BRATTLEBORO SELECTBOARD
TUESDAY, NOVEMBER 5, 2019
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER
EXECUTIVE SESSION – 5:45PM
REGULAR MEETING – 6:15PM
AGENDA

1. ***CONVENE REGULAR MEETING***

2. ***APPROVE MINUTES*** – *October 15*

3. ***CHAIR'S REMARKS***

4. ***MANAGER'S COMMENTS***

5. ***SELECTBOARD COMMENTS AND COMMITTEE REPORTS***

6. ***PUBLIC PARTICIPATION***

7. ***LIQUOR COMMISSIONERS***

   A. Second Class Liquor License – *S&M Venture LLC, d/b/a A Stop Food Mart*

   B. First and Seasonal Third Class Liquor Licenses –
   Hardy Foard Catering, LLC, d/b/a The Porch, Too

8. ***WATER AND SEWER COMMISSIONERS - None***

9. ***UNFINISHED BUSINESS***

   A. Authorization for Town to Join in Multi-Jurisdictional Opioids Litigation and Ratification of Attorneys' Retainer Agreement – *Town Attorney*

   B. Brattleboro Community Marketing Initiative –
   Downtown Brattleboro Alliance and Brattleboro Area Chamber of Commerce

10. ***NEW BUSINESS***

   A. Downtown Brattleboro Alliance (DBA) –
   Annual Work Plan, Budget, and Town Meeting Article

   B. Ordinance Amendments –
   Appendix C (Regulations Governing the Control of Traffic), Green Street, First Reading
   (a) Article II (Parking), Sections 16-100 (No Parking Areas) and 16-101 (Limited Parking Areas)
   (b) Article XI (One-Way Street), Section 16-71 (One-Way Streets)

   C. FY21 Proposed Budget
   (i) Town Manager's Overview
   (ii) Confirm Schedule of Meetings

   D. Upfit of Police Vehicles – *Bid Award*

   E. Committee Appointments

11. ***CORRESPONDENCE/FYI***

   A. Warrants

12. ***MEETINGS***

   See enclosed Town Calendar

13. ***ADJOURNMENT***

MEMORANDUM

To: Selectboard

From: Peter B. Elwell, Town Manager

Re: Administrative Report

Date: October 31, 2019

The following will summarize the proposed motions for the Selectboard meeting on Tuesday, November 5, 2019. The Board will meet in executive session at 5:45pm to discuss contracts, labor relations agreements with employees, pending or probable civil litigation, and the appointment of a public officer or employee. The Board will reconvene the business meeting at 6:15pm in the Selectboard Meeting Room.

7. **LIQUOR COMMISSIONERS**

   A. Second Class Liquor License – *S&M Venture LLC, d/b/a A Stop Food Mart*
   The Board is asked to approve a Second Class Liquor License for S&M Venture LLC, d/b/a A Stop Food Mart, located at 707 Putney Road (formerly Sandri Sunoco). Staff recommends approval and the owner of the store, Rashid Muhammad, will attend the meeting.

   POTENTIAL MOTION: TO APPROVE A SECOND CLASS LIQUOR LICENSE FOR S&M VENTURE LLC, D/B/A A STOP FOOD MART, LOCATED AT 707 PUTNEY ROAD.

   B. First and Seasonal Third Class Liquor Licenses –
   Hardy Foard Catering, LLC, d/b/a The Porch, Too
   The Board is asked to approve a First Class Liquor License and Seasonal Third Class Liquor License for Hardy Foard Catering LLC, d/b/a The Porch Too, located at 648 Putney Road. The catering portion of the business is seeking to expand the business to include the catering of alcohol. Staff recommends approval and the owner of the business, Gretchen Hardy, will attend the meeting.

   POTENTIAL MOTION: TO APPROVE A FIRST CLASS LIQUOR LICENSE AND SEASONAL THIRD CLASS LIQUOR LICENSE FOR HARDY FOARD CATERING LLC, D/B/A THE PORCH TOO, LOCATED AT 648 PUTNEY ROAD.

8. **WATER AND SEWER COMMISSIONERS** - *None*

9. **UNFINISHED BUSINESS**

   A. Authorization for Town to Join in Multi-Jurisdictional Opioids Litigation and Ratification of Attorneys' Retainer Agreement – *Town Attorney*

At the October 15 Selectboard meeting, the Board discussed a lawsuit filed by the Town of Bennington against a number of defendants who are believed to have been involved in creating and fostering the opioid epidemic, as set forth in the memorandum dated October 10, 2019, from Town Attorney Robert Fisher. The Board is asked whether to approve a joinder in the suit by the Town of Brattleboro and determine who to name as defendants, including pharmacies, distributors, and pharmacy benefit managers. The Board also is asked to ratify the Town Attorney's execution of a Retainer Agreement with the litigation attorneys of Sanford Heisler Sharp, LLP, and The Cicala Law Firm, PLLC. The litigation attorneys had to meet a Court-imposed deadline of October 18 defining whom the litigation attorneys were representing, so the Retainer Agreement had to be executed by that date to preserve the Town's right to proceed with this lawsuit.

POTENTIAL MOTION: TO AUTHORIZE THE TOWN ATTORNEY AND TOWN STAFF TO TAKE ANY ACTIONS NECESSARY FOR THE TOWN OF BRATTLEBORO TO JOIN IN THE OPIOIDS RELATED LITIGATION FILED ON BEHALF OF THE TOWN OF BENNINGTON, STYLED AS "MDL 2804 Case No. 1:17-md-2804-DAP," AND TO INCLUDE _____ AS DEFENDANTS.

POTENTIAL MOTION: TO RATIFY TOWN MANAGER PETER ELWELL'S DECISION FOR TOWN ATTORNEY ROBERT FISHER TO EXECUTE A RETAINER AGREEMENT WITH SANFORD HEISLER SHARP, LLP, AND THE CICALA LAW FIRM, PLLC.

B. Brattleboro Community Marketing Initiative –
Downtown Brattleboro Alliance and Brattleboro Area Chamber of Commerce
At Representative Town Meeting (RTM) on March 23, 2019, RTM Members appropriated the sum of $42,119 from the Unassigned General Fund Balance for a joint promotion of Brattleboro by the Brattleboro Area Chamber of Commerce (BACC) and the Downtown Brattleboro Alliance (DBA) "to be disbursed to those two agencies by the Selectboard upon review and acceptance of a satisfactory plan for the use of the funds and the evaluation of the results." Members from BACC and/or DBA will be present to discuss their Brattleboro Community Marking Initiative, as set forth in the memorandum dated October 30, 2019, from the BACC and DBA. The Board is asked to accept the marketing plan, as presented by DBA and BACC.

POTENTIAL MOTION: TO ACCEPT THE BRATTLEBORO COMMUNITY MARKETING INITIATIVE PLAN, AS PRESENTED.

10. NEW BUSINESS

A. Downtown Brattleboro Alliance (DBA) –
Annual Work Plan, Budget, and Town Meeting Article
Members from the Downtown Brattleboro Alliance (DBA) will be present to discuss the DBA's accomplishments and finances for the past year and the DBA's proposed FY21 Budget and Annual Work Plan. By the end of January, the Selectboard will need to take action on the FY21 items and on the related article for Representative Town Meeting. The Town Meeting warning article will be presented at a later meeting.

POTENTIAL MOTION: TBD

B. Ordinance Amendments –
Appendix C (Regulations Governing the Control of Traffic), Green Street, First Reading
(a) Article II (Parking), Sections 16-100 (No Parking Areas) and 16-101 (Limited Parking Areas)
(b) Article XI (One-Way Street), Section 16-71 (One-Way Streets)
The Board is asked to hold a first reading on proposed amendments to Appendix C of the Brattleboro Code of Ordinances. Several traffic safety issues were raised earlier this year concerning speeding traffic, illegal parking, and traffic congestion near Green Street School. Fire Chief Mike Bucossi, Police Chief Mike Fitzgerald, and Public Works Director Steve Barrett reviewed the situation on the street and spoke with Principal Mark Speno. Town staff proposed Ordinance amendments to the Traffic Safety Committee for review and the Committee unanimously approved the amendments.

NO ACTION IS REQUIRED ON THIS ITEM.

C. FY21 Proposed Budget
(i) Town Manager's Overview
(ii) Confirm Schedule of Meetings
Town Manager Elwell will provide an overview of staff's proposed FY21 budget. The Board is asked to confirm the schedule of meetings that was previously approved for the detailed review and consideration of the FY21 Budget.

NO ACTION IS REQUIRED ON THIS ITEM.

D. Upfit of Police Vehicles – *Bid Award*
The Board is asked to award a bid in the total amount of $35,577.23 to SWNH (Southwestern New Hampshire Fire Mutual Aid Systems), of Keene, New Hampshire, for the up-fit of two police cruisers, as set forth in the memorandum dated October 22, 2019, from Police Chief Fitzgerald.

POTENTIAL MOTION: TO AWARD A BID IN THE TOTAL AMOUNT OF $35,577.23 TO SWNH (SOUTHWESTERN NEW HAMPSHIRE FIRE MUTUAL AID SYSTEMS) FOR THE UP-FIT OF TWO POLICE CRUISERS.

E. Committee Appointments
The Board is asked to appoint Jesse Wagner to the Conservation Commission and Gary Stroud to the Design Review Committee as an Alternate.

POTENTIAL NOMINATIONS:
JESSE WAGNER TO THE CONSERVATION COMMISSION
GARY STROUD TO THE DESIGN REVIEW COMMITTEE AS AN ALTERNATE

PBE:ja

November 2019

November 2019

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December 2019

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SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Oct 27	28	29	30	31	Nov 1	2
3	4 2:00pm Community Equity Collaborative 5:00pm Energy Committee 6:00pm Planning	5 5:45pm Selectboard Exec Session (Selectboard Meeting 6:15pm Selectboard Meeting (Selectboard	6 5:30pm BCJC Safe Driving Program (Selectboard Meeting Room)	7 5:30pm BCJC Safe Driving Program (Selectboard Meeting 7:15pm Tree Advisory Committee	8 9:00am ADA Advisory Committee (Hanna Cosman meeting room, Municipal Center) - Jan	9
10	11 8:30am Offices closed for Veterans' Day	12 6:15pm Special Selectboard Meeting (Selectboard Meeting Room, Municipal Center)	13 1:00pm Human Services Review Committee (Hanna Cosman 6:00pm Secretary of State "Transparency	14	15	16
17	18 12:00pm Bratt Coalition for Active Transportation 6:15pm Rec & Parks Board meeting	19 1:00pm Human Services Review Committee 5:30pm BCJC panel tonight (BCJC) 6:15pm Selectboard	20 2:00pm Board of Listers (Hanna Cosman Meeting Room) 7:00pm Development Review Bd	21 8:00am Traffic Safety Committee 11:00am Diverse Workforce 5:30pm Windham	22	23
24	25 5:00pm Finance Committee (Mezzanine Room, 5:30pm Citizen Police Communications	26 1:00pm Human Services Review Committee 5:00pm Conservation Comm - 6:15pm Special	27	28 8:30am Offices closed for Thanksgiving Day h	29 5:00pm	30