

**BRATTLEBORO SELECTBOARD
TUESDAY, NOVEMBER 10, 2015
EXECUTIVE SESSION – 5:30PM
SPECIAL 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 Clerk Annette Cappy, Library Director Jerry Carbone, Town Assessor Russell Rice, Recreation & Parks Director Carol Lolatte, and Executive Secretary Jan Anderson.

Media present: Chris Mays representing the Brattleboro Reformer.

Others present: Louise Zak, Sharon Couturier, Spoon Agave, Monica Vaidua, Pratima Vaidua, Nicholas Russell, Katharine Audlin, Liz McLoughlin, Rachel Zamore, Michael Bosworth, Kathy Urffer, Tim Cuthbertson, Franz Reichsman, James Banslaben, Judy Davidson, James Valente, Brandy Saxton, 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.

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, CONTRACTS, NEGOTIATING OR SECURING OF REAL ESTATE PURCHASE OR LEASE OPTIONS, PENDING OR PROBABLE CIVIL LITIGATION TO WHICH THE PUBLIC BODY IS OR MAY BE A PARTY, AND ARBITRATION OR MEDIATION, BASED UPON A FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE TOWN, SELECTBOARD, AND OTHER PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER WAS INVITED TO ATTEND. MOTION CARRIED 5-0.

Gartenstein reconvened the meeting at 6:20pm. He welcomed the participants and noted that ASL interpreters were not present and asked anyone interested in obtaining a translation of the meeting to contact the Town Manager's office.

CHAIR'S REMARKS

Chair Gartenstein announced that the Police-Fire Facilities Project Option Agreement for the possible purchase of 62 Black Mountain Road would be removed from the agenda this meeting because the Agreement was not available in time. He said that the matter would be added to the agenda for the Selectboard meeting on November 17. He also announced that a mediation demand had been received from NextSun Energy. He said there was a contract dispute between the Town and NextSun for solar power and the exchange of net metering credits and the matter would be mediated with the goal of avoiding litigation. He also discussed a recent fire in a housing complex on Valgar Street and said that many people had been displaced as a result of the fire and that the fire was suspicious and under investigation. He also noted that an untimely gunshot related death had been reported on Monday and the matter was being investigated as a homicide. Gartenstein also said that the boiler at Central Fire Station recently failed, and two compressors at the skating rink also failed. He thanked the Town staff for the time, effort and dedication shown in response to all of the recent emergencies.

MANAGER'S COMMENTS

Town Manager Elwell also complimented and thanked the Town's management team and staff for the substantial amount of work around the unusual number of routine and special matters that Gartenstein had just discussed. He said that staff members handled the matters with high levels of competence, worked well as a team, and provided support to each other and the community. He said that the new

boiler at Center Fire was scheduled to be installed this week and the boiler would be able to be used in the expansion of the fire station if the Police-Fire Facilities Project was approved. He said that both compressors at the skating rink failed and he expected one to be repaired and in service by tomorrow. Elwell then discussed the traffic signals on Main Street. He said that the services of a traffic engineer had been retained to determine an engineering-based solution for improving the traffic flow on Main Street. He said that the Selectboard expected to have a report in January and would schedule the matter for discussion at that time.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Schoales reported that the Windham Solid Waste Management District (WSWMD) continued to work on a budget for the upcoming year. He said that it experienced an increase in the revenue stream due to a flow of unexpected product from a facility in New Hampshire that had closed. He said that WSWMD member towns were asked to review impacts if substantial changes were made at WSWMD.

Macomber said that she attended an Arts Committee meeting earlier in the day on the main stage at Latchis Theatre where the Committee invited public discussion to discuss complex issues of how to promote Brattleboro's art scene and how to work with interested artists and members on a variety of goals. She said that she expected that the Committee would soon take some sort of action.

O'Connor reminded the public that Al Roker from the Today Show would be at the Brooks House on Thursday at 9:00pm to broadcast the weather in connection with a 7-day weather tour of the country. She invited people to attend and show enthusiasm for the Town.

PUBLIC PARTICIPATION

Spoon Agave asked that, with the onset of winter conditions, the Town visit downtown storeowners and remind them of ordinances against obstructions on sidewalks, such as sandwich boards and flags over sidewalks.

UNFINISHED BUSINESS

Police-Fire Facilities Project

(i) *Option Agreement for Possible Future Purchase of 62 Black Mountain Road.*

The Board did not discuss this matter because the Option Agreement was not ready in time. Gartenstein said that the matter would be discussed at the November 17 Selectboard meeting.

NO ACTION TAKEN.

NEW BUSINESS

NEA "Our Town" Grant – Contract with "From the River – To the River" Artists. Elwell said that on October 6, 2015, the Board awarded a contract for \$56,000 from the National Endowment for the Arts (NEA) "Our Town" Grant to Andrea Wasserman, Elizabeth Billings and Evie Lovett, for the project they submitted entitled "From the River, To the River." He said that the Board also authorized the Town Manager to execute the contract and to take all other actions necessary to implement the project in compliance with the NEA Our Town grant program. He said that the "Artist Agreement" as agreed upon by the artists and staff was being brought to the Board for approval because it contained a work plan and timeline that had not previously been reviewed and approved by the Selectboard. He provided a brief overview of the project and said that it was expected to be complete in time for the NEA's July 31, 2016 deadline. There was no discussion by the Board.

MOTION BY KATE O'CONNOR TO APPROVE THE AGREEMENT BETWEEN THE TOWN OF BRATTLEBORO AND ANDREA WASSERMAN, ELIZABETH BILLINGS, AND EVIE LOVETT FOR THE "FROM THE RIVER, TO THE RIVER" PROJECT IN THE AMOUNT OF \$56,000, AND TO AUTHORIZE THE TOWN MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE TOWN OF BRATTLEBORO. MOTION CARRIED 4-0 (MACOMBER WAS NOT PRESENT AT THE TIME OF THE VOTE).

Proposed Zoning Code/Land Use Regulation Amendments (LUR) -

- (i) *Final Public Hearing*
- (ii) *Possible Adoption of Land Use Regulations dated October 1, 2015*

Gartenstein said that the Selectboard held the first of two public hearing two weeks ago and would hold the final public hearing at this time.

Gartenstein opened the public hearing for public comment on the proposed Land Use Regulations.

Planning Director Francis, Planner Fillion, and Consultant Brandy Saxton were present and provided a brief overview of the amendments to the Land Use Regulations (LUR) and the process that had been followed. Gartenstein pointed out that the LURs had been extensively discussed in several public meetings over the past 18 months and he thanked the members of the Planning Commission and Planning Services for their work in connection with the amendments. Some Planning Commission members were present and introduced - Liz McLoughlin, Kathy Urffer, Katharine Audlin, Rachel Zamore, and James Valente.

Kate O'Connor inquired about the amount of time the process took and the possibility of amending the LUR if a part of it turned out to be unworkable.

David Schoales spoke about his concerns of moving the dividing line between rural and rural residential districts on Bonnyvale Road and Meadowbrook Road. He asked that the proposed changes not be accepted because they adversely affected the ability of some residents to subdivide their property.

Spoon Agave provided his comments and opinions on various aspects of the LUR. He encouraged maintaining large tracks of land and suggested including definitions of certain terms. He addressed sign regulations and suggested adding a statement regarding the purpose of zoning regulations.

Kathy Urffer spoke about creating policy for the common good of the Town and cautioned against amending the LUR for the benefit of a small group of people or being influenced by individual relationships with community members. She encouraged supporting the work of the Planning Commission and Planning Department.

Monica Vaidua spoke of concerns about sign regulations. Gartenstein noted a contradiction between Section 319.L.(1)(b) and 319.L.(2)(a) and asked for clarification.

Tim Cuthbertson, former member of the Development Review Board, commented on sign regulations and about making changes to the LUR as they became necessary.

Michael Bosworth spoke of his concerns about the proposed changes in the rural and rural-residential zoning districts on Meadowbrook Road.

Francis spoke about concerns voiced by Eli Gould at the last public hearing. He said that the concerns were addressed in his memo dated November 4, 2015.

The participants' and Board's questions and concerns were addressed by Francis, Fillion and Saxton. There was much discussion by the Board.

Gartenstein closed the public hearing.

There was further discussion by the Board about the timeline for approval of the LUR. The Board members agreed they were not ready to vote at this meeting and asked Francis to provide additional information about two issues: (1) the rural and rural-residential boundary lines on Meadowbrook Road and Bonnyvale Road, and (2) non-conforming signs. The Board agreed to add the matter to the November 17 agenda for further discussion and possible vote.

NO ACTION TAKEN.

FY17 Budget Proposal

- (i) *Town Manager's Overview*
- (ii) *Discussion of Revenues*
- (iii) *Schedule and Topics for Future Budget Meetings*

Elwell said that the FY17 proposed budget had been posted on the Town's website and was available to the public for review. He provided a detailed overview of the budget as set forth in his November 2 memo and noted that the proposed budget did not include any funds for the Police-Fire Facilities Project. He said that the proposed budget would be a 4.7% increase over the current budget which was primarily due to capital expenses. He discussed generally some areas in the proposed budget. There was some discussion by the Board. It was agreed that the Board would reserve the upcoming special meetings on the "off" Tuesdays through December for budget discussions.

NO ACTION TAKEN.

There was no further business.

MOTION BY JOHN ALLEN TO ADJOURN AT 9:20PM. MOTION CARRIED 4-0 (MACOMBER WAS NOT PRESENT AT THE TIME OF THE VOTE).

David Schoales, Clerk