

**BRATTLEBORO SELECTBOARD
TUESDAY, AUGUST 18, 2015
REGULAR MEETING – 6:15PM
MINUTES**

Selectboard members present: David Gartenstein, David Schoales, Donna Macomber, and John Allen.

Staff present: Town Manager Peter B. Elwell, Assistant Town Manager Patrick Moreland, Finance Director John O'Connor, Recreation & Parks Director Carol Lolatte, Planning Director Rod Francis, and Executive Secretary Jan Anderson.

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

Others present: James Banslaben, Dick DeGray, Tad Montgomery, Bob Rueter, Will Dodge, Alan Blackwell, Daniel Kornguth, Paul Cameron, ASL Interpreters Janet Dickinson and Elizabeth Bjerke, 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 in the Municipal Center. He confirmed that the meeting was officially warned.

APPROVE MINUTES

Gartenstein asked for a motion to approve the minutes from the August 4, 2015 meeting. There was a brief discussion about whether a Board member who was not at the meeting could approve the minutes.

MOTION BY DAVID SCHOALES TO APPROVE THE MINUTES FROM AUGUST 4, 2015 AS PRESENTED. MOTION CARRIED 4-0.

CHAIR'S REMARKS

Chair Gartenstein announced that at the July 27, 2015 meeting, the Department of Housing and Community Development renewed the village center designation for the West Brattleboro Village Center. He thanked the residents of West Brattleboro and Planning Department for their ongoing work in that regard. He also announced that the Town received a \$400,000 grant from the Environmental Protection Agency for brownfields evaluation work to be performed throughout town. He thanked the Planning Department for its efforts around brownfields and in obtaining the grant. Gartenstein said that discussions about moving forward with the Police-Fire facilities upgrade project were underway. He said that a possible Putney Road site for relocating the Police Department was being considered and the Board would make the matter public as soon as possible. He said there would be substantial opportunity for public input. He also said that basic life-safety improvements at the Police and Fire stations were necessary and would be costly.

MANAGER'S COMMENTS

Elwell also thanked the Planning Department for its work around obtaining the EPA brownfields grant. He noted that the EPA Director was recently in town and spoke "specifically and strongly" about the quality of work that had been done in Brattleboro and that work was the basis upon which the EPA relied to make the \$400,000 investment in this town.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Macomber reported that the Town Arts Committee was deepening its focus, content and scope, and she said to expect many good things from the work of the committee.

Allen announced that the Traffic Safety Committee would be discussing the Maple Street/Fairview Street intersection at its August 20 meeting at 8:00am and he invited the area residents to attend the meeting and voice their opinions.

Schoales discussed matters being reviewed and discussed by the Windham Solid Waste Management District Board and Finance Committee, including scrutiny of the cost of accepting materials from organizations outside of the membership districts, possibly hiring another staff person, and reconsideration of the practice of allowing plastic recyclables with numbers 3-7.

PUBLIC PARTICIPATION

Dick DeGray spoke about his concerns with people being allowed to sit and lie on sidewalks downtown. He said it was both safety and aesthetic concerns, that there were no ordinances against such behavior, and suggested that the Board pass an ordinance prohibiting the behavior. He also said that the swimming pool at Living Memorial Park closed last Friday during the hottest week of the year and that students were not yet in school. He said that closing the pool early was a budgetary issue but suggested extending the pool hours to Labor Day. There was a brief discussion about pool hours. Recreation & Parks Lolatte said that salaries alone were about \$600.

DeGray asked for update on the negotiations on the GSP project. Gartenstein said that the Board could not comment on the negotiations at this time.

LIQUOR COMMISSIONERS

MOTION BY DONNA MACOMBER TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 4-0.

Catering Permit – A&B Squared, LLC, d/b/a Metropolis for Soapbox Derby. Gartenstein said that the Board was asked to approve an application for a Catering Permit for A&B Squared, LLC, d/b/a Metropolis, for the Soapbox Derby on August 23 at 101 John Seitz Drive. Daniel Kornguth and Alan Blackwell were present to discuss the event and the application. Kornguth said that this year would be the 7th annual soapbox derby and that it was a community event with 150-250 spectators and 20-30 car entries. Blackwell said that Metropolis was asked to cater the event and set up a beer tent, which would be situated in a roped-off area with a doorperson checking IDs. Elwell said that staff had several concerns which had since been addressed with the exception of the lack of written permission from the landowner where the tent would be erected. There was some discussion by the Board, including making the permit contingent on obtaining the property owner's written permission.

MOTION BY DAVID GARTENSTEIN TO APPROVE THE CATERING PERMIT FOR A&B SQUARED, LLC, DOING BUSINESS AS METROPOLIS, FOR THE SOAP BOX DERBY ON AUGUST 23 AT 101 JOHN SEITZ DRIVE, CONSISTENT WITH THE COMMUNICATIONS BETWEEN THE APPLICANT AND TOWN MANAGER, AND CONTINGENT ON THE TOWN MANAGER RECEIVING WRITTEN PERMISSION FROM THE LAND OWNER WHERE THE EVENT IS GOING TO BE HELD IN TIME FOR THE EVENT. MOTION CARRIED 4-0.

MOTION BY JOHN ALLEN TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 4-0.

NEW BUSINESS

Financial Report – Monthly Report, July. Finance Director O'Connor provided and discussed the monthly financial report for July, 2015. There was a brief discussion by the Board, including a request to provide the solid waste budget in future monthly reports.

NO ACTION TAKEN.

Financial Management Questionnaire – Finance Department. Finance Director O'Connor provided the Board with the Financial Management Questionnaire prepared by the Auditor of Accounts and which the Town Treasurer was required to provide the Selectboard each year. There was a brief discussion by the Board.

NO ACTION TAKEN.

Playground Equipment – West River Park Play Structure. Recreation & Parks Director Lolatte said that the Board was asked to authorize the purchase of playground equipment for the West River Park from

New England Recreation Group of Westboro, Massachusetts. She discussed the playground equipment and said that the funds had been raised by the West River Park Committee. She also suggested utilizing the Massachusetts Higher Education Consortium (MHEC) contract to purchase the equipment at a cost of \$18,500. There was some discussion by the Board.

MOTION BY DAVID SCHOALES TO APPROVE THE PURCHASE OF PLAYGROUND EQUIPMENT FOR THE WEST RIVER PARK FROM NEW ENGLAND RECREATION GROUP IN THE AMOUNT OF \$18,500. MOTION CARRIED 4-0.

Telecommunications Tower – 1277 Putney Road, Blue Sky Towers LLC (for AT&T Mobility). Planning Director Francis was present to discuss a petition filed with the Public Service Board (PSB) by Blue Sky Towers LLC (for AT&T Mobility) to erect a 140 foot tall wireless communication tower at 1277 Putney Road (near the rear of the Agway property). He said that the Board was asked to provide comment to PSB about installation of the tower. Attorney Will Dodge, representing Bly Sky Towers LLC and AT&T Mobility, was also present. Both provided a PowerPoint presentation showing the tower, its location, and visibility from various vantage points. Francis spoke briefly about the PSB process through Act 248(a). Dodge discussed the petition and the need to erect the tower to improve LTE technologies and reduce the coverage gap. Francis spoke about concerns about the height and aesthetics of the tower and the visual impacts on the area. He provided the Board with a draft letter to the PSB with possible comments on the tower, including reducing the height of the tower and the impact on scenic values and aesthetics. There was substantial discussion by the Board. Dodge offered to ask his clients to consider lowering the height of the tower and changing the color to make the tower less visible. The Board agreed to discuss the matter further at the September 1 Selectboard meeting and invited Dodge to attend and bring revised photos.

NO ACTION TAKEN.

Energy Audits for Municipal Buildings. Assistant Town Manager Moreland said that the Board was asked to authorize the engagement of Sustainable Energy Education Demonstration Services (SEEDS) for energy audits for municipal buildings and to approve the proposed work plan to conduct energy audits in 14 Town facilities and accessory structures for a cost not to exceed \$36,220. He said that the funds would be expended from the Town's Energy Efficiency Fund which currently contained \$37,592.80. Tad Montgomery, Bob Rueter, and Paul Cameron, from the Energy Committee, were also present. Moreland said that a Request for Qualifications (RFQ) was issued in April advertising for vendors to perform energy audits on several Town buildings. He said that a subcommittee of the Energy Committee reviewed all of the proposals, narrowed the proposals to 3, interviewed the finalists, and recommended engaging SEEDS for the work. He also noted possible collaborative opportunities with Efficiency Vermont and Windham Wood Head. He reviewed and discussed the SEEDS proposal detailed in his August 13 memo that was submitted to the Board in its packets. Montgomery, Rueter and Cameron each spoke in support of the recommendation and for improving energy efficiency in town facilities. There was some discussion by the Board.

MOTION BY DONNA MACOMBER TO AUTHORIZE THE ENGAGEMENT OF SUSTAINABLE ENERGY EDUCATION DEMONSTRATION SERVICES (SEEDS) TO COMPLETE ENERGY AUDITS OF 14 TOWN FACILITIES AND TO AUTHORIZE THE TOWN MANAGER TO TAKE RELATED ACTIONS TO ENSURE SUCCESSFUL COMPLETION OF THIS PROJECT FOR A TOTAL PRICE NOT TO EXCEED \$36,220. MOTION CARRIED 4-0.

Gartenstein said that the Board would enter into a very short executive session and that no further business would be conducted when the Board reconvened.

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PROBABLE LITIGATION AND CONTRACT RELATED MATTERS WHERE PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD PUT THE MUNICIPALITY, PEOPLE INVOLVED AND TOWN AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER WAS INVITED TO ATTEND. MOTION CARRIED 4-0.

Gartenstein reconvened the meeting at 8:08pm. There was no further business.

MOTION BY JOHN ALLEN TO ADJOURN AT 8:08PM. MOTION CARRIED 4-0.

David Schoales, Clerk