

**BRATTLEBORO SELECTBOARD  
TUESDAY, JANUARY 7, 2020  
EXECUTIVE SESSION – 5:15PM  
REGULAR MEETING – 6:15PM  
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER  
MINUTES**

Selectboard members present: Brandie Starr, Tim Wessel, Elizabeth McLoughlin, David Schoales, and Daniel Quipp.

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Town Attorney Robert Fisher (for executive session), Human Resources Director Sally Nix (for executive session), Police Chief Mike Fitzgerald, Police Captain Mark Carignan, Planning Technician Andrew Graminski, and Executive Secretary Jan Anderson.

Media present: Chris Mays representing the Brattleboro Reformer and BCTV staff and volunteers.

Others present: Dale Joy, Sue Graff, Nick Nickerson, Bruce Clawson, Keith Arnold, Kipton Tewksbury, Carl Christianson, Noah Ginsberg, Tim Maciel, Rikki Risatti, Ann Fielder, David Miner, John Kennedy, Jason Lively, Victor Morrison, Franz Reichsman, ASL interpreters Janet Dickinson and Karen Todd, and others who did not sign the attendance sheet.

Vice-Chair Tim Wessel called the meeting to order at 5:15pm. He confirmed that the meeting was properly warned.

**MOTION BY TIM WESSEL TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS, LABOR RELATION AGREEMENTS WITH EMPLOYEES, THE NEGOTIATING OR SECURING OF REAL ESTATE PURCHASE OR LEASE OPTIONS, AND THE APPOINTMENT OR EMPLOYMENT OR EVALUATION OF A PUBLIC OFFICER OR EMPLOYEE, WHERE THE BOARD HAS DETERMINED THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE SELECTBOARD OR PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. INVITED INTO THE EXECUTIVE SESSION ARE THE TOWN MANAGER, ASSISTANT TOWN MANAGER, TOWN ATTORNEY, AND HUMAN RESOURCES DIRECTOR. MOTION CARRIED 4-0 (STARR WAS NOT PRESENT AT THE TIME OF THE VOTE).**

Chair Starr reconvened the meeting at 6:28pm.

***APPROVE MINUTES***

Starr asked the Board to approve the minutes from the December 10 and December 17, 2019 meetings. There was no discussion.

**MOTION BY DAVE SCHOALES TO APPROVE MINUTES FROM THE DECEMBER 10 AND DECEMBER 17, 2019 MEETINGS. MOTION CARRIED 5-0.**

***CHAIR'S REMARKS***

Chair Starr announced that a vigil was scheduled on Tuesday, January 14, at 5:30pm at Pliny Park to bring awareness to the homeless situation. She said more information was available on Facebook or by contacting Groundworks.

***MANAGER'S COMMENTS***

Town Manager Elwell announced that the Selectboard would meet on Tuesday, January 14, at 6:15pm which would give people time to attend the vigil and then come to the Selectboard meeting.

***SELECTBOARD COMMENTS AND COMMITTEE REPORTS***

None.

## **PUBLIC PARTICIPATION**

Dale Joy corrected an article that was recently published regarding her deceased son. She acknowledged that her son was mentally ill due to substance abuse and regretted that the family could not intervene. She stated that people with addictions needed mental health support and not incarceration.

Bruce Clawson provided a handout to the Board from Brattleboro Common Sense and he spoke about a possible undeclared war with a foreign power. He read portions of the handout and suggested that the Town create the position of Justice Coordinator. Starr said that the Board could not discuss the matter at this time because it was not publicly warned, and suggested that he contact the Town Manager's Office with a request to be added to a future agenda.

## **LIQUOR COMMISSIONERS**

### **MOTION BY DANIEL QUIPP TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.**

First and Third Class Liquor Licenses – Duo VT LLC, d/b/a Duo Restaurant. Starr said that the Board was asked to approve a First Class Liquor License and a Third Class Seasonal Liquor License for DUO VT LLC, d/b/a Duo Restaurant, located at 136 Main Street. Jason Lively was present and said that he was in the process of purchasing the restaurant. He spoke about the ownership transition and operation of the restaurant. There was no discussion by the Board.

### **MOTION BY ELIZABETH McLOUGHLIN TO APPROVE A FIRST CLASS LIQUOR LICENSE AND A THIRD CLASS SEASONAL LIQUOR LICENSE FOR DUO VT LLC, D/B/A DUO RESTAURANT, LOCATED AT 136 MAIN STREET. MOTION CARRIED 5-0.**

### **MOTION BY TIM WESSEL TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.**

## **UNFINISHED BUSINESS**

Review Status of 2019-2020 Selectboard Goals - Town Manager Elwell provided a status report on the Board's 2019-2020 Goals, as set forth in his memo. McLoughlin said that she was pleased with the progress and suggested that the new Sustainability Coordinator work with Southeastern Vermont Transportation on the sustainability aspects of bus travel and making it more evident. Schoales suggested that the Sustainability Coordinator also work on the housing goal. Starr noted that the document was posted on the Town's webpage under the Selectboard tab.

## **NO ACTION TAKEN.**

### Continued Review of FY21 Proposed Budget

- (i) *Representative Town Meeting's Human Services Committee – Discussion*
- (ii) *Fund Balance Guideline*
- (iii) *Police Department's Contract with Axon for Body Worn Camera Services*
- (iv) *Project C.A.R.E.*
- (v) *Port-a-Potties and More Permanent Solutions*
- (vi) *Windham Regional Commission - Update*

Elwell asked the Board to consider several unfinished budget matters as set forth in his memorandum (with attachments) dated January 2, 2020.

- (i) Elwell said that the Human Services Review Committee's financial recommendation for FY21 was \$4,510 higher than last year's recommendation. He said that staff's proposed FY21 budget was level funded from last year, and he asked if the Board was willing to increase the FY21 proposed budget to include the committee's recommendations. Ann Fielder, David Minor, Sue Graff, John Kennedy, and Kipton Tewksbury, members from the Representative Town Meeting Human Services Review Committee,

were present and they discussed the applications and the process by which they made their financial recommendations for FY21 funding. Fielder said that the number of applications had increased, as did the amounts requested. The committee members spoke about the scoring mechanism and process used for each applicant to determine the recommended funding amounts. Wessel noted that the committee's recommendations exceeded the funding guideline of 1% of the last year's budget and he advocated maintaining the 1% guideline in the future. Fielder responded that last year Representative Town Meeting added additional funding to the committee's recommendations so the suggested level of funding became unclear. Franz Reichsman, member of the RTM Finance Committee, asked several questions and provided his comments and suggestions. He requested that the scoring rubric be added to the committee's website. There was much discussion by the Board and committee members. The Board generally agreed to adjust the proposed budget accordingly.

(ii) Elwell spoke about the importance of maintaining an Unassigned Fund Balance of 10% of the Town's operating budget, a best practices guideline that was adopted several years ago. He said that the Government Finance Officers Association (GFOA) recommended keeping no less than two months of regular general fund operating revenues and expenditures in the unassigned fund balance, or 17% of the annual General Fund operating budget. He said that eight other communities were surveyed and the results varied. He noted that 10% was included in the proposed FY21 budget. He said that any overages at the end of the year would be blended into the Capital Fund. Franz Reichsman provided his comments. There was some discussion by the Board and it was generally agreed that maintaining such a balance was good business practice.

(iii) Chief Fitzgerald and Captain Carignan were present to discuss the Police Department's budget request for increased storage space for data from body worn cameras. Fitzgerald spoke about the department's policy regarding police officers' body worn cameras and the data retention policy. He also spoke of the support services provided by Axon. Rikki Risatti provided their opinion. There was a brief discussion by the Board who agreed that maintaining adequate storage space was important.

(iv) Chief Fitzgerald spoke about the number of overdose incidents and deaths this year from the opioid crisis. He said that Project C.A.R.E. was created to address the people affected by the crisis. He said that until now the program was unfunded and worked on a voluntary basis, including transportation to treatment centers. He said that he requested \$16,000 be added to the budget to provide pay for recovery coaches and funds to pay transportation costs to treatment centers. There was much discussion by the Board. Board members agreed to include \$16,000 in the FY21 proposed budget.

(v) Elwell said that \$10,000 was included in the proposed budget to support installation of three porta potties in Town during the fair weather months. He spoke in support of maintaining the practice of installing the three units as a convenience to members in the public and in response to public health concerns. Andrew Graminski, Planning Technician, spoke about his research regarding more permanent public bathroom facilities, as set forth in his December 24 memo. Franz Reichsman and Rikki Risatti asked questions and provided their opinions. There was much discussion by the Board, including further investment in more permanent structures and possible grant funding. They agreed to leave the funds in the FY21 budget.

Chair Starr called for a recess at 8:04pm. She reconvened the meeting at 8:10pm.

Resumption of discussion of the FY21 Proposed Budget:

(vi) Elwell said that the Board previously asked for additional information regarding the dues payable to the Windham Regional Commission (WRC). He said that state statutes allow boards of such commissions to set the fees and members were required to pay those fees. He said that unlike SeVEDS, WRC's fees were mandatory and not negotiable. He said that WRC charged all of its members the same per capita assessment. There was some discussion by the Board.

## **NEW BUSINESS**

Chair Starr announced that the agenda would be adjusted to hear Item B under "New Business" (SBAP Loans) prior to Item A.

### Small Business Assistance Program Loans

- (i) *Jason Lively/Duo VT*
- (ii) *Northeast Processing*

(i) Elwell said that the Board was asked to approve a Small Business Assistance Program (SBAP) loan to Jason Lively/Duo VT LLC, who was in the process of purchasing Duo Restaurant, in an amount of \$27,000 amortized over 5 years at 3% per annum with interest only due during the first six months, and payments thereafter of principal and interest in the amount of \$485.15 for the term of the loan, as set forth in the memorandum dated December 27, 2019, from Grants Manager Kim Ellison. He said that the loan would be contingent on the current owners paying off a loan to Brattleboro Savings and Loan Association and the SBAP loan to the Town of Brattleboro, as well as discharging all liens. Jason Lively said that he had worked at Duo Restaurant for several years, as well as Whetstone Restaurant, and was familiar with restaurant operations. He said that the SBAP loan would be used upfront to pay staff and purchase supplies until those costs were able to be paid from restaurant revenue after the new ownership transition. He said that he would be the owner and bar manager of the restaurant. There was a brief discussion by the Board.

**MOTION BY TIM WESSEL TO APPROVE A SMALL BUSINESS ASSISTANCE PROGRAM LOAN TO JASON LIVELY/DUO VT LLC IN THE AMOUNT OF \$27,000 AMORTIZED OVER 5 YEARS AT 3% PER ANNUM WITH INTEREST ONLY FOR SIX MONTHS, AND MONTHLY PAYMENTS THEREAFTER OF PRINCIPAL AND INTEREST IN THE AMOUNT OF \$485.15, CONTINGENT ON THE CURRENT OWNERS PAYING OFF A LOAN TO THE BRATTLEBORO SAVINGS AND LOAN ASSOCIATION AND THEIR S.B.A.P. LOAN TO THE TOWN OF BRATTLEBORO, AND OBTAINING DISCHARGES OF ALL LIENS. MOTION CARRIED 5-0.**

(ii) Elwell said that the Board was asked to authorize him to sign all documents necessary to subordinate the Town's SBAP loan to Northeast Processing LLC, and corresponding UCC liens, to a revised mortgage and additional line of credit from the Brattleboro Savings and Loan Association, as set forth in the memo from Grants Manager Kim Ellison, dated January 2, 2020. Carl Christianson (CEO) and Victor Morrison (CFO) from Northeast Processing said that the company was a hemp extractor and the purpose of the loan was to purchase biomass and expand the processing facilities. They said that the company was in a growth period and supported local farmers. There was a brief discussion by the Board.

**MOTION BY DAVE SCHOALES TO AUTHORIZE THE TOWN MANAGER TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO SUBORDINATE THE TOWN'S SMALL BUSINESS ASSISTANCE PROGRAM LOAN TO NORTHEAST PROCESSING LLC TO A REVISED MORTGAGE AND LINE OF CREDIT FROM THE BRATTLEBORO SAVINGS AND LOAN ASSOCIATION. MOTION CARRIED 5-0.**

### Financial Reports –

- (i) *Audit and Financial Statements for FY19*
- (ii) *Single Audit for FY19*

Town Manager Elwell presented the FY19 Audited Financial Statements and Single Audit. He said that Finance Director John O'Connor was not able to attend this meeting, so Elwell read aloud the memo from O'Connor that was included in the Board's back-up materials. There was a brief discussion by the Board.

**NO ACTION TAKEN.**

Neighborhood Designation Area – Information re: New State Program. Planning Technician Andrew Graminski presented a PowerPoint presentation and discussed the possible creation of a Neighborhood Development Area (NDA) to aid in identifying and reducing barriers to housing creation, as set forth in the

memo from Planning Director Sue Fillion, dated December 26, 2019. Elwell said that the matter was informational only and that no action was requested. There was some discussion by the Board about the benefits of creating such a designated area.

**NO ACTION TAKEN.**

There was no further business.

**MOTION BY DAVE SCHOALES TO ADJOURN AT 8:41PM. MOTION CARRIED 5-0.**

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Elizabeth McLoughlin, Clerk