1. CONVENE MEETING

2. PUBLIC PARTICIPATION

3. UNFINISHED BUSINESS - None

4. LOCAL BOARD OF HEALTH
   A. Hearing on Emergency Health Order – 48 & 50 Central Street and 6 Reynolds Drive

5. NEW BUSINESS
   A. Possible Reconsideration of Motion to Opt-Out of National Prescription Opiate Litigation
      Class Action Suit and Rescind Exclusion Request Form
   B. Request to VTrans to Lower Speed Limit on Route 9 (Marlboro Road)
   C. FY21 Proposed Budget –
      (i) Police Department
      (ii) Fire Department

6. ADJOURNMENT
MEMO

To: Brattleboro Board of Health

From: Leonard Howard, Health Officer

Date: November 21, 2019

Re: Emergency Health Order

On November 20, 2019 an Emergency Health Order was issued to William Hunter the owner of 48-50 Central Street and 6 Reynolds Drive. The tenants were all informed of the order being issued on this same date.

The fire department has been to 48-50 Central Street for nine inspections in 2019, with the most recent being on October 31, 2019. Re-inspections have been scheduled and he has either canceled or did not show up.

Currently the issues at 48-50 Central Street are as follows:

1. Missing smoke and carbon monoxide alarms.
2. Holes in the walls.
3. Egress Paths blocked.
4. Essential Maintenance Practice inspection for lead paint has not been conducted or filed with the Vt Department of Health.
5. Trash and debris on the exterior have not been removed, despite warnings and multiple fines that have been issued for failure to follow the trash and recycling ordinance.

All of the violations above are contained within Town Ordinances, Chapter 7 Regulating Solid Waste and Chapter 8 Health, Sanitation and Fire Safety Inspections.

I have been to 6 Reynolds Drive 3 inspections in 2019.

Currently the issues at 6 Reynolds Drive:

1. Bed Bug infestation found on September 25, 2019 has not been addressed.
2. Storage in the second-floor stairwell needs be removed.
3. The main heating unit has not been serviced in the last two years.
4. The exterior and interior walls have holes that need to be covered.
5. Screens need to be provided on a minimum of one window in each room. Windows cannot be covered with plastic as it serves as the second egress.
6. Essential Maintenance Practice inspection for lead paint has not been conducted or filed with the Vt Department of Health.
7. Trash and debris on the exterior and interior need to be removed.
These properties continue to have violations. The issues continue not to be addressed or continue to reoccur after many inspections. The two buildings are not being monitored or maintained in a timely manner, therefore leading to the emergency health order. Mr. Hunter owns nine properties in Springfield, Vt. I have spoken with the Health Officer there and they are experiencing the same issues with those properties.

Three of the four units tenants have been to the State of Vermont Economic Services Office to arrange for housing while they are unable to reside at either address.
Typically weekly walk by or windshield inspections.

Email communications:

6.5.2017: Central Street garbage and skunks; Reynolds garbage
6.15.2017 Central egress blocked by mattress; Reynolds animals in trash, no town bags
6.16.2017 review recycling rules, containers
6.20.2017 Animals in garbage, scattered garbage
7.14.2017 Reynolds, mattresses, warned of possible bedbugs given tenant behavior
8.9.2017 Reynolds, household goods, garbage, construction debris
8.29.2017 Reynolds, scattered garbage; Central, flop house sign complain
8.29.2017 Advised Hunter on how to request police reports on criminal activity at properties
9.1.2017 Reynolds cleaned up, but odor present, source unclear
9.27.2017 Unregistered truck, bed filled with rotting garbage
10.4.2017 Central, torn bags, outdoor disposal household goods, unregistered car
10.23.2017 Request for armed forces status for ticketing, garbage complaint
11.7.2017 Reynolds, scatter trash
2.1.2018 Central garbage, scattered trash, bags moving, rodents
2.13.2018 Reynolds, trash, scatter trash, household goods
2.16.2018 Central, Skunks tearing into trash bags
3.7.2018 Central, Garbage, scattered trash, unregistered car, drug dealing, failure to file land transfer
3.27.2018 Reynolds, household goods in right of way, Central, trash, unregistered car
4.3.2018 Reynolds, trash
4.26.2018 Reynolds, garbage, household goods
5.15.2018 Reynolds, household goods
5.17.2018 Central, failure to file land transfer
5.31.2018 Reynolds, unregistered vehicle, trash, Central, unregistered car
6.5.2018 Central, car, trash Reynolds, household goods, trash, scattered trash, oil tank, unregistered vehicle.
6.21.2018 Central, trash piled under emergency egress
6.27.2018 Reynolds garbage
8.27.2018 Central, garbage, household goods
11.2.2018 Central, drug activity, trash, debris, debris under egress
12.10.2018 trash, debris, debris under egress
1.24.2019 Central, clean up of property, roll-off box
2.7.2019 Central, garbage outside, inside packed with garbage, garbage around/under egress.
3.1.2019 Central, ongoing clean up, garbage frozen into ground, future use of dumpster to maintain compliance
3.21.2019 Central, removal of roll off box
4.8.2019 Reynolds couch, dog feces
5.10.2019 Reynolds, couch, household debris
5.22.2019 Central, trash, animals, scattered garbage; Reynolds couch, damaged car, unroadworthy
5.23.2019 Central, advise tenant education, roll off containers
6.24.2019 Reynolds, passing on disorderly arrest report; Central trash
7.24.2019 Central, trash, odor, vermin, scattered trash
8.13.2019 Reynolds, trash, debris piled around house, egress stuffed with trash bags
9.25.2019 Reynolds bedbugs, tenants state for two years, clutter, treat of health order
10.16.2019 Central, obscene sign, trash
11.7.2019 Central garbage, garbage/debris around egress, treat of health order, daily fines

Written violation warnings/notices:


Tickets:


Court: 9.18.2019, next up 12.18.2019
Emergency Health Order

I, Leonard Howard III, Health Officer, Brattleboro, Vermont, do hereby find that 48 & 50 Central Street and 6 Reynolds Drive owned by Will Hunter shall be closed down due to multiple violations in both buildings. These issues continue to not be addressed or continue to reoccur after multiple inspections have been performed. These conditions must be abated to “prevent, remove or destroy an imminent and substantial public health hazard.” This is relevant to statute 18 V.S.A section 217.

The following violations are still pending in the buildings:

Therefore, by the authority granted under 18 V.S.A. sections 107, 126 and 602a., it is hereby:

48 & 50 Central Street

1. Missing smoke alarms and carbon monoxide detectors.
2. Holes in the walls.
3. Trash and debris on the exterior have not been removed, despite warnings and multiple fines that have been issued for failure to follow the trash and recycling ordinance.
4. Egress paths repeatedly blocked with trash and debris.
5. The building is not in compliance with the lead paint inspections and lead paint registry with the Vt Department of Health.
6 Reynolds Drive

1. Brian Bannon issued a notice on September 25, 2019 that a bedbug infestation exists in the building, there has been no action taken by the owner to correct it.
2. Storage in the second-floor stairwell needs to be remove, it is hindering the egress path for occupants.
3. The main heating unit has not been serviced with in the last two years.
4. The exterior and interior walls have holes that need to be covered.
5. Screens need to be provided on a minimum of one window in each room. Windows cannot be covered with plastic; it serves as the second egress for the unit.
6. The building is not in compliance with the lead paint inspections and lead paint registry with the Vt Department of Health.
7. Trash and debris on the exterior have not been removed, despite warnings and multiple fines that have been issued for failure to follow the trash and recycling ordinance.

All of the violations above are contained within Town Ordinances, Chapter 7 Regulating Solid Waste and Chapter 8 Health, Sanitation and Fire Safety Inspections.

These two properties have been visited multiple times a year from 2015 to the present. The two buildings are not being monitored and violations are not being fixed in a timely manner to allow for the occupants to live there safely and healthy. Therefore, it is ordered Will Hunter the owner of both addresses will be served an Emergency Health Order on Wednesday November 20, 2019 informing him that all occupants need to vacate both properties no later Thursday November 21, 2019 at 4 pm, until all violations are corrected and can continually be monitored for compliance.

There will be paddle locks put on the doors by the fire department and if occupants need to enter either address, they will need to contact the fire department to arrange to do so.

DATE: __November 20, 2019________________

Signed:

Leonard Howard III
Assistant Fire Chief
Health Officer
Town of Brattleboro
STATEMENT OF PROCEDURAL RIGHTS

Pursuant to 18 V.S.A. §§ 126 & 127, you are hereby notified of your rights.

1. You shall be given the opportunity for a hearing on this emergency health order within five (5) days from receipt of the order. Please notify the [Insert Town/City] Board of Health within five days to request a hearing.

2. You have the right to appeal any act, decision or order of the [Insert Town/City] Board of Health to the State Board of Health.

3. Your appeal to the State Board of Health must be made within 30 days of the act, decision, or order.

4. The appeal hearing before the State Board of Health shall be subject to the provisions of 3 V.S.A., Ch. 25, the Administrative Procedure Act, relating to contested cases.

5. The State Board of Health will hear your appeal de novo, that is, it will consider your case anew, and all persons and parties of interest, as determined by Board rule, may appear and be heard. A decision on your appeal will be made within 30 days following the conclusion of the hearing.

6. You may appeal the decision of the State Board of Health to the Vermont Supreme Court.

7. Failure to comply with the provisions of the Health Order issued by the [Insert Town/City] Board of Health or the Emergency Health Order of the health officer may subject you to further legal action including civil enforcement of the order in the superior court and criminal penalties.
ORDER STAYING EMERGENCY HEALTH ORDER DATED NOVEMBER 20, 2019

THE COURT HEREBY STAYS THE EMERGENCY ORDER BY ASSISTANT CHIEF HOWARD ON THE ABOVE DATE. AN EMERGENCY HEARING WILL BE HELD AT THE NEWFANE COURTHOUSE AT 2:00PM WEDNESDAY November 27, 2019. The covered properties are 48 and 50 Central Street and 6 Reynolds Drive in Brattleboro VT.

Electronically signed on November 21, 2019 at 03:59 PM pursuant to V.R.E.F. 7(d).

Michael R. Kainen
Superior Court Judge
November 1, 2019

VIA E-MAIL

Vermont League of Cities and Towns
Attn: Vermont Mayors, Town Managers and Selectboard Members
89 Main Street, Ste. 4
Montpelier, VT 05602

Re: Opioid Litigation

Dear Vermont Mayors, Town Managers and Selectboard Members:

I am writing to address recent questions arising from a notice inviting Vermont cities and towns to join a Negotiation Class involving opioid related litigation. We believe Vermont cities and towns should seriously consider joining the Negotiation Class because it provides a way to participate in recent efforts to settle on-going litigation against the manufacturers, distributors, and large pharmacies that created the opioid epidemic. The Negotiation Class provides the opportunity to participate without having to file a lawsuit, hire attorneys, and incur additional attorneys’ fees. Vermont cities and towns will be automatically enrolled in the Negotiation Class, unless they opt out by November 22, 2019. Answers to frequently asked questions related to the Negotiation Class can be found at https://www.opioidsnegotiationclass.info/Home/FAQ.

Many of you are dealing with the enormous fallout from the opioid epidemic. The harm to our communities has been staggering. The opioid crisis has caused a devastating loss of life in Vermont. Families have been torn apart, and many lives left in ruin. We have expended precious, limited resources to care for victims and the aftermath of addiction. This includes medical treatment, mental health care, family services, first responders such as police and rescue, and so many others.

It has been my number one priority as Attorney General to hold accountable those who have caused the opioid epidemic. We have sued opioid manufacturer Purdue Pharma, its owners the Sackler family, and the pharmaceutical distributors to bring those responsible for this epidemic to justice. I anticipate more lawsuits will follow. It is our intention that recoveries
from these lawsuits will be utilized to address the opioid crisis across Vermont. And, I know many of Vermont’s cities and towns would also like to take part in these efforts.

Many of you have been asked to take part in the Negotiation Class as part of the multi-district litigation or “MDL” in the United States District Court for the Northern District of Ohio. This MDL has gathered thousands of cases brought by other cities and towns across the country. The MDL essentially is the federal court’s way of consolidating all these cases before a single court to efficiently address all these claims. The judge in the MDL authorized the creation of a Negotiation Class as a means for all cities and towns across the country to participate in the fruits of any settlement activity arising out of this court. You can participate without having to file your own case or hire your own attorneys.

To see how monies might be divided across the country, and in your particular community, you can go to www.OpioidsNegotiationClass.info. You will automatically be included in this Negotiation Class unless you provide notice of your decision to “opt-out” by November 22, 2019.

It is my recommendation that Vermont cities and towns seriously consider participating in this Negotiation Class. As stated above, you can participate in the potential fruits of a settlement without having to file a lawsuit, hire attorneys, and most important incur additional attorneys’ fees and costs.

I respect that each municipality will consider their individual needs and determine the best path for their community. Regardless how you may choose, the Vermont Attorney General’s Office will continue to seek justice for the entire State of Vermont and hold those accountable who created and profited from the opioid crisis.

Sincerely,

[Signature]

Thomas J. Donovan, Jr.
Vermont Attorney General
IF YOU WANT TO EXCLUDE YOUR COUNTY OR CITY
YOU MUST ACT BY NOVEMBER 22, 2019

EXCLUSION REQUEST FORM

Read Information on Page 1 carefully before signing

Having read and understood the information on page 1, the County or City (circle one) entitled

Town of Brattleboro in the State of Windham hereby excludes itself

from the Negotiation Class certified by the United States District Court in the Northern District of
Ohio in In re National Prescription Opiate Litigation, MDL 2804. Under penalty of perjury and in
accordance with 28 U.S.C. § 1746, I declare that I am an official or employee authorized to take legal
action on behalf of my County or City.

Signature: 

Print name: Patrick Moreland

Title: Assistant Town Manager

City or County Represented: Brattleboro (Circle one): City

Address: 230 Main Street, Suite 208

City: Brattleboro State: VT Zip Code: 05301

Phone: 802-251-8101 Email: pmoreland@brattleboro.org

Date: 11/20/19

BY NOVEMBER 22, 2019

EMAIL TO: info@OpioidsNegotiationClass.info

OR SEND BY FIRST CLASS MAIL TO:

NPO Litigation
P.O. Box 6727
Portland, OR 97228-6727

PAGE 2
IF YOU WANT TO EXCLUDE YOUR COUNTY OR CITY
YOU MUST ACT BY NOVEMBER 22, 2019

EXCLUSION REQUEST FORM

Read this page carefully then turn to Page 2 if you want to sign and send

Complete this form ONLY if your County or City does NOT want to remain a Class Member and does not want to share in any potential negotiated Class settlement. If your County or City does not complete and submit this form, it will be deemed to be a Class Member so long as it is a County or City in the United States as those terms are described in the Class Notice and is on the list of Class Members found at www.OpioidsNegotiationClass.info.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

In re NATIONAL PRESCRIPTION
OPIATE LITIGATION

Class Notice Administrator
NPO Litigation
P.O. Box 6727
Portland, OR 97228-6727

Dear Class Notice Administrator:

My County or City does NOT want to be a member of the Negotiation Class certified in the In re National Prescription Opiate Litigation. I understand that by completing the information requested on page 2, signing, and submitting a copy of this form by email (to the email address on page 2) sent on or before November 22, 2019 OR by first-class U.S. mail (to the mailing address on page 2) postmarked on or before November 22, 2019, I am opting my County or City out of the Negotiation Class and it will NOT be a Class Member. I understand that by timely submitting this form, my County or City is foregoing the right to share in any Class settlement that may be obtained. I understand that my County or City is NOT guaranteed an opportunity to opt back in if there is a Class settlement, so this is our final decision. I also understand that by opting out, my County or City will not be bound by any judgment entered as part of any Class settlement.

I understand that if my jurisdiction is a Class Member and wants to remain a Class Member, it does not need to do anything now. I understand that I should NOT return this Exclusion Request Form if my jurisdiction wants to remain a Class Member.

I understand that, if I have any questions, I may contact Class Counsel at 1-877-221-7468, or visit www.OpioidsNegotiationClass.info BEFORE I mail this form to you and BEFORE November 22, 2019.

TURN TO PAGE 2 IF YOU WANT TO SIGN EXCLUSION/OPT-OUT FORM AND FOR EMAIL AND MAILING ADDRESSES
MEMORANDUM

To: Selectboard
From: Peter B. Elwell, Town Manager
Re: Request to Reduce Speed Limit on Marlboro Road in West Brattleboro
Date: November 19, 2019

Recommended Motion

To authorize the Town Manager to write a letter to the Vermont Agency of Transportation (VTrans) requesting that the section of Route 9 between Edward Heights and Paradise Farm in West Brattleboro be modified to reduce the speed limit to 30mph, to add bike lanes in both directions, and to add crosswalks at appropriate locations.

Background Information

In early October, the West Brattleboro Association (WBA) requested that the speed limit on Marlboro Road (Route 9) be reduced from 40mph to 30mph for slightly less than a mile from Edward Heights (which is the eastern limit of the State Highway portion of Route 9 in West Brattleboro) to the area near Paradise Farm. State rules require that the local Selectboard must authorize a formal request for speed limit reduction before VTrans will consider such a request.

Town staff supports this request and believes it would also be beneficial to add bike lanes in both directions through this section of roadway. The bike lane request is justified by prior analysis of bike riding in this corridor. The Town’s Traffic Safety Committee voted unanimously to support the request for the speed limit reduction and the bike lanes, and added a recommendation that crosswalks be considered at appropriate locations in this section, as well.

If the Selectboard authorizes the formal request for these changes, I will write a letter to VTrans to make the requests and to support them with the following information:

- This section of Route 9 bisects one of the highest concentrations of low income housing in Vermont. Many of the people living in this area rely on walking, cycling, and public transportation. Dozens of people daily cross this road without benefit of crosswalks. This section also is heavily used by cyclists for recreation, commuting, and errands, and includes numerous commercial driveway access points.

- The Town of Brattleboro’s 2008 West Brattleboro Master Plan and 2011 Commercial Districts Study identified this stretch of road as important to the health of the community and recommended this speed reduction, sidewalk, and bike lanes.

- A 2017 study of pedestrian and bicycle safety on Route 9 does not address this stretch of road directly, but recommends traffic calming measures throughout the area, including narrower travel lanes and more consistent bicycle and pedestrian facilities.

The requested combination of changes would make this section of roadway safer for all users and would add to the feeling of community that is a goal of both the Town Plan and the West Brattleboro Association. While that is achieved to a great extent in the village center area of West Brattleboro, it needs our support to further foster it in this section further west that also includes dozens of businesses and hundreds of residences.

Finally, the timing is excellent for this request, as VTrans is preparing for major project to upgrade Route 9 from Wilmington to Brattleboro in 2021.

PBE:
The FY21 Proposed Budget is a separate document. See the Town’s website (www.brattleboro.org) or contact the Town Manager’s Office (251-8151) to obtain a copy of the budget.
MEMORANDUM

To: Selectboard

From: Peter B. Eiwel, Town Manager

Re: Proposed Schedule of Meetings for Review of the FY21 Proposed Budget

Date: October 31, 2019

The proposed FY21 Budget will be distributed at the Selectboard meeting on November 5, 2019, and I will make an initial overview presentation during that meeting. At that time, staff also will request that the Selectboard commit to the schedule of meetings for reviewing, modifying, and approving the FY20 Budget. We must complete this process before the last week of January 2020, so that the Representative Town Meeting warning can be finalized and the Town Report can be prepared. The schedule of meetings proposed below is unchanged from the one that the Selectboard tentatively approved on September 17, 2019.

Here is the proposed meeting schedule:

<table>
<thead>
<tr>
<th>Date</th>
<th>Topics</th>
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<tbody>
<tr>
<td>Tuesday, November 5 (Regular Meeting)</td>
<td>Overview</td>
</tr>
<tr>
<td>Tuesday, November 12</td>
<td>Revenues + Public Works + Recreation/Parks</td>
</tr>
<tr>
<td>Tuesday, November 19 (Regular Meeting)</td>
<td>Capital Projects + Equipment</td>
</tr>
<tr>
<td>Tuesday, November 26</td>
<td>Police + Fire</td>
</tr>
<tr>
<td>Tuesday, December 3 (Regular Meeting)</td>
<td>Assessor’s Office + Planning + Library</td>
</tr>
<tr>
<td>Tuesday, December 10</td>
<td>Town Clerk, Finance, Town Manager’s Office, Employee Benefits, General Services, Solid Waste, + Other Topics</td>
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Follow-up discussions could be held, as needed, on:

<table>
<thead>
<tr>
<th>Date</th>
<th>Topics</th>
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<tbody>
<tr>
<td>Tuesday, December 17 (Regular Meeting)</td>
<td></td>
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<tr>
<td>Tuesday, January 7 (Regular Meeting)</td>
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<tr>
<td>Tuesday, January 14</td>
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<tr>
<td>Tuesday, January 21 (Regular Meeting)</td>
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<tr>
<td>Tuesday, January 28</td>
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All meetings are proposed to start at 6:15pm in the Selectboard Meeting Room. About an hour is expected to be sufficient for discussion of the topics on the noted regular meeting nights, and between 2 and 3 hours should be sufficient for discussion of the topics on the “off Tuesdays.”

PBE: