

**BRATTLEBORO SELECTBOARD
TUESDAY, MAY 12, 2015
SPECIAL MEETING – 5:30PM
MINUTES**

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

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

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

Others present: Cimbria Badenhausen, Elizabeth McLoughlin, 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 officially warned.

CHAIR'S REMARKS

Chair Gartenstein said that he had been asked to announce a series of events occurring over Memorial Day weekend to acknowledge the 150th year commemoration of the conclusion of the Civil War and to honor the Brattleboro soldiers who fought in the war. He said that the American Legion would host a program over the weekend with a series of lectures, presentations and a banquet to honor the Brattleboro soldiers. The American Legion asked him to support a proclamation honoring the soldiers and Brattleboro's contributions to the war, and he publicly read the proclamation.

GARTENSTEIN ASKED THE BOARD MEMBERS IF THEY WERE IN FAVOR OF THE PROCLAMATION. THE BOARD VOTED 5-0 IN FAVOR.

PUBLIC PARTICIPATION

None.

UNFINISHED BUSINESS

Update re: Comprehensive Review of Town Operations and Financial Planning Project – Town Manager Elwell. Town Manager Elwell reviewed and discussed the progress and direction of the development of a plan for comprehensive review of Town operations that was being undertaken with all of the Town departments. He said that the purpose of the plan was to think programmatically and review operational improvements, efficiencies, and cost savings in order to improve Town government and the relationship with the community. He reviewed various aspects of the project and said that he expected to provide the Board with a comprehensive report at the July 7 Selectboard meeting. He said that if the Board approved the plan and direction, he expected to provide a long-term financial plan at the September 1 Selectboard meeting that would assist with discussions around the FY17 budget and future budgets. There was much discussion by the Board and it was generally agreed that the ongoing project was proceeding in a positive direction and should continue along the plan and timeframe proposed by Elwell.

NO ACTION TAKEN.

WATER AND SEWER COMMISSIONERS

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

FY16 Utilities Budget – *Discussion*. Elwell provided a brief overview of the FY16 utilities budget and said it would be a 1.6 percent increase over last year’s budget, but was less than the anticipated 2 percent increase previously expected. Public Works Director and Highway/Utilities O’Connell were present and discussed many line items in the proposed budget which Barrett said was generally level-funded, as well as aspects of the utilities capital plan. Finance Director O’Connor was also present and answered many of the questions posed by Board members. There was substantial discussion by the Board about the proposed utilities budget and capital plan. Elwell said that the Board would be asked to formally approve the budget at the May 19 Selectboard meeting.

NO ACTION TAKEN.

**MOTION BY DONNA MACOMBER TO ADJOURN AS WATER AND SEWER COMMISSIONERS.
MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).**

NEW BUSINESS

FY16 Parking Budget – *Discussion*. Elwell provided a brief overview of the FY16 parking budget. Assistant Town Manager Moreland spoke about several aspects of capital projects contained in the parking budget as set forth in his memo. He also discussed inadequacies at the Transportation Center and suggested structuring a \$200,000 capital maintenance plan in FY17 to address deferred maintenance projects at the Transportation Center and other parking projects, including setting up certain maintenance contracts. There was some discussion by the Board.

NO ACTION TAKEN.

FY16 Solid Waste Budget – *Discussion*. Elwell said that the budget before the Board was the identical budget presented to the Board during the development of the pay-as-you-throw (PAYT) program. There was a brief discussion by the Board. Elwell said that the Board would be asked to formally approve the FY16 parking and solid waste budgets at the May 19 Selectboard meeting.

NO ACTION TAKEN.

Green Street Retaining Wall – *Discussion*. Elwell said that the structures grant application through VTrans for assistance with the Green Street retaining wall was recently denied. He said that the CDBG Urgent Need grant was still pending and he strongly suggested that the Board continue on the previously determined course on this project pending a determination about the Urgent Need grant. Barrett said that the wall had moved further and jersey barriers were set up in Harmony lot to protect pedestrians and vehicles in the potential fall zone. He discussed other work that was being performed in the interim, including developing a plan to temporarily stabilize the wall to prevent a catastrophic failure, working with Stevens & Associates Engineering on a final design, communicating with Green Mountain Power regarding utility poles in the area, shutting off the water main above the wall, forming a temporary stabilization plan, and preliminarily preparing bid documents to hire a contractor when the funding was in place. O’Connell spoke about the benefits of the temporary stabilization analysis and procedures which would provide vital information that would be necessary when the final work was performed. There was much discussion by the Board, including public safety, the general project, funding, and other pending capital projects.

NO ACTION TAKEN.

Tiny Grant Program – *Approve Application for \$500 “Tiny Grant” from Association of Vermont Conservation Commissions (AVCC)*. Gartenstein said that the Board was asked to approve the application for a “Tiny Grant” through the AVCC. There was no discussion.

MOTION BY DAVID GARTENSTEIN TO APPROVE THE APPLICATION FOR A \$500 TINY GRANT FROM THE ASSOCIATION OF VERMONT CONSERVATION COMMISSIONS. MOTION CARRIED 5-0.

Presentation of Proposed Zoning Code/Land Use Regulation Amendments (LUR) – Part 2: Protecting Rural Character while Planning for Growth. Gartenstein said that the Land Use Regulations (LURs) were undergoing comprehensive rewrites and that the Board would hear about the amendments to the LURs in four parts. Rod Francis and Sue Fillion, from Planning Services Department, and Elizabeth McLoughlin, from the Planning Commission, were present and provided the second of four presentations describing the LUR amendments. Francis, Fillion, and McLoughlin provided a lengthy PowerPoint presentation and detailed discussion particularly around land uses, regulations, design standards, protection of water and natural resources, subdivisions, riparian setbacks, and development within the Rural and Rural Residential Zoning Districts. There were many questions asked by Board members with substantial discussion ensuing. Gartenstein said that the Board would hear the third and fourth parts of the LUR amendments at later meetings.

NO ACTION TAKEN.

Gartenstein announced that the Board would enter into executive session at this time and reconvene after the session but that no further business would be conducted.

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS, PENDING OR PROBABLE CIVIL LITIGATION TO WHICH THE PUBLIC BODY MAY BE A PARTY, POTENTIAL CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATIONS MADE FOR THE PURPOSE OF PROVIDING PROFESSIONAL LEGAL ADVICE, AND NEGOTIATING OR SECURING A REAL ESTATE PURCHASE, WITH A FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE SELECTBOARD, TOWN AND PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER AND THE PLANNING DIRECTOR WERE INVITED TO ATTEND. MOTION CARRIED 5-0.

The Board reconvened at 9:12pm. There was no further business.

MOTION BY DONNA MACOMBER TO ADJOURN AT 9:12PM. MOTION CARRIED 5-0.

David Schoales, Clerk