

**BRATTLEBORO SELECTBOARD  
TUESDAY, NOVEMBER 17, 2015  
EXECUTIVE SESSION – 5:00PM  
REGULAR MEETING – 6:15PM  
MINUTES**

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

Staff present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Finance Director John O'Connor, Planning Director Rod Francis, Planner Sue Fillion, Fire Chief Mike Bucossi, Assistant Fire Chief Peter Lynch, Police Chief Mike Fitzgerald, Police Captain Mark Carignan, Public Works Director Steve Barrett, Highway/Utilities Superintendent Hannah O'Connell, Town Assessor Russell Rice, Recreation & Parks Director Carol Lolatte, Library Director Jerry Carbone, and Executive Secretary Jan Anderson.

Media present: Chris Mays representing the Brattleboro Reformer and Tim Johnson representing WTSA.

Others present: James Banslaben, Jeff Houle, Jon Megas-Russell, Louise Zak, Sharon Couturier, Katharine Audlin, Paul Cameron, Dennis Smith, Michael Bosworth, Tad Montgomery, Dana Holley, Rich Moore, Liz McLoughlin, 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 5:00pm 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, NEGOTIATING OR SECURING OF REAL ESTATE PURCHASE OR LEASE OPTIONS, AND LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, BASED UPON A FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD PUT THE SELECTBOARD, TOWN OF BRATTLEBORO, AND OTHER PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER WAS INVITED TO ATTEND. MOTION CARRIED 5-0.**

Gartenstein reconvened the meeting at 6:15pm.

***APPROVE MINUTES***

**MOTION BY DONNA MACOMBER TO APPROVE THE MINUTES FROM OCTOBER 27, 2015 AND NOVEMBER 3, 2015 AS PRESENTED. MOTION CARRIED 5-0.**

***CHAIR'S REMARKS***

Chair Gartenstein noted that Tim Johnson, who was recently inducted in the Broadcasters' Hall of Fame, had announced upcoming changes in his job responsibilities. Gartenstein thanked Johnson for all of his work over the many years in broadcasting.

***MANAGER'S COMMENTS***

None.

***SELECTBOARD COMMENTS AND COMMITTEE REPORTS***

John Allen said that he recently attended a meeting of the Windham Solid Waste Management District and that changes were pending and there will be much discussion in the near future.

Kate O'Connor thanked the employees with the Police Department and Recreation & Parks Department for their assistance last week when Al Roker, from the Today Show, was in Town.

***PUBLIC PARTICIPATION***

None.

## **LIQUOR COMMISSIONERS**

**MOTION BY DAVID SCHOALES TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.**

Educational Sampling Event – Holiday Beer & Wine Tasting at Brattleboro Museum & Arts Center, Brattleboro Food Co-Op. Gartenstein said that the Board was asked to approve the Educational Sampling Event Permit from Brattleboro Food Co-op for the Fourth Annual Holiday Beer and Wine Tasting event at the Brattleboro Museum and Arts Center, 10 Vernon Street, on Friday, December 11, from 5:30pm to 8:00pm. Jon Megas-Russell and Jeff Houle, from the Brattleboro Food Co-op, were present and spoke briefly about the annual event at the Brattleboro Museum and Arts Center. There was no discussion by the Board.

**MOTION BY DONNA MACOMBER TO APPROVE THE EDUCATIONAL SAMPLING EVENT PERMIT FROM BRATTLEBORO FOOD CO-OP FOR THE FOURTH ANNUAL HOLIDAY BEER AND WINE TASTING EVENT AT THE BRATTLEBORO MUSEUM AND ARTS CENTER, 10 VERNON STREET, ON FRIDAY, DECEMBER 11, FROM 5:30PM TO 8:00PM. MOTION CARRIED 5-0.**

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

## **UNFINISHED BUSINESS**

Police-Fire Facilities Project - Option Agreement for Possible Future Purchase of 62 Black Mountain Road. Gartenstein announced that three meetings and public information sessions were scheduled on November 21 at 9:00am at Green Street School, November 30 at 6:00pm at Academy School, and December 2 at Brattleboro Area Middle School (BAMS) to discuss several options to upgrade the Police Station and both Fire Stations. He encouraged everybody to attend these meetings and participate in the public process to determine the upgrades to the three facilities. He also said that one of the possibilities to be discussed would be whether to move the Police Department to property located at 62 Black Mountain Road. He said the Option Agreement contained a purchase price of \$720,000, plus three option periods for costs of \$20,000, \$10,000 and, if necessary, another \$10,000. Elwell discussed the Option Agreement and spoke generally about the terms and the purpose for the three option periods. He said that the purpose of the Option Agreement would be to hold the property from being sold to another buyer while the Town was determining whether to proceed with the purchase. He asked the Board to approve the Option Agreement as presented. There was a brief discussion by the Board.

**MOTION BY DAVID SCHOALES TO APPROVE THE OPTION AGREEMENT TO PURCHASE REAL ESTATE, AS PRESENTED. MOTION CARRIED 5-0.**

Proposed Zoning Code/Land Use Regulation Amendments (LUR) - Possible Adoption of Land Use Regulations dated October 1, 2015. Gartenstein said that the Board and Planning Commission had held numerous public hearings to present amendments to Brattleboro's Land Use Regulations (LUR). He said that at the November 10 Selectboard meeting and public hearing, the Board asked Planning Director Rod Francis and Planner Sue Fillion to provide additional information on two specific matters raised at that meeting. Francis and Fillion were present and discussed in detail two memos included in the Board's packets addressing the two issues and offering possible alternatives to the boundary line between rural and rural-residential districts on Bonnyvale and Meadowbrook Roads and non-confirming signs. They discussed an alternate solution afforded to the properties affected by the boundary change of the rural and rural-residential districts and said that the proposal would not constitute a substantive change in the LUR. Gartenstein read the minor amendment proposed at Section 344(c). Francis also discussed proposed minor amendments to the non-confirming sign section and Gartenstein read suggested Amendments 1 and 2 in Section 319.L. Francis said that minor amendments had previously been requested in Chapters 310 and 250 and those amendments would be included in the final LUR. Dennis Smith spoke in favor of some changes but suggested that less restrictive regulations would be preferable. Michael Bosworth requested an amendment to the rural zoning district so that the operation of kennels would be a conditional use rather than a permitted use. Francis agreed that such an amendment could be made and considered a minor amendment. There was some discussion by the Board.

**MOTION BY DAVID GARTENSTEIN TO ADOPT THE PROPOSED LAND USE AND DEVELOPMENT REGULATIONS [DATED OCTOBER 1, 2015] WITH MINOR AMENDMENTS AS PROPOSED TO SECTION 344(C), TO SECTION 319.L., TO CHAPTER 250 (RELATED TO OVERLAY ZONING DISTRICTS), TO CHAPTER 310 (SIGHT DESIGN AND ENGINEERING STANDARDS), WITH ONE ADDITIONAL MINOR AMENDMENT MAKING KENNELS A “CONDITIONAL” RATHER THAN “PERMITTED” USE IN THE RURAL ZONING DISTRICT. MOTION CARRIED 5-0.**

**NEW BUSINESS**

*Financial Report – Monthly Report, October.* Finance Director John O'Connor discussed the monthly financial report for October. There was some discussion by the Board.

**NO ACTION TAKEN.**

Farmland Tax Stabilization Program –

- (i) *New Agreement – Kayan and Burlett, Wild Carrot Farm*
- (ii) *Revised Agreement – Bailey, Fair Winds Farm*
- (iii) *Waiver Committee Determinations – Thurber/Ellis, Robb, Chamberlin.*

(i) Elwell said that the Board was asked to approve the new Farmland Tax Stabilization Agreement with Jesse Kayan and Caitlin Burlett (Wild Carrot Farm). Town Assessor Russell Rice spoke briefly and provided details on the farm land set forth in his memo dated November 6, 2015. There was no discussion by the Board.

**MOTION BY JOHN ALLEN TO APPROVE THE NEW FARMLAND TAX STABILIZATION AGREEMENT WITH JESSE KAYAN AND CAITLIN BURLETT (WILD CARROT FARM), AS PRESENTED. MOTION CARRIED 5-0.**

(ii) Elwell said that the Board was asked to approve the revised Farmland Tax Stabilization Agreement with Jay A. Bailey and Janet Bailey (Fair Winds Farm). Town Assessor Rice said that the Bailey agreement was previously approved by the Board, but the property being farmed changed to accommodate the Wild Carrot Farm. He said that only Exhibit A of the Bailey agreement would change. There was no discussion by the Board.

**MOTION BY JOHN ALLEN TO APPROVE THE REVISED FARMLAND TAX STABILIZATION AGREEMENT WITH JAY A. BAILEY AND JANET BAILEY (FAIR WINDS FARM), AS REVISED. MOTION CARRIED 5-0.**

(iii) Elwell said that the Farmland Tax Stabilization Waiver Committee, consisting of Selectboard member Kate O'Connor, Town Manager Peter Elwell and Finance Director John O'Connor, recently met with the owners of three farms to discuss unique circumstances that occurred this past year for those farms (owned by Thurber/Ellis, Robb Family, and Chamberlin), all of which were participants in the Farmland Tax Stabilization Program. He said that the Waiver Committee recommended that the Thurber/Ellis farm and Robb family farm be allowed to remain in the program and that the Chamberlin farm no longer be allowed to participate in the program, effective with the beginning of fiscal year 2017. There was a brief discussion by the Board.

**MOTION BY DONNA MACOMBER TO APPROVE THE CONTINUED PARTICIPATION IN THE FARMLAND TAX STABILIZATION PROGRAM FOR THE THURBER/ELLIS FARM AND THE ROBB FAMILY FARM, AND TO RESCIND THE AGREEMENT FOR THE CHAMBERLIN FARM, ALL EFFECTIVE JULY 1, 2016. MOTION CARRIED 5-0.**

FY17 Budget

- (i) *Projected Revenues*
- (ii) *Proposed Capital Expenditures*

Elwell said that the Board would hold several meetings over the next few weeks to discuss the proposed FY17 budget. He discussed certain aspects and line items in the projected revenues and the proposed capital expenditures sections of the draft budget. There was much discussion by the Board.

**NO ACTION TAKEN.**

Energy Committee – *Report on Town Energy Consumption*. Schoales said that he asked some members from the Energy Committee to appear before the Selectboard and discuss energy use by the Town, including related costs and savings. Paul Cameron and Michael Bosworth provided and discussed a PowerPoint presentation with various graphs about the Town's energy usage, trends, savings, and costs. Tad Montgomery, member of the Energy Committee and energy audit group, said he anticipated results from the energy audits by December 31, along with suggested cost-saving measures. There was some discussion by the Board.

**NO ACTION TAKEN.**

There was no further business.

**MOTION BY JOHN ALLEN TO ADJOURN AT 8:55PM. MOTION CARRIED 5-0.**

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David Schoales, Clerk