

**BRATTLEBORO SELECTBOARD
TUESDAY, JANUARY 22, 2019
EXECUTIVE SESSION – 5:15PM
REGULAR MEETING – 6:15PM
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER
MINUTES**

Selectboard members present: Kate O'Connor, Brandie Starr, Tim Wessel, David Schoales, and Shanta Lee Gander.

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Public Works Director Steve Barrett, and Executive Secretary Jan Anderson.

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

Others present: Daniel Kasnitz, Tom Fegley, Sally Fegley, Meghan Dillingham, Josh Dillingham, Cindy DelGatto, Dick DeGray, Sharon Powell, Gershom Moore, Mac Gander, Hugh Barber, Adam Grinold, Donna Simons, Iishana Artra, Jason Cooper, John Clements, Michael Bosworth, Kit Barry, Jaki Reis, Arlene Distler, Lissa Weinmann, John Loggia, Cindy Ludlam, Brenda Siegel, Stephanie Bonin, Hugh Barber, Fric Spruyt, Vickie Case, Adam Grinold, Franz Reichsman, Rikki Risatti, ASL interpreters Janet Dickinson and Elizabeth Fox, and others who did not sign the attendance sheet.

Chair O'Connor called the meeting to order at 5:15pm. She confirmed that it was properly warned.

MOTION BY KATE O'CONNOR TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS, LABOR RELATIONS 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. THE TOWN MANAGER AND ASSISTANT TOWN MANAGER WERE INVITED INTO THE SESSION. MOTION CARRIED 4-0 (GANDER WAS NOT PRESENT AT THE TIME OF THE VOTE).

Chair O'Connor reconvened the meeting at 6:15pm.

APPROVE MINUTES

O'Connor asked the Board to approve the minutes from the January 8, 2019 meeting. There was no discussion.

MOTION BY BRANDIE STARR TO APPROVE MINUTES FROM JANUARY 8. MOTION CARRIED 5-0.

CHAIR'S REMARKS

O'Connor thanked the Public Works Department for their hard work during the recent snow storm.

MANAGER'S COMMENTS

Elwell echoed the Chair's comments and noted that there will be continued snow removal in the coming days. He reported that most of the new parking meters have been installed. The kiosks and remaining meters will be installed by February 1.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

No comments.

PUBLIC PARTICIPATION

Dick DeGray read a list of positions for which no petitions have been taken out. He expressed hope that people will take out petitions. He requested an agenda item to discuss charter review and hopefully

appoint a committee to review issues such Town Meeting members, Act 46, and others. He noted it has been about 10 years since the last charter review.

Sally Fegley, Windham Property Management, read a statement regarding the Rental Registration and Inspection Program. She felt that good landlords were being punished with a fee for property inspections and they cannot afford this additional fee and will need to raise rents. She felt that enforcement of code is in everyone's best interest and therefore this program should come from the general fund.

Tom Fegley, Windham Property Management, shared two statements from landlords unable to attend. The first statement felt that landlords support commerce and should not be penalized but acknowledged that the Town should be proactive with eyesores and properties with code violations. The other felt that problem properties should be targeted and that it was not feasible to visit 600 properties per year and not have follow-up.

Rikki Risatti questioned where the fines that landlords receive will go. They asked the Selectboard's opinion on the creation of a hoarding intervention council that would involve people in social services. Rikki also requested the following: funding for water quality testing, organize composting for apartment buildings with more than 5 units, and additional crosswalks on the corner of Canal Street and South Main Street.

Hugh Barber, landlord, questioned the inspection process. He asked if the fee was fair and questioned liability, recalling an incident in the past that led to the Town stopping an inspection program. He lauded the goal but felt that all ramifications should be considered.

Dick DeGray asked why the budget contained a line item for the inspection program. Elwell advised that there is an offsetting line item that reflects the fees that will be collected. If the ordinance goes forward differently than how budgeted, the fees will still equal the expense.

Fric Spruyt, landlord, was concerned for fees on landlords. He cited business license fees and trash and recycling costs and felt that it hits the most vulnerable people in town. He felt that the current inspection system works well.

Jaki Reis and Ilishana Artra, both landlords, noted that they began the VT Neighborly organization. They supported the new ordinance. They feel that the minimal fee helps protect tenants, landlords, and neighbors. They felt that landlords stand to benefit from the inspections and become allies with the Town.

A tenant who lives in inhabitable conditions spoke in favor of the inspection program, noting that she does not have the resources to leave her housing situation. She sees benefits to her as a tenant.

Donna Simons, owner of A Candle in the Night, opposes the 1% Local Option Sales Tax. She said that it has been brought up several times in the past and is unfair that it keeps coming up with new Selectboards. She asked if the research had been done to see how the money that was collected would be used. She noted that none of the towns cited are along the Connecticut River. She cited past studies that determined the point at which retail sales bleed and impacts to jobs and retail sales. She lamented that there was no outreach to the merchants. She felt that merchants were getting piled on and it is unfair. She noted that people do go across the river to shop to save on taxes.

David Schoales said that the Selectboard is looking at additional funding to help address property taxes. He urged support of the Limited Self Governance proposal to find alternative sources of funding.

Gershom Moore expressed concern about the number of people threatened by guns in Brattleboro. He felt that the town is getting dangerous for local citizens and asked what is going to be done about it.

Ilishana Artra, property owner and landlord, stated that she lives downtown and no longer walks at night. She has found needles on the streets and the response to just throw them away is not satisfactory. She is concerned about promoting the town because it feels superficial and there is a denial about what is going on.

Mac Gander spoke to the proposed 1% local option sales tax. He noted that Brattleboro is an under-resourced town and the problems are bigger than the resources. He felt that the real problems should be addressed using surplus funds. He said PR is not a real problem for Brattleboro.

Brenda Siegel, from Newfane, said that the stigma of heroin addiction needs to go away. She said that harm reduction is most effective and there are tools that can be used but the language needs to change.

LIQUOR COMMISSIONERS

MOTION BY BRANDIE STARR TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.

Special Event Permits – Brattleboro Luv Crawl

- (i) *American Crafted Spirits, Inc., d/b/a Silo Distillery at Renaissance Jewelry, 151 Main St.*
- (ii) *Caledonia Spirits at Altiplano, 42 Elliot St.*
- (iii) *Charles Dodge, d/b/a Putney Mountain Winery at Brattleboro Bicycle Shop, 165 Main St*
- (iv) *Cold Springs Spirits, d/b/a Mad River Distillers at Cara Wolff Jewelry Shop, 4 Elliot St.*
- (v) *Lawson's Finest Liquids, LLC, at ~~Downtown Brattleboro Alliance, 106 Main St.~~*
[location was corrected during the discussion]
- (vi) *Saxtons River Distillery at A Candle in the Night, 181 Main St.*
- (vii) *Shacksbury, LLC, d/b/a Shacksbury Cider at Beadniks, 115 Main St.*
- (viii) *Vermont Distillers, Inc., at Twice Upon A Time, 63 Main Street*
- (ix) *Vermont Spirits Distilling Co., at Windham Movement and Apparel, 2 Elliot St.*
- (x) *Wild Hart Distillery at Taylor for Flowers, 15 Elliot St.*

O'Connor said that the Board is asked to approve 10 special event permits for the 10 downtown locations that will be participating in this year's Luv Crawl event. Elwell confirmed that all of the required paperwork is in order and Town staff recommends approval of the requested permits. After the Selectboard acts on this matter, final action will be taken by the Vermont Department of Liquor Control.

Stephanie Bonin, Executive Director of Downtown Brattleboro Alliance, explained the Brattleboro LUV Crawl. Elwell said that Town Staff recommends approval. Shanta Gander asked if there is a cut-off for alcohol consumption before people drive off in cars. Bonin said that is the responsibility of the individual and alcohol servers. Wessel supported the event and noted that it is run well.

DAVID SCHOALES MOTIONED TO APPROVE THE ISSUANCE OF THE FOLLOWING SPECIAL EVENT PERMITS FOR THE "BRATTLEBORO LUV CRAWL" EVENT ON THURSDAY, FEBRUARY 7, 2019, FROM 5:00PM TO 10:00PM:

AMERICAN CRAFTED SPIRITS, D/B/A SILO DISTILLERY, AT RENAISSANCE JEWELRY, 151 MAIN STREET;
CALEDONIA SPIRITS AT ALTIPLANO, 42 ELLIOT STREET;
CHARLES DODGE, D/B/A PUTNEY MOUNTAIN WINERY, AT BRATTLEBORO BICYCLE SHOP, 165 MAIN STREET;
COLD SPRINGS SPIRITS, D/B/A MAD RIVER DISTILLERS, AT CARA WOLFF JEWELRY SHOP, 4 ELLIOT STREET;
LAWSON'S FINEST LIQUIDS, LLC, AT DOWNTOWN BRATTLEBORO ALLIANCE, 106 MAIN STREET;

Stephanie Bonin interrupted the motion to report that the correct location for Lawson's Finest Liquids was at Vermont Artisans on Main Street, and not Downtown Brattleboro Alliance. The Board asked that the vendor submit a correct application.

[MOTION CONTINUED]:

SAXTONS RIVER DISTILLERY AT A CANDLE IN THE NIGHT, 181 MAIN STREET;
SHACKSBURY, LLC, D/B/A SHACKSBURY CIDER, AT BEADNIKS, 115 MAIN STREET;
VERMONT DISTILLERS, INC., AT TWICE UPON A TIME, 63 MAIN STREET;

**VERMONT SPIRITS DISTILLING CO., AT WINDHAM MOVEMENT AND APPAREL, 2 ELLIOT STREET; AND
WILD HART DISTILLERY AT TAYLOR FOR FLOWERS, 15 ELLIOT STREET.**

MOTION CARRIED 5-0 [PROVIDED THAT LAWSON'S FINEST LIQUIDS SUBMITTED A CORRECTED APPLICATION].

MOTION BY DAVE SCHOALES TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.

WATER AND SEWER COMMISSIONERS

MOTION BY TIM WESSEL TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.

Culture Made Vermont Project

- (i) Water and Sewer Allocation*
- (ii) Final Design of Water and Sewer System Improvements*

(i) Water and Sewer Allocation. Steve Barrett, Public Works Director, asked the Selectboard to approve a Water and Sewer Allocation for Brattleboro Real Estate Holdings III, Inc., for the Culture Made Vermont project at 343 John Seitz Drive in the Exit One Industrial Park. The property is currently a vacant manufacturing facility. Culture Made is requesting a total allocation of 44,789 gallons per day of water and a total allocation of 41,989 gallons per day of wastewater. He reviewed the allocation process noting that large commercial or industrial requests are approved by the Selectboard. Culture Made VT plans to expand the existing facility to produce of non-dairy and dairy drinkable products. Culture Made will discharge a total of 412 pounds per day of Biochemical Oxygen Demand. The Wastewater Treatment Plant has the capacity for both the flow and BOD and will have about 50% remaining for both flow and BOD after Culture Made is connected.

Barrett advised that Exit 1 Industrial Park utility upgrades are necessary. A concept utility design was developed with consideration of the Culture Made Project. Utility improvements are estimated at \$880,000 and the Selectboard previously approved a grant application for 50% of the project cost. The remaining funds will come from the Utilities Capital fund.

Barrett reviewed the estimated connection and usage fees. He advised that the evaluation and review by the State Wastewater Division, Aldrich and Elliot Engineering, and Town staff has determined that it will not negatively affect the Town's ability to serve current or future customers.

Staff recommends that the water and sewer allocation be approved.

SHANTA LEE GANDER MOTIONED TO APPROVE A WATER AND SEWER ALLOCATION FOR CULTURE MADE VERMONT (IDENTIFIED AS PROJECT 17-028), TO BE ISSUED TO BRATTLEBORO DEVELOPMENT CREDIT CORPORATION REAL ESTATE HOLDINGS III, INC., LOCATED AT 343 JOHN SEITZ DRIVE IN THE EXIT ONE INDUSTRIAL PARK. MOTION CARRIED 5-0.

(ii) Final Design for Water and Sewer System Improvements.

Barrett explained that the upgrade is necessary to increase the capacity of the utilities for existing businesses or future businesses at the Exit 1 Industrial Park. He advised that Culture Made Vermont will require utility upgrades to support the increases in water and sewer usage. The upgrade also benefits the overall system, providing additional water supply during fires or water main breaks. Exit 1 system also supplies water that can support future growth with the Omega Complex.

Barrett advised the Dufresne Group completed a concept design and estimate for upgrading the wastewater and water systems. He recommended that the Selectboard accept their Engineering Service Agreement for final design for \$50,800.

Chair O'Connor noted that the \$50,800 is coming from the utility fund. Gander asked when the work will be completed. Barrett said that the final design will be done by June, possibly sooner. Elwell advised that the Selectboard will decide down the road as to whether or not to proceed with the project.

TIM WESSEL MOTION TO AUTHORIZE THE TOWN MANAGER TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH DUFRESNE GROUP FOR A SUM NOT TO EXCEED \$50,800 FOR THE FINAL DESIGN OF WATER AND SEWER IMPROVEMENTS AT THE EXIT ONE INDUSTRIAL PARK. MOTION CARRIED 5-0.

MOTION BY BRANDIE STARR TO ADJOURN AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.

UNFINISHED BUSINESS

Culture Made Vermont Project

- (i) *Approve the Sale of & Discharge a Mortgage for Lot 6 at Exit One Industrial Park*
- (ii) *Tax Stabilization*

(i) Elwell advised that Staff is asking the Board to approve the sale of Lot 6 (now known as 343 John Seitz Drive) in the Exit One Industrial Park and to authorize the Town Manager to discharge a mortgage held by the Town for the same. He advised that the Brattleboro Development Credit Corporation and the Town of Brattleboro partnered in the early 1980's to build the industrial park. In the 1990's there was an agreement that there would be ongoing development at the site. The Town, using grant funds, purchased the property and BDCC would be the agency to develop the property. The original agreement anticipated that the lots would be sold off quickly. As additional lots were sold, there would be a calculation of the net proceeds of the sale and the Town would receive funds from the net proceeds. However, given the length of time since this property was last sold, the carrying expenses far exceed the current sale price and therefore no net proceeds exist. He noted that this was well documented in the materials before the Selectboard. An almost identical action was taken by the Selectboard a few years ago for the GS Precision expansion. Elwell reviewed the Culture Made Vermont project and investments that are to be made.

(ii) Elwell advised that while there isn't financial gain to the town from the real estate transaction, there will be one from the development project. He advised that the Town has a tax stabilization program that accounts for consistency with the Town Plan, job creation, the number of higher-than-average paying jobs to be created, and other factors. He advised that this project qualifies for the maximum amount of tax stabilization allowed by the program. The property owner also will continue to pay municipal property taxes based on 100% of the value of the property as it stands today and will pay State education property taxes based on 100% of the current and future value of the property. The proposed 10-year agreement would result in payment of municipal property taxes on 35% of the value of these real estate improvements. Elwell advised that this complies with the projects of this size and said that the agreement was prepared by the Town Attorney and that staff recommends approval. He advised that this does not include tax stabilization on its business personal property.

Dick DeGray noted that most tax stabilization agreements he was involved with incrementally increased by a percentage each year and felt that better protects taxpayers. Elwell advised that such a formula is often used with smaller scale projects. There was discussion of what happens if the property gets transferred while under the tax stabilization agreement and what kind of monitoring occurs.

DAVID SCHOALES MADE A MOTION TO APPROVE THE SALE OF LOT 6 (NOW KNOWN AS 343 JOHN SEITZ DRIVE) AND TO AUTHORIZE THE TOWN MANAGER TO DISCHARGE THE MORTGAGE HELD BY THE TOWN. MOTION CARRIED 5-0.

BRANDY STARR MOVED TO APPROVE A TAX STABILIZATION AGREEMENT BETWEEN BRATTLEBORO DEVELOPMENT CREDIT CORPORATION REAL ESTATE HOLDINGS III, INC., AND THE TOWN OF BRATTLEBORO TO PROVIDE 10 YEARS OF STABILIZATION AT 35% OF FAIR

MARKET VALUE FOR REAL ESTATE IMPROVEMENTS TO BE MADE AT 343 JOHN SEITZ DRIVE FOR THE CULTURE MADE VERMONT PROJECT. THIS AGREEMENT SHALL APPLY ONLY TO MUNICIPAL PROPERTY TAXES AND NOT TO THE STATE'S EDUCATION PROPERTY TAX. MOTION CARRIED 5-0.

FY20 Budget –

- (i) *Rooms and Meals Tax – Proposal to Use a Portion for Promoting Brattleboro*
- (ii) *Continued Review & Possible Approval of Selectboard's Recommended FY20 Budget for Consideration at Representative Town Meeting on March 23, 2019*

(i) Chair O'Connor announced that she would recuse herself from the discussion because of her employment at the Chamber of Commerce. She left the room and turned the meeting over to Vice-Chair Starr.

Stephanie Bonin spoke to the proposal by DBA and Brattleboro Chamber of Commerce to use 10% of the Meals and Rooms Tax revenue for marketing and promotional initiatives. These will be used to promote Brattleboro. The target market will be a 50-mile radius and the drive market of weekend visitors.

Dick DeGray, Cindy DelGatto, Cindy Ludlam, and Vickie Case provided information about the proposal and spoke in support of the matter. There was much discussion by the Board. Gander had concerns about the plan, wondered what opportunities there are for other partners and what exactly is being promoted on behalf of Brattleboro. Wessel supports the idea. Starr desires to see collaboration with people with perspectives on diversity, art, hiking, environment, restaurant, etc. and this is something that she would want reported on. Schoales likes the collaborative effort.

Daniel Kasnitz felt that promotion is a necessary opportunity, supported the proposal, and spoke to a future project in the Brooks House basement. Mac Gander expects a higher degree of scrutiny of the proposal if surplus funds are being used. Lishana Artra felt that the proposal should be more flushed out before supported. She asked if DBA and the Chamber have explored grants or other funding options and felt that it would be better to have a competition for the funds. There was a discussion of how this impacts property taxes. Artra also asked what is in the town's best interest to promote and felt that a lot of people should be at the table to decide that. Donna Simons supported this proposal. Lissa Weinmann was concerned about who is at the table making decisions on how the money will be used. Jaki Reis supported the concept but felt that the money should be spread around. Franz Reichsman advised that the Finance Committee has yet to consider this proposal. He wanted to know about the decision-making structure, specific ideas, and would like input from consultants about what works so that taxpayers have an idea of where the money will be going. Kit Barry spoke to panhandling.

MOTION BY DAVE SCHOALES TO ADD THIS MATTER TO THE REPRESENTATIVE TOWN MEETING WARNING AND NOT MAKE IT A LINE ITEM IN THE BUDGET.

DeGray requested that Schoales withdraw his motion so as not to provide an opportunity for other entities to seek funds. Schoales chose not to withdraw his motion.

MOTION BY DAVE SCHOALES TO ADD THIS MATTER TO THE REPRESENTATIVE TOWN MEETING WARNING AND NOT MAKE IT A LINE ITEM IN THE BUDGET. MOTION FAILED 2-2 (SCHOALES AND WESSEL IN FAVOR, GANDER AND STARR OPPOSED).

MOTION BY TIM WESSEL TO ADD \$42,119 [10% OF THE ROOMS AND MEALS TAX] TO THE SELECTBOARD'S PROPOSED BUDGET.

Arlene Distler asked the Board to delay its vote in order to discuss adding an Arts Fund proposal [New Business Agenda Item H (i)] to the budget. The Board agreed to hold the vote on this matter at this time.

MOTION BY TIM WESSEL TO ADD \$42,119 [10% OF THE ROOMS AND MEALS TAX] TO THE SELECTBOARD'S PROPOSED BUDGET. MOTION CARRIED 3-1 (GANDER OPPOSED).

Vice-Chair Starr called for a short recess at 9:09pm

Chair O'Connor reconvened the meeting at 9:15pm.

FY20 Budget (discussion continued)

The Board agreed to discuss "New Business Agenda Item H (i) [Arts Fund Proposal]" to the budget discussion at this time. Arlene Distler and Brenda Siegel asked the Board to consider their request for 2% of the Rooms and Meals Tax to fund public art in town. They spoke to arts being an economic driver, how the funds could be administered, and the need to support young artists in the community. Schoales expressed concern about the Arts Committee. Wessel felt that this would better fall under the funding that DBA and Chamber of Commerce might receive. Siegel felt that arts can and should have their own voice. Gander does see this as separate and it creates a way to support artists in an "arts town." O'Connor expressed concern over the lack of an entity to administer and distribute the funds that is accountable to the taxpayers.

Lissa Weinmann, Mac Gander, John Loggia, Dan Kasnitz, Stephanie Bonin, and Rikki Risatti provided their comment and opinions.

The Board discussed various ways that this could proceed. Elwell made it clear that the Selectboard is struggling with who will receive the funds. Starr made it clear that a Tax ID number is required. The Board asked Siegel and Distler to provide more details about their proposal to the Town Manager's Office by Friday morning if they wanted to Board to discuss the matter further at its January 29 Special Meeting.

[Editor's note – The budget discussion and vote were temporarily interrupted and continued later in the meeting]

Chair O'Connor noted that due to the late hour, some of the agenda items would not be addressed at this meeting. She asked the Board to discuss "Unfinished Business Agenda Item C" at this time.

Ordinance Amendments – Second Reading and Public Hearing

- (i) *Chapter 16 (Traffic), Article VI (Stopping, Standing, and Parking),*
 - (a) *Section 1 (Generally), Sub-Sections 16-93 (Overnight parking), and 16-96 and 16-96(a) and 16-96(b) (Parking after snowfall);*
 - (b) *Section 2 (Parking Meter Areas), Sub-Section 16-111 (Operation of meters; permitted time, etc.)*
- (ii) *Appendix C (Regulations Governing the Control of Traffic), Article III (Parking Meter Areas), Section 16-110 (On-Street Areas)*

Chair O'Connor opened the public hearing.

Elwell summarized the proposed changes to the Code of Ordinances. There was no public comment.

Chair O'Connor closed the public hearing.

Schoales noted that the Brattleboro Food Co-Op sent an e-mail objecting to the amendments and he suggested that the matter be deferred to another meeting in order to give the Co-Op an opportunity to present its objections.

MOTION BY BRANDIE STARR TO DEFER THE TOPIC OF PARKING ORDINANCE AMENDMENTS TO THE FEBRUARY 5 SELECTBOARD MEETING. MOTION CARRIED 5-0.

FY20 Budget (discussion re-opened and continued): The Board agreed to finalize its discussion on the FY20 Budget approval. Elwell confirmed that previously in the meeting, the Board agreed to modify the proposed budget by adding the sum of \$42,119 to a new line item, entitled "business promotions," under auxiliary services, and also to increase the use of fund balance from \$295,000 to \$337,119. Gander stated that she approved the budget as presented, but did not agree to the addition of \$42,119 as previously discussed so she would abstain from the vote.

MOTION BY DAVE SCHOALES TO APPROVE THE FY20 PROPOSED BUDGET AS MODIFIED DURING THIS JANUARY 22 MEETING. MOTION CARRIED 4-0 (GANDER ABSTAINED).

NEW BUSINESS

Request to Install Historic Site Marker – West Brattleboro Association. Michael Bosworth, Chair of the West Brattleboro Association, asked the Selectboard to approve an historic marker proposed by the West Brattleboro Association for installation in the West Brattleboro village center to commemorate Glenwood Seminary and Brattleborough Academy. Starr hoped that in the future there will be local markers that commemorate pre-colonial activities. Elwell advised that staff supports this and believes that the most appropriate place would be the green space east of the West Brattleboro Fire Station.

DAVID SCHOALES MADE A MOTION TO APPROVE A PROPOSED HISTORIC MARKER TO COMMEMORATE GLENWOOD SEMINARY AND BRATTLEBOROUGH ACADEMY. MOTION CARRIED 5-0.

Request for Exemption from Plastic Bag Ordinance – Zephyr Designs. O'Connor said that she requested to put this on the agenda, and she is hoping the Selectboard will agree to amend the ordinance so that Zephyr's can continue to use the bags they have. John Clements, owner of Zephyr Designs, said that he sells products that can easily be damaged by weather elements. He said that he has spoken to art supply stores in various cities with plastic bag bans and all have exemptions. He has sought cost effective solutions but cannot find a solution. Elwell said that the ordinance allows for a waiver if there is no alternative to meet the need. Staff felt that they should be conservative in applying this since the ordinance is still new. There was a discussion of the bags that Zephyr's currently uses. Gander supports looking at the ordinance again. Wessel felt that the ordinance should be modified. Starr expressed reservations in re-opening the ordinance and opening up requests from other businesses. There was discussion of why an ordinance amendment was the most appropriate.

Rikki Risatti felt that a bio-degradable plastic could be a compromise. The consensus of the Selectboard was to re-open the ordinance discussion at a February meeting.

VTrans Certificate of Highway Mileage – Public Works. Elwell advised this was unchanged from last year.

DAVID SCHOALES MADE A MOTION TO APPROVE THE TOWN'S CERTIFICATE OF HIGHWAY MILEAGE FOR 2019. MOTION CARRIED 5-0.

EPA Brownfields Assessment Grant Application – Planning Department. Elwell advised that this is a grant for a \$200,000 Brownfields Assessment Grant from the United States Environmental Protection Agency in support of the Town's Municipal Brownfields Program. It follows an action that the Selectboard took in December to de-obligate petroleum funds in order to be eligible to apply.

BRANDIE STARR MADE A MOTION TO APPROVE AN APPLICATION FOR A BROWNFIELDS ASSESSMENT GRANT IN THE AMOUNT OF \$200,000 FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. MOTION CARRIED 5-0.

Annual Appointments for Ratification at Representative Town Meeting

- (i) Town Clerk
- (ii) Town Treasurer
- (iii) Town Attorney

O'Connor advised that these appointments need to be ratified at Representative Town Meeting.

DAVID SCHOALES MADE A MOTION TO APPOINT HILARY FRANCIS AS TOWN CLERK, JOHN O'CONNOR AS TOWN TREASURER, AND FISHER & FISHER LAW OFFICES, PC, AS TOWN ATTORNEY. MOTION CARRIED 5-0.

Annual Contract – Town Attorney. O'Connor advised that the Board was asked to authorize the Town Manager to approve a one-year contract with Fisher & Fisher Law Offices, PC. Elwell said that the agreement for 2019-2020 is identical to the agreement for 2018-2019, except for a 2% increase in the annual retainer to \$108,201.

SHANTA LEE GANDER MADE A MOTION TO AUTHORIZE TOWN MANAGER PETER ELWELL TO EXECUTE A CONTRACT WITH TOWN ATTORNEY BOB FISHER FOR THE PROVISION OF TOWN ATTORNEY SERVICES FOR 2019-2020 BY FISHER & FISHER LAW OFFICES, PC, IN THE ANNUAL RETAINER AMOUNT OF \$108,201. MOTION CARRIED 5-0.

Draft Warnings for Town Meeting Election on March 5 and Representative Town Meeting on March 23

- (i) *Arts Fund Proposal*
- (ii) *Review of Draft Warnings*

- (i) The Arts Fund proposal was discussed earlier in the meeting.
- (ii) Elwell advised that the school articles would normally be scheduled to go first at Representative Town Meeting but this year there is uncertainty in how local school districts will handle their Town meeting business because of Act 46 (school merger), actions by the State, and pending litigation that have made some things unclear. He said that the school had 8 articles on the RTM warning and they may change before the final warning is approved. He went on to explain the remaining Articles that are on the Selectboard's RTM warning.

Wessel requested that the article containing the 1% Local Option Sales Tax be moved earlier in the meeting because its passage or defeat could inform decisions that come afterwards. Elwell suggested that it be moved to Article 15 before all the spending decisions are made. The Selectboard agreed that it should be moved forward to Article 15.

NO MOTION WAS OFFERED.

Schedule a Special Selectboard Meeting on January 29 at 6:15pm to Approve Warnings for Town Meeting and Representative Town Meeting (and the FY20 Budget, if necessary). The Selectboard agreed to hold a special meeting on January 29, 2019, beginning at 6:15pm, to approve the Warnings for the Town Meeting Election on March 5, 2019, and the Representative Town Meeting on March 23, 2019.

NO MOTION WAS OFFERED.

Elwell addressed two agenda items that were not discussed at this meeting:

Financial Report – Monthly Report, December, 2018. Elwell said that the report was the usual monthly format and did not contain any items that required special consideration.

NO ACTION TAKEN.

Review Status of 2018 Selectboard Goals. Elwell said that the report in the Board's notebooks contained progress made on the 2018 goals. There was no discussion by the Board. Schoales suggested that the matter be added to an agenda in February.

NO ACTION TAKEN.

There was no further business.

MOTION BY SHANTA LEE GANDER TO ADJOURN AT 10:55PM. MOTION CARRIED 5-0.

Tim Wessel, Clerk