

**BRATTLEBORO SELECTBOARD
TUESDAY, AUGUST 5, 2014
REGULAR MEETING – 6:15PM
MINUTES**

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

Staff present: Interim Town Manager Patrick Moreland, Recreation & Parks Director Carol Lolatte, Planning Services Director Rod Francis, Fire Chief Mike Bucossi, and Executive Secretary Jan Anderson.

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

Others present: Paul Canon, Tom Finnell, Christine H. Hart, Janet Cramer, Jake Dixon, Chris Connelly, Marshall Wheelock, Richard Evers, 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 6:15pm in the Selectboard meeting room. He confirmed that the meeting was properly warned.

APPROVE MINUTES

MOTION BY JOHN ALLEN TO APPROVE THE MINUTES FROM JULY 15 AND JULY 22, 2014, AS PRESENTED. MOTION CARRIED 4-0.

CHAIR'S REMARKS

Chair Gartenstein noted that the skate park potential site visits took place. He felt that the perceptions of neighbors about how it will impact their quality of life should be considered by the Selectboard. The Selectboard intends to move this along as quickly as possible. He also noted this summer the Selectboard will continue to meet regularly twice a month.

MANAGER'S COMMENTS

Interim Town Manager Moreland reported that the EDA has approved the CEDs plan for the Windham Region. Brattleboro is now an eligible applicant to two of EDA's grant programs that provide investment funding for public infrastructure in support of economic development and for planning and other assistance.

The Selectboard agreed to reorder the agenda so that Planning Director could have the items he is speaking to back to back.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Allen reported that Police Fire Committee does not have any scheduled meetings. Interim Town Manager Moreland said that a combined facility is more difficult than anticipated but expected to have some issues for the committee to review in the next few weeks.

O'Connor advised that the Entergy Settlement Funds Working Group had their first meeting.

Macomber reported that the Town Arts Committee discussed how to capitalize on the arts and specifically looked at the Core Arts Project. The Phase 2 report is expected in the coming weeks.

O'Connor reported that Vermont Technical College and Community College of Vermont are moving into the Brooks House this week. There are some plans underway to celebrate the reopening.

Gartenstein reported that the Traffic Safety Committee continues to work on traffic safety and has been receiving traffic data from the Windham Regional Commission that will be reviewed. O'Connor noted that the 25 MPH speed limit sign on Putney Road coming south from the Veteran's Bridge into town is not visible.

PUBLIC PARTICIPATION

Paul Canon noted incidents on Clark Street and expressed frustration about the unsatisfactory response by police officers and the fact that the Town Manager has not returned calls. Gartenstein advised that the Selectboard will follow up with these concerns.

UNFINISHED BUSINESS

Holidays Observed – *Town Manager*. Chair Gartenstein noted that the Selectboard had asked the Town Manager to get back to them about how they could recognize Martin Luther King Day as an official town holiday given the current employee handbook and days off and collective bargaining agreements. Moreland explained how union and non-unionized employees would be affected. He proposed that if the Board wished to substitute Martin Luther King Day for an existing holiday that they consider the day after Thanksgiving or the two half days before Thanksgiving and Christmas as these are not actual holidays.

Jan Anderson, Town employee, was opposed to taking away the Friday after Thanksgiving or the two half days. She suggested honoring all those who worked for civil, human, and equal rights by having the Selectboard issue a proclamation for the second Monday in October. Moreland noted that the half day holidays were given to employees in lieu of raises in previous years. O'Connor was in favor of adding Martin Luther King in place of an existing holiday. Gartenstein noted that the school district has school on Columbus Day and this may be the holiday to swap out for Martin Luther King Day.

The Selectboard directed Moreland to provide them with information on the financial ramifications of 1) adding it as an additional holiday or 2) substituting it for Columbus Day or the Friday after Thanksgiving. They also asked for a listing of federal and state holidays. Gartenstein asked for it at the second August meeting.

Richard Evers said that he researched the cost of adding a holiday and read a letter that he had sent to the Reformer. Paul Canon did not support creating a new holiday.

NO ACTION TAKEN

NEW BUSINESS

Financial Report - *Preliminary FY14 Year-End Financial Report - Finance Department*. Finance Director John O'Connor reviewed the preliminary year-end financials for the General Fund. There was a brief discussion and it was acknowledged that some cost saving moves are resulting in savings.

NO ACTION TAKEN.

Renew Agreement – *Living Memorial Park Snow Sports, Inc. (LMPSS)*. Carol Lolatte, Recreation and Parks Director, said that LMPSS is asking the Selectboard to approve a four year agreement with LMPSS for funding, operating and maintenance of the Living Memorial Park Ski Area. Jane Dixon, representing LMPSS, spoke to the organization and what they do for the community.

MOTION BY JOHN ALLEN TO APPROVE A FOUR YEAR CONTRACT WITH LIVING MEMORIAL PARK SNOW SPORTS, INC. FOR FUNDING, OPERATING AND MAINTENANCE OF THE LIVING MEMORIAL PARK SKI AREA. MOTION CARRIED 4-0.

Zoning Ordinance – *Public Hearing – PUD for Red Clover Commons - Planning Services*. Gartenstein opened the public hearing.

Marshall Wheelock, Vice-Chair of the Board of BHA Commissioners spoke to the Red Clover Commons project. He noted that the Planning Commission is recommending the zoning change as it is compatible with the Town Plan. The ownership structure and status of the property was discussed. It will be a separate entity established by BHA and Housing Vermont. The property will be purchased after the DRB gives final approval. The Act 250 permit application has not yet been filed. Rod Francis, Planning Services Director, explained the PUD approval process. This is a PUD project due to the density of units proposed.

Gartenstein noted the benefits of the Red Clover Commons but said that the Town needs better assurances about what will happen to Melrose before granting a zoning amendment. Chris Hart, Director of BHA, addressed the issue of what was meant when it was written that Melrose could be a 'burden' to the Town. Hart said there are a lot of regulatory layers on the property and they will be meeting with agencies in September in order to begin understanding the possibilities for the property. Francis also spoke to the future disposition and the regulatory challenges that will impact future use. Hart explained the process that they are going through for the future of Melrose. Chris Connelly, BHA Commissioner, asked that the Town trust BHA.

The Board raised concerns about the disposition of Melrose. BHA's intent is to remove housing from Melrose in 2 phases by 2018. Upon removal of the housing, HUD's interest in the property will end. The Town will have no property interest and BHA or its successor will own the property. BHA commits to a disposition of Melrose that will not result in a burden to the Town.

Gartenstein closed the public hearing.

MOTION BY DONNA MACOMBER TO ADOPT THE PROPOSED AMENDMENT TO SECTION 5417 OF THE BRATTLEBORO ZONING ORDINANCE WHICH ADDS RED CLOVER COMMONS AND THEREBY CHANGES THE ZONING OF THE PARCEL FROM COMMERCIAL TO PLANNED UNIT DEVELOPMENT. MOTION CARRIED 4-0.

Entergy Settlement Funds Working Group – Update. Francis confirmed that applicants for funds must obtain a support letter from the municipality and this will be reviewed for conformance with Town Plan. He reported that the applications are now available and due September 24 and spoke to the support that is available for applicants. There was discussion about the ranking projects to give a higher degree of support, the Small Business Assistance fund, the Clean Energy Fund. The Selectboard provided the following direction for the Working Group. 1) They are willing to rank projects to give increase support; 2) They are willing to increase the maximum Small Business Assistance Program loan from \$40,000 to \$100,000; 3) They support applying to the Entergy Settlement funds to boost the revolving loan fund; and 4) they are interested in pursuing a project that would have joint funding from the Clean Energy Fund and the Entergy Settlement Funds. Moreland supported the Town applying for additional funding for the SBAP but urged caution about ranking projects.

Accept and Appropriate Grant – AOT Western Avenue Surface Maintenance, Department of Public works. Moreland said that this is a \$150,000 grant from the Vermont Agency of Transportation (AOT) to Western Avenue between Exit 2 I-91 and Edward Heights.

MOTION BY DAVID GARTENSTIN TO ACCEPT AND APPROPRIATE A SURFACE MAINTENANCE GRANT IN THE AMOUNT OF \$150,000 FROM THE VERMONT AGENCY OF TRANSPORTATION FOR A SURFACE MAINTENANCE ON TH-2/VT ROUTE 9 BETWEEN MILE MARKER 4.178 AND 6.140. MOTION CARRIED 3-0.

Approve Grant Application – VDEMHS Special Operations Training Grant - Brattleboro Fire Department. Moreland explained that this is a grant for the Brattleboro Fire Department to the Vermont Division of Emergency Management and Homeland Security for staff training and new equipment. The grant is \$73,492.62 and will pay trainings, including Ropes Rescue Operation; Ropes Rescue Technician; Swiftwater Rescue; Large Vehicle Extraction; and, Structural Collapse Rescue. The grant will also be used to replace 2000' of rope for the department.

MOTION JOHN ALLEN BY TO APPROVE A GRANT APPLICATION IN THE AMOUNT OF \$73,492.62 TO THE VERMONT DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY FOR A SPECIAL OPERATION TRAINING AND EQUIPMENT GRANT TO PROVIDE FOR SHIFT FILL, OVERTIME AND EQUIPMENT REPLACEMENT COSTS FOR THE BRATTLEBORO FIRE DEPARTMENT. MOTION CARRIED 4-0.

Approve Grant Application – 1st Wednesdays Program Grant - Brooks Memorial Library. Moreland said this grant will support the annual 1st Wednesdays Lecture series at the Brooks Memorial Library. And is from the Vermont Department of Libraries.

MOTION BY KATE O’CONNOR TO APPROVE A GRANT APPLICATION IN THE AMOUNT OF \$600 TO THE VERMONT DEPARTMENT OF LIBRARIES TO SUPPORT THE 2014-2015 SEASON 1ST WEDNESDAYS LECTURE SERIES AT BROOKS MEMORIAL LIBRARY. MOTION CARRIED 4-0.

Ordinance Amendment – *Second Reading and Public Hearing, Appendix C, Article II, Sections 16-100 and 16-101, Parking on Depot Street, Town Manager.* Moreland read the proposed ordinance change. Gartenstein opened the public hearing. He advised that the proposed ordinance change to provide for No Parking on the easterly side of Depot Street. Upon no public comment, Gartenstein closed the public hearing.

MOTION BY JOHN ALLEN TO APPROVE THE ORDINANCE AMENDMENT TO APPENDIX C, ARTICLE II, SECTION 16-100 (NO PARKING) AND 16-101 (LIMITED PARKING) AS PRESENTED. MOTION CARRIED 4-0.

Town Manager Search Citizen Committee – *Discussion.* Gartenstein reiterated that confidentiality must be ensured throughout the Town Manager search.

NO ACTION TAKEN.

Committee Appointments – Gartenstein said that the Board is asked appoint Ann Briton to the Energy Committee and Michael Fairchild to the Conservation Commission.

MOTION BY KATE O’CONNOR TO APPOINT ANN BRINTON TO THE ENERGY COMMITTEE AND MICHAEL FAIRCHILD TO THE CONSERVATION COMMISSION. THE NOMINATIONS CARRIED 4-0.

Adopt Selectboard Goals – *Discussion.* The Selectboard reviewed a document with the Selectboard goals. Gartenstein noted that he reworked some of the goals. The Board edited the list to remove Goal 6 (Charter changes to increase terms) and to remove Economic Development Goal 3 (support redevelopment of the Brooks House). Gartenstein noted that Brooks House is a private development that the Town has supported. **NOTE: Goals were further amended at the 8/19/14 Selectboard meeting.**

MOTION BY DAVID GARTENSTEIN TO APPROVE THE LIST OF SELECTBOARD GOALS AS EDITED WITH #3 UNDER ECONOMIC DEVELOPMENT AND #6 UNDER MISCELLANEOUS DELETED. MOTION CARRIED 4-0.

CORRESPONDENCE AND MEETINGS

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

There was no further business.

MOTION BY JOHN ALLEN TO ADJOURN AT 8:50PM. MOTION CARRIED 4-0.

David Schoales, Clerk