

# MEMORANDUM

To: Selectboard  
From: Patrick Moreland, Assistant Town Manager  
Re: Administrative Report  
Date: April 10, 2019



---

The following will summarize the proposed motions for the Selectboard meeting on Tuesday, April 16, 2019. The Board will enter into executive session at 5:00pm to discuss contracts, labor relations agreements with employees, pending or probable civil litigation, the negotiation of real estate purchase or lease options, and the appointment of a public officer or employee. The Board will reconvene the regular business meeting at 6:15pm in the Selectboard Meeting Room.

## 7. LIQUOR COMMISSIONERS

- A. Renewal of First Class Liquor License – Three Dollar Dewey’s, Inc., d/b/a McNeill’s Brewery.  
The Board is asked to approve a renewal for a first class liquor license for Three Dollar Dewey’s, d/b/a McNeill’s Brewery, with conditions. The business owner has been working cooperatively with the VT Division of Fire Safety and the Brattleboro Fire Department to correct deficiencies in the fire sprinkler system. These corrective actions are the only remaining issue which need to be resolved prior to approving the renewal. Their existing license expires on April 30, 2019. It is anticipated that the repairs will likely be completed prior to the expiration of the license and because this meeting is the last Selectboard meeting in April, staff is recommending an approval of the renewal, on the condition that the repairs pass inspection prior to May 1, 2019.

**POTENTIAL MOTION: TO APPROVE THE RENEWAL OF THE FIRST CLASS LIQUOR LICENSE FOR THREE DOLLAR DEWEY’S, DBA MCNEILL’S BREWERY, ON THE CONDITION THAT SPRINKLER SYSTEM REPAIRS PASS INSPECTION BY THE BRATTLEBORO FIRE DEPARTMENT NO LATER THAN MAY 1, 2019.**

- B. Strolling of the Heifers Friday Evening Street Festival – Friday Night Festival at the River Garden
- (i) Wild Hart Distillery Inc., Shelburne, VT
  - (ii) Vermont Distillers, Inc., Marlboro, VT
  - (iii) Saxtons River Distillery, Brattleboro, VT
  - (iv) J and J Farm LLC, d/b/a Hell’s Gate Distillery, St. Albans, VT
  - (v) White Mountain Distillery, LLC, d/b/a Stowe Cider, Stowe, VT
  - (vi) St. Johnsbury Distillery, St. Johnsbury, VT
  - (vii) Charles Dodge, d/b/a Putney Mtn. Winery, LLP, Putney, VT
  - (viii) Whetstone Station Restaurant & Brewery, Brattleboro, VT
  - (ix) Caledonia Spirits, Inc., Hardwick, VT

The Board is asked to approve special event permits for the above named vendors who are planning to participate in the Friday evening festival to be held on June 7, 2019 inside the River Garden. This event will take place between the hours of 5:00 p.m. and 9:30 p.m. and

will be conducted in a manner similar to past years. Town staff has reviewed the applications and recommends approval.

**POTENTIAL MOTION: TO APPROVE SPECIAL EVENT PERMITS FOR THE FOLLOWING VENDORS FOR THE PORTION OF THE STROLLING OF THE HEIFERS' FRIDAY EVENING FESTIVAL TO BE HELD INSIDE THE RIVER GARDEN ON JUNE 7, 2019, BETWEEN 5PM AND 9:30PM:**

***WILD HART DISTILLERY INC.,***

***VERMONT DISTILLERS, INC.,***

***SAXTONS RIVER DISTILLERY,***

***J AND J FARM LLC, D/B/A HELL'S GATE DISTILLERY,***

***WHITE MOUNTAIN DISTILLERY, LLC, D/B/A STOWE CIDER,***

***ST. JOHNSBURY DISTILLERY,***

***CHARLES DODGE, D/B/A PUTNEY MTN. WINERY, LLP,***

***WHETSTONE STATION RESTAURANT & BREWERY, and***

***CALEDONIA SPIRITS, INC.***

- C. Strolling of the Heifers – *Saturday Outside Catering Permit, 45 Linden Street*  
(i) *Whetstone Station Restaurant and Brewery, Brattleboro, VT*

The Board is asked to approve a catering permit for Whetstone Station Restaurant and Brewery, in conjunction with the Strolling of the Heifers parade, to be held on June 8, 2019. The company's food truck will set up operations in the parking lot of the law offices of Corum, Mabie, Cook, Prodan, Angell, Secrest and Darrow at 45 Linden Street. Food, beer and wine will be served from 9:00 a.m. to 5:00 p.m., using an I.D. wristband system inside double fencing to prevent service to minors. The application has the support of both the property owner and the parade organizer, and staff recommends approval.

**POTENTIAL MOTION: TO APPROVE A CATERING PERMIT FOR WHETSTONE STATION RESTAURANT AND BREWERY OF BRATTLEBORO, VERMONT FOR SATURDAY, JUNE 8, 2019, IN ASSOCIATION WITH THE STROLLING OF THE HEIFERS PARADE.**

## **8. WATER AND SEWER COMMISSIONERS**

- A. Main Street Water Main Replacement Project – *Ratify Town Manager's Bid Award.*

The Board is asked to ratify a bid award in the amount of \$178,143 to Zaluzny Construction of Vernon, Vermont. At the April 2, 2019 meeting, the Board granted authority to the Town Manager to accept the bid and award a contract, in an effort to expedite the necessary water main replacement ahead of the annual Strolling of the Heifers parade. Work has begun on the project and the contract requires all project elements to be complete by no later than May 17, 2019. Staff recommends your ratification.

**POTENTIAL MOTION: TO RATIFY THE TOWN MANAGER’S BID AWARD IN THE AMOUNT OF \$178,143 TO ZALUZY CONSTRUCTION OF VERNON, VERMONT, FOR THE WATER MAIN REPLACEMENT PROJECT ON MAIN STREET.**

- B. Ordinance Amendment – *Second Reading, Public Hearing, Chapter 18 (Water and Sewer) Art. II (Sewers), Div. 5 (Rents), Sec. 18-137 (Sewer Rates); and Art III (Water), Div. 2 (Rates), Sec. 18-163 (Metered Service)*

The Board is asked to hold a Second Reading and to conduct a Public Hearing on the proposed amendments to Chapter 18 of the Code of Ordinances in order to maintain the current water and sewer rate schedule for an additional year.

**POTENTIAL MOTION: TO APPROVE THE AMENDMENTS TO BRATTLEBORO CODE OF ORDINANCES CHAPTER 18, WATER & SEWERS, AS PRESENTED.**

**9. UNFINISHED BUSINESS**

- A. Representative Town Meeting Follow-Up Matters – *Continued Discussion*  
*(i) Energy Efficiencies and Sustainability*

The Board is asked to consider next steps on the matter of Energy Efficiency and Sustainability as discussed at the annual Representative Town Meeting on March 23, 2019.

**NO MOTION IS REQUIRED ON THIS ITEM.**

**10. NEW BUSINESS**

- A. Strolling of the Heifers – *Parade and Open Air Permits*  
*(i) Permit for Friday Night Festival on The Common*  
*(ii) Permit for Saturday Parade and Expo*  
*(iii) Permit for Sunday Tour de Heifer*

The Board is asked to approve the above noted permits for the Strolling of the Heifers weekend on June 7-9, 2019. Town staff has met extensively with the event organizers and recommends Selectboard approval of the permits with the conditions that are noted on the permit applications in the Selectboard’s notebooks. Representatives of Strolling of the Heifers will attend the meeting to answer questions about the events, which are planned to occur in much the same manner as in past years with a few exceptions on Friday evening and on Saturday. Instead of a street festival on Main Street, this year the Friday evening activities will occur on the Brattleboro Common and in the parking lots of the American Legion, at 32 Linden Street, and at the Windham County Courthouse, at 30 Putney Road. On Saturday, Whetstone Station will be serving food and drinks (as noted previously in this agenda), in the parking lot of a local law office at 45 Linden Street.

**POTENTIAL MOTION #1: TO APPROVE AN OPEN AIR PERMIT FOR THE STROLLING OF THE HEIFERS FRIDAY EVENING FESTIVAL ON THE BRATTLEBORO COMMON, IN THE PARKING LOT AT THE AMERICAN LEGION, AND IN THE PARKING LOT OF THE WINDHAM COUNTY COURTHOUSE ON JUNE 7, 2019, BETWEEN 5:00PM AND 9:00PM.**

**POTENTIAL MOTION #2: TO APPROVE A PARADE/OPEN AIR MEETING AND STREET/SIDEWALK BLOCKING PERMIT FOR THE STROLLING OF THE HEIFERS PARADE ON MAIN STREET AND THE EXPO, TO BE HELD ON THE BRATTLEBORO COMMON AND AT 45 LINDEN STREET, ON JUNE 8, 2019, BETWEEN 8AM AND 4PM.**

**POTENTIAL MOTION #3: TO APPROVE A PARADE/OPEN AIR MEETING PERMIT FOR THE TOUR DE HEIFER BIKE RIDE EVENT ON JUNE 9, 2019, BETWEEN 7:30 AM AND 4:00 PM.**

- B. Financial Report – Monthly Financial Report, March  
Finance Director John O'Connor will present the financial report for March 2019.

**NO ACTION IS REQUIRED ON THIS ITEM.**

- C. Financial Management Questionnaire and Internal Controls Checklist - Annual review

The Board is asked to acknowledge receipt of the (1) Financial Management Questionnaire – Towns and Cities; (2) Municipal Checklist for Internal Control – Part 1, Cash Controls, and (3) Municipal Checklist for Internal Control – Part II, Other Controls relating to Cash or Risk, and (4) to authorize the Chair to sign the documents acknowledging receipt by the Board.

**POTENTIAL MOTION: TO AUTHORIZE THE CHAIR TO SIGN THE (1) FINANCIAL MANAGEMENT QUESTIONNAIRE–TOWNS AND CITIES, (2) MUNICIPAL CHECKLIST FOR INTERNAL CONTROL– PART 1, CASH CONTROLS, AND (3) MUNICIPAL CHECKLIST FOR INTERNAL CONTROL – PART II, OTHER CONTROLS RELATING TO CASH OR RISK.**

- D. EPA/State/Town Brownfields Contracting Item re: Long Falls Paper – Planning Department.  
The Board is asked to authorize the Town Manager to execute a contract with Stone Environmental of Montpelier, Vermont, for a Phase II environmental assessment at Long Falls Paperboard at 161 Wellington Road in Brattleboro. Late last year Long Falls Paperboard purchased the Neenah Paper business in partnership with the Brattleboro Development Credit Corporation (BDCC), which purchased the facility. This combined effort resulted in the retention of approximately 110 employment positions in Brattleboro. BDCC will eventually sell the property to Long Falls Paperboard, but not before completing the environmental assessment and cleanup necessary for the property to be shielded from environmental liability from Vermont's Brownfields Reuse and Environmental Liability Limitation Act (BRELLA) program. Funds for the engagement will come from a grant the Town previously received for this type of work from the U.S. Environmental Protection Agency. The total cost of this engagement is anticipated to be \$70,000, of which Brattleboro is asked to contribute \$20,000.

The Town Manager was authorized by the Board in October of 2015 to expedite and execute contracts with 3 different firms that were short listed after an extensive Request for Qualifications process; however, Stone Environmental was not one of the three firms. Stone Environmental was selected by the State of Vermont Department of Environmental Conservation (VTDEC), and staff is seeking authorization for this engagement because of our partnership with VT DEC on this project, which is allowed under Brattleboro's Procurement policy.

**POTENTIAL MOTION: TO AUTHORIZE THE TOWN MANAGER TO EXECUTE A CONTRACT WITH STONE ENVIRONMENTAL OF MONTPELIER, VERMONT, FOR A PHASE II ENVIRONMENTAL ASSESSMENT AT LONG FALLS PAPERBOARD.**

E. Skatepark

- (i) *Construction Bids*
- (ii) *BASIC Membership*

The Board is asked to reject all bids for the skatepark construction project. The Town publically solicited bids for the construction and three firms responded with bids that ranged between \$284,895 and \$379,000. Available funds are limited to \$201,595, and so staff and Brattleboro Area Skatepark Is Coming (BASIC) agree that the project scope be reviewed and potentially revised before a second solicitation is conducted. In a separate matter, BASIC is requesting that the Selectboard reduce the number of positions on the committee from seven to five members.

**POTENTIAL MOTION #1: TO REJECT ALL BIDS FOR THE SKATEPARK CONSTRUCTION PROJECT.**

**POTENTIAL MOTION #2: TO REDUCE THE MEMBERSHIP OF BRATTLEBORO AREA SKATEPARK IS COMING (BASIC) FROM SEVEN TO FIVE MEMBERS.**

F. Local Emergency Operations Plan – Annual Re-adoption.

The Vermont Emergency Management Division requires municipalities to annually submit a Local Emergency Operations Plan (LEOP). The Board is asked to adopt the 2019 Brattleboro LEOP and to authorize Town Manger Elwell to certify that the Town's LEOP has been duly adopted by the Board. A copy of the Town's 2019 LEOP is included in the Board's notebooks. The voluminous appendices to the LEOP are available for review upon request at the Central Fire Station.

**POTENTIAL MOTION: TO ADOPT THE 2019 BRATTLEBORO EMERGENCY OPERATIONS PLAN AND TO AUTHORIZE THE TOWN MANGER TO CERTIFY THAT THE PLAN HAS BEEN DULY ADOPTED BY THE BOARD.**

G. Vermont Agency of Transportation (VTrans) – Department of Public Works, Approval of the Annual Financial Plan

This is an annual assurance the Town provides to the State in order to continue to qualify for the State's transportation related funding assistance programs.

**POTENTIAL MOTION: TO APPROVE THE “ANNUAL FINANCIAL PLAN – TOWN HIGHWAYS” FORM FOR SUBMITTAL TO THE VERMONT AGENCY OF TRANSPORTATION.**

- H. Authorization for Brooks Memorial Library to Apply for Grants - Crosby-Gannett Fund and Dunham-Mason Fund

The Board is asked to authorize the submission of two small grants totaling \$1,500 to the Dunham-Mason Fund (\$500) and to the Crosby-Gannett Fund (\$1,000) to support organizing, conservation and improved access to local history materials.

**POTENTIAL MOTION: TO AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$1,000 TO THE CROSBY-GANNETT FUND AND A GRANT APPLICATION IN THE AMOUNT OF \$500 FROM THE DUNHAM-MASON FUND TO ORGANIZE, CONSERVE AND IMPROVE ACCESS TO LOCAL HISTORY MATERIALS.**

- I. Windham Regional Commission - Representatives' Annual Report to Selectboard.  
The Board is in receipt of the annual update on the activities of the Windham Regional Commission, as prepared by Planning Director Sue Fillion.

**NO ACTION IS REQUIRED ON THIS ITEM**

- J. Re-Adoption of VCDP's "Municipal Policy and Codes (Form MP-1)" to add a Whistleblower Policy – Vermont Community Development Program Model Policy Update.

The Board is asked to adopt the updated model Municipal Policies & Codes (MP-1) as rewritten by the U.S. Department of Housing & Urban Development (HUD) and as adopted by the Vermont Community Development Program. The policies, which have been previously adopted by the Selectboard as recently as last year, have been updated to offer specific whistleblower protection.

**POTENTIAL MOTION: TO ADOPT THE POLICY ENTITLED "MUNICIPAL POLICIES AND CODES (FORM MP-1)", AS PRESENTED.**

PM:ja