

**BRATTLEBORO SELECTBOARD
TUESDAY, NOVEMBER 18, 2014
EXECUTIVE SESSION – 5:30PM
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, Town Attorney Robert Fisher, Finance Director John O'Connor, Police Chief Mike Fitzgerald, Public Works Director Steve Barrett, Highway/Utilities Superintendent Hannah O'Connell, Wastewater Treatment Plant Chief Operator Bruce Lawrence, Planning Director Rod Francis, Grants Manager Kim Ellison, and Executive Secretary Jan Anderson.

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

Others present: Dirk Grotenhuis, James Banslaben, Sabine Rhyne, Isaac Wagner, Stewart McDermet, Michael Bosworth, Tad Montgomery, Jason Cooper, 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 5:35pm in the Selectboard meeting room. He confirmed that the meeting was officially warned.

MOTION BY DAVID GARTENSTEIN TO ENTER EXECUTIVE SESSION TO DISCUSS PERSONNEL, CONTRACTS, LABOR AGREEMENTS, PROBABLE CIVIL LITIGATION, AND APPOINTMENT OR EMPLOYMENT OR EVALUATION OF A PUBLIC OFFICER OR EMPLOYEE, WITH A FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE TOWN, AND SELECTBOARD, AND PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE INTERIM TOWN MANAGER, TOWN ATTORNEY, PUBLIC WORKS DIRECTOR, HIGHWAY/UTILITIES SUPERINTENDENT, AND WASTEWATER TREATMENT PLANT CHIEF OPERATOR WERE INVITED INTO THE EXECUTIVE SESSION AT VARIOUS TIMES. MOTION CARRIED 5-0.

Chair Gartenstein reconvened the meeting at 6:18pm.

APPROVE MINUTES

**MOTION BY DONNA MACOMBER TO APPROVE THE MINUTES FROM NOVEMBER 4, 2014.
MOTION CARRIED 5-0.**

CHAIR'S REMARKS

Chair Gartenstein noted that the Town received and had an opportunity to comment on two reports about Vermont Yankee's (VY) decommissioning, including post-shutdown decommissioning activities report and VY site assessment study. He said it was his opinion that the emergency response money should come out of the VY decommissioning fund so the fund should remain whole. The Board asked the Planning Director to prepare comments on the two VY reports to present to the Selectboard for consideration at its special meeting on Monday, November 24, and then for forwarding to the Vermont Department of Public Safety. He said that Kate O'Connor was appointed by the Governor to the Vermont Nuclear Decommissioning Citizens Panel, and would be of assistance in this matter.

Gartenstein announced that the Board would hold meetings on Monday and Tuesday, November 24 and November 25, starting at 5:00pm on both days to discuss the FY16 budget. He invited the public to attend and participate in the development of the FY16 budget. He also suggested that if anyone was interested in being on the Town Finance Committee to contact the Town Moderator or the Town Manager's office. He then reviewed some information on the Departmental Reports, including ongoing work by Public Works in repairing damage from Tropical Storm Irene, and the Fire and Police Departments' involvement in recent riots in Keene. He thanked both departments for their services.

MANAGER'S COMMENTS

None.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Allen said that the Police-Fire Facilities Building Committee met recently and continued to look into different locations for the Police Department. He also thanked Renaud Brothers for the fine work on the Sunset Lake Road Bridge, and for being accommodating to the neighbors during the reconstruction.

Schoales announced that the Elementary School District's Community Forum was scheduled tomorrow at 6:00pm at Academy School to discuss the use of testing and assessments to guide instruction and to report on the progress of the new Common Core.

PUBLIC PARTICIPATION

Tim Johnson announced that Project Feed the Thousands kicked off its campaign a week ago in order to meet its goal of \$100,000 in cash and 200,000 meals to serve the greater Windham County area. He asked for support from the public.

LIQUOR COMMISSIONERS

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

Special Event Permit – Saxtons River Distillery, LLC. Moreland said that the Board was asked to approve a Special Event Permit for Saxtons River Distillery for the Cotton Mill Open Studio Holiday Sale at 74 Cotton Mill Hill on Saturday, December 6, and Sunday, December 7, from 9:00am to 7:00pm. There was a brief discussion.

MOTION BY DAVID SCHOALES TO APPROVE A SPECIAL EVENT PERMIT FOR SAXTONS RIVER DISTILLERY, LLC, FOR AN EVENT AT COTTON MILL STUDIOS, 74 COTTON MILL HILL ON SATURDAY, DECEMBER 6, FROM 9:00AM TO 7:00PM, AND ON SUNDAY, DECEMBER 7, FROM 9:00AM TO 7:00PM. MOTION CARRIED 5-0.

Special Event Permit – Whetstone Cider Works, LLC. Gartenstein said that the Board was asked to approve a Special Event Permit for Whetstone Cider Works, LLC for the Cotton Mill Open Studio Holiday Sale at 74 Cotton Mill Hill, on Saturday, December 6, from 10:00am to 6:00pm, and Sunday, December 7, from 10:00am to 4:00pm. There was a brief discussion.

MOTION BY KATE O'CONNOR TO APPROVE A SPECIAL EVENT PERMIT FOR WHETSTONE CIDER WORKS, LLC, FOR AN EVENT AT COTTON MILL STUDIOS, 74 COTTON MILL HILL ON SATURDAY, DECEMBER 6, 10:00AM TO 6:00PM, AND ON SUNDAY, DECEMBER 7, 10:00AM TO 4:00PM. MOTION CARRIED 5-0.

Educational Sampling Event Permit – Brattleboro Food Co-Op, Inc. Sabine Rhyne, from the Brattleboro Food Co-Op, asked the Board to approve an Educational Sampling Event Permit for the Brattleboro Food Co-Op's fourth annual Holiday Beer and Wine Tasting to be held at the Brattleboro Museum and Art Center on Friday, December 12, from 5:30pm until 8:00pm. There was a brief discussion.

MOTION BY DONNA MACOMBER TO APPROVE AN EDUCATION SAMPLING PERMIT FOR THE BRATTLEBORO FOOD CO-OP, INC., FOR THEIR FOURTH ANNUAL HOLIDAY BEER AND WINE TASTING EVENT TO BE HELD AT THE BRATTLEBORO MUSEUM AND ART CENTER ON DECEMBER 12 FROM 5:30PM TO 8:00PM. MOTION CARRIED 5-0.

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

The Board agreed to adjust the agenda to move items C and D (Staffing Level Reviews at Department of Public Works) before the Water and Sewer Commissioners.

WATER AND SEWER COMMISSIONERS

MOTION BY JOHN ALLEN TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.

Staffing Level Review – *Engineering Technician, Department of Public Works.* Public Works Director Steve Barrett and Highway/Utilities Superintendent Hannah O’Connell were present and discussed the tasks and responsibilities of the Engineering Technician position. Barrett said that Gary King was retiring in December. He said that the position was a unique position in that it required a background in engineering, would be responsible for record keeping and mapping, would occasionally act as water treatment plant operator and required a CDL license to drive equipment when necessary. There was a brief discussion by the Board. Gartenstein said that the review was for informational purposes and no action would be taken by the Board.

NO ACTION TAKEN.

Staffing Level Review – *Water Treatment Division, Department of Public Works.* Public Works Director Barrett said there was a vacancy in the water treatment plant and spoke about the requirements and certifications required for the position. There was a brief discussion by the Board. This matter was informational only and no action was required.

NO ACTION TAKEN.

MOTION BY DONNA MACOMBER TO ADJOURN AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.

NEW BUSINESS

Financial Report – *Monthly Report, October, Finance Department.* Finance Director John O’ Connor discussed the financial report for the month ending October 31. There was some discussion by the Board.

NO ACTION TAKEN.

West Brattleboro Bicycle Pedestrian Scoping Study – *Public Comment, Discussion, Department of Public Works.* Public Works Director Barrett, Highway/Utilities Superintendent O’Connell, and RSG Engineering representative Dirk Grotenhuis were presented and discussed the West Brattleboro Bicycle and Pedestrian Scoping Study. Barrett provided some history on the project and discussed safety concerns in the area covered in the study.

Gartenstein opened the public hearing.

O’Connell discussed the purpose of the study and requirements of the VTrans grant that was awarded by the State to perform the scoping study. She discussed the process and public involvement around a number of public and local concerns meetings in order to collect community input for concerns and improvements. She said that the study was not a design but was a conceptual study, and that it would be very beneficial in applying for grants and other funding necessary to complete improvements for the area. Grotenhuis confirmed that the scoping study was a planning exercise to identify and improve bicycle and pedestrian safety in the area utilizing existing documents and data available. He discussed safety issues in the area and many aspects of the scoping study, including many concerns and considerations, pedestrian crossings and pathways, uniform speed limits, revising intersections, expanding the Village Green, three main alternatives suggested for improvements, the preferred alternative, costs, and making improvements in phases.

Gartenstein opened the floor for public comments.

First speaker (unidentified) spoke of her concerns about the pedestrian crossing and other safety concerns at the intersection with Greenleaf Street.

Michael Bosworth spoke of his general support of the study and discussed his concerns around pedestrian activity, improvements to Melrose Bridge, increasing the green space at West Village Green, the suggested alternatives, concerns at Greenleaf Street and George Miller Drive, and parking spaces on Western Avenue near Stockwell Store.

Stewart McDermet, member of the West Brattleboro Association, spoke in support of the public involvement with the study and in support of the preferred alternative. He encouraged the Selectboard to accept and endorse the report presented.

Tad Montgomery spoke of his concerns for bicyclists on the section of Route 9 from Melrose Bridge east to the Interstate, and he encouraged the Board to include that area in any discussion about improvements to the road.

There was substantial discussion by the Board, including many substantial safety concerns along the defined area and beyond, methods to proceed with funding and improvements, funding for design and construction, increasing the length of the sidewalk from Greenleaf Street to the Interstate, and many aspects and recommendations in the scoping study.

MOTION BY DAVID SCHOALES TO ACCEPT AND ENDORSE THE WEST BRATTLEBORO BICYCLE AND PEDESTRIAN SCOPING STUDY. MOTION CARRIED 5-0.

Gartenstein closed the public hearing.

Community Development Block Grant (CDBG) – Approve Resolution, Public Hearing, Windham & Windsor Housing Trust VCDP Implementation Grant. A representative from Windham-Windsor Housing Trust, Isaac Wagner, and Grants Manager Kim Ellison, were present to discuss WWHT’s CDBG grant application. Board member Kate O’Connor noted her citizen appointment to the Community Development Block Grant Board at the State level.

Gartenstein opened the public hearing.

Wagner said that Windham & Windsor Housing Trust (WWHT) would be reconstructing and improving five affordable housing properties owned by WWHT and the construction costs were estimated to be approximately \$2.3 million. He discussed the improvements to the buildings and the CDBG funding request in the amount of \$425,000. He said that the Town would be the applicant on the CDBG grant and it would be a pass-through grant from the Town to WWHT. Grants Manager Ellison said that WWHT would provide the Town with a security interest on the properties. Tad Montgomery inquired about the planned energy improvements to the buildings. There was some discussion by the Board, including the requirement that the Town be reimbursed for its administrative costs in connection with the grant.

MOTION BY DAVID SCHOALES TO ADOPT THE RESOLUTION FOR GRANT APPLICATION AUTHORITY AS PRESENTED, TO IDENTIFY KIM ELLISON AS THE POINT OF CONTACT, AND TO IDENTIFY PATRICK MORELAND, INTERIM TOWN MANAGER, AS THE AUTHORIZING OFFICIAL. MOTION CARRIED 5-0.

Gartenstein closed the public hearing.

Approve Grant Application – Brownfields Assessment Grant, Planning Services. Planning Director Rod Francis said that the Board was asked to approve a grant application to the Environmental Protection Agency in the amount of \$400,000 to fund a local Brownfields program to facilitate the process of environmental review at redevelopment sites in Brattleboro. There was a brief discussion.

MOTION BY DAVID GARTENSTEIN TO APPROVE THE PLANNING DEPARTMENT APPLICATION FOR A \$400,000 BROWNFIELDS ASSESSMENT GRANT FROM THE EPA TO INVENTORY, CHARACTERIZE, ASSESS AND CONDUCT PLANNING AND COMMUNITY INVOLVEMENT RELATED TO BROWNFIELDS IN BRATTLEBORO. MOTION CARRIED 5-0.

Presentation – *Sustainable Energy Funding Program*. Tad Montgomery was present and said that he understood that the matter had been withdrawn by the requester, and that he was not a representative for the requester. He spoke in support of utilizing the Sustainable Energy Funding Program in other projects around Town. Moreland said that he had not been notified by the requester that this matter had been withdrawn. There was some discussion by the Board about the lack of notice of the withdrawal and the agenda-setting process.

NO ACTION TAKEN.

CORRESPONDENCE AND MEETINGS

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

Gartenstein said that the Board would enter into executive session and reconvene at a later time but that no further business would be conducted.

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS APPOINTMENT, EMPLOYMENT, OR EVALUATION OF A PUBLIC OFFICER OR EMPLOYEE WITH A FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE PUBLIC BODY OR PERSON INVOLVED AT A SUBSTANTIAL DISADVANTAGE. MOTION CARRIED 5-0.

Chair Gartenstein reconvened the meeting at 9:00pm. There was no further business.

MOTION BY DAVID SCHOALES TO ADJOURN AT 9:00PM. MOTION CARRIED 5-0.

David Schoales, Clerk