaining an extension of the grant, publishing an RFP, provide a vetting process to review the proposals, and forming a selection committee. Scot Borofsky, Brenda Siegel, John Dimick, Barbara Holliday, Dora Bouboulis, John Wilmerding, Lissa Weinmann, Jon Gilson and Betty Frye spoke in favor of moving forward with the grant and they provided their opinions and comments. There was substantial discussion by the Board. The Board generally agreed to move forward with the grant and

suggested that the Arts Committee and/or working group meet, along with staff members, and develop a concrete process and structure on how to proceed, and then submit a recommendation with an Action Plan to the Selectboard for consideration at its June 16 meeting. The Board also agreed to consider the composition and size of the Arts Committee at the June 16 meeting.

**NO ACTION TAKEN.**

Gartenstein called a five minute recess at 8:45pm.

Gartenstein reconvened the meeting at 8:51pm.

Presentation of Proposed Zoning Code/Land Use Regulation Amendments (LUR) – Part 4: Design and Performance Standards. Planning Director Rod Francis, Planner Sue Fillion and Planning Commission Chair Elizabeth McLoughlin were present and discussed proposed amendments to the Land Use Regulations (LURs) regarding non-residential building design and performance standards. They provided a PowerPoint presentation and spoke at length about the proposed design standards and rationale for the new standards. There were many questions asked by Board members with substantial discussion ensuing. Dora Bouboulis provided her comments and Adam Hubbard spoke about his strong concerns regarding the amended LURs and the resulting effects. The Board asked the Planning Director to provide another public presentation to the Board to explain significant changes of use in the various zoning districts. The Board agreed to schedule a special meeting during the week of June 22.

**NO ACTION TAKEN.**

There was no further business.

**MOTION BY JOHN ALLEN TO ADJOURN AT 10:00PM. MOTION CARRIED 4-0.**

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David Schoales, Clerk