

**BRATTLEBORO SELECTBOARD
TUESDAY, FEBRUARY 16, 2016
EXECUTIVE SESSION – 5:30PM
REGULAR MEETING – 6:15PM
MINUTES**

Selectboard members present: David Gartenstein, Kate O'Connor, Donna Macomber, and John Allen.

Staff present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Fire Chief Mike Bucossi, Police Chief Mike Fitzgerald, Police Captain Mark Carignan, Town Clerk Annette Cappy, Town Assessor Russell Rice, Library Director Starr LaTronica, and Executive Secretary Jan Anderson.

Media present: Tim Johnson representing WTSA, Chris Mays representing the Brattleboro Reformer, and BCTV staff and volunteers.

Others present: Elizabeth McLoughlin, Avery Schwenk, Drew Kacik, Erin Jenkins, Alex Beck, Richard Chapin, Jeff Clark, Melissa Clark, Russ Grabiec, James Banslaben, Orly Munzing, ASL Interpreters Janet Dickinson and Elizabeth Bjerke, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 5:30pm in the Selectboard meeting room in the Municipal Center. He confirmed that the meeting was officially warned.

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, CONTRACT MATTERS, PROBABLE LITIGATION, AND EVALUATION OF A PUBLIC OFFICER, WHERE PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE MUNICIPALITY, SELECTBOARD, AND PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER WAS INVITED TO ATTEND. MOTION CARRIED 4-0.

Gartenstein reconvened the meeting at 6:19pm.

APPROVE MINUTES

MOTION BY DONNA MACOMBER TO APPROVE THE MINUTES FROM FEBRUARY 2, 2016, AS PRESENTED. MOTION CARRIED 4-0.

CHAIR'S REMARKS

Chair Gartenstein noted that some streets may be temporarily flooded due to the ice and rain storm and he encouraged the public to report any flooding to the Town Manager's office or Police Dispatch. He also said that elections were two weeks from tonight and that the next Selectboard meeting was scheduled on March 8. He said that new Selectboard members may be elected and that the members of the present Board would serve through Representative Town Meeting.

MANAGER'S COMMENTS

Town Manager Elwell mentioned the draining problems downtown due to the heavy rain on the frozen ground. He said that the Public Works Department was working on the drains and the roads. He also announced that Moss Kahler had been retained to assist with a public education campaign on the transition in the trash pick-up to an every other week schedule. He said that Kahler would assist with the transition throughout the spring and summer.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Allen announced that Winter Carnival week was taking place and he encouraged people to attend the festivities and support the ski jump this weekend.

PUBLIC PARTICIPATION

None.

LIQUOR COMMISSIONERS

MOTION BY DONNA MACOMBER TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 4-0.

Liquor License, Outside Consumption Permit, and Entertainment License Renewals – Annual Renewals. Town Clerk Annette Cappy spoke about the liquor license renewal process adopted by the Board last year to approve all of the liquor license renewals at one time, subject to the criteria that each establishment submit the proper application and documentation, complies with any requirements of the Police and Fire Departments, does not have any outstanding debts to the Town, holds a current Business License, and that the Brattleboro Area Prevention Coalition (BAPC) had no objections. Gartenstein noted that the BAPC did not have authority in the renewal process. He asked Elwell to speak about one establishment that had received a minor violation by the Department of Liquor Control. Police Chief Fitzgerald said that all of the establishments were reviewed by the Police Department and no local violations were discovered. There was some discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO APPROVE THE RENEWAL OF LIQUOR LICENSES, OUTSIDE CONSUMPTION PERMITS, AND ENTERTAINMENT LICENSES FOR THE ENTITIES AS PRESENTED, CONTINGENT ON THE LICENSEES PROVIDING THE TOWN WITH NECESSARY DOCUMENTATION, THOSE ENTITIES NOT HAVING ANY OUTSTANDING DEBTS TO THE TOWN, HAVING PROPER BUSINESS LICENSES, AND FURTHER CONTINGENT ON COMPLIANCE WITH ANY POLICE AND FIRE DEPARTMENT REQUIREMENTS. MOTION CARRIED 4-0.

Special Event Permits – Southern Vermont Young Professionals Fundraiser at Brattleboro Museum & Art Center, February 27

- (i) Saxtons River Distillery
- (ii) Hermit Thrush Brewery, LLC

Gartenstein said that the Board was asked to approve two special event permits for the sale of alcohol at the Southern Vermont Young Professionals Fundraiser at the Brattleboro Museum & Art Center on Saturday, February 27, from 7:30pm to 10:30pm. Alex Beck, Coordinator of the Southern Vermont Young Professionals (SVYP), said that SVYP was a social and professional networking organization working with Brattleboro Development Credit Corporation (BDCC) to support, retain and attract young professionals throughout Windham County. He said the “creative black tie gala” on February 27 was a fundraiser to support the expansion of SVYP and engage the young professionals in the community. He said that everyone was welcome to attend.. There was a brief discussion by the Board.

MOTION BY KATE O’CONNOR TO APPROVE SPECIAL EVENT PERMITS FOR SAXTONS RIVER DISTILLERY AND HERMIT THRUSH BREWERY TO SELL ALCOHOL AT THE SOUTHERN VERMONT YOUNG PROFESSIONALS FUNDRAISER AT THE BRATTLEBORO MUSEUM AND ART CENTER ON SATURDAY, FEBRUARY 27, 2016, FROM 7:30PM TO 10:30PM. MOTION CARRIED 4-0.

MOTION BY DONNA MACOMBER TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 4-0.

NEW BUSINESS

Financial Report – Monthly Report, January. Elwell discussed the matters presented in the financial report from Finance Director John O’Connor, dated January 5, 2016. There was no discussion by the Board.

NO ACTION TAKEN.

Grand List Certificate of “No Appeal or Suit Pending” – Town Assessor. Town Assessor Russell Rice said that the Board was asked each year to certify that no statutory appeals or suits to recover taxes paid under protest were pending against Brattleboro’s 2015 Grand List (32 V.S.A. §4155), as explained in his memo dated February 3, 2016. He said no such claims were pending. There was no discussion by the Board.

MOTION BY DONNA MACOMBER TO APPROVE THE “CERTIFICATE – NO APPEAL OR SUIT PENDING,” AS PRESENTED. MOTION CARRIED 4-0.

Strolling of the Heifers Weekend – Approve Permits

- (i) *Street/Sidewalk Blocking permit for Friday Street Festival, June 3*
- (ii) *Parade/Open Air Permit for Saturday, June 4*
- (iii) *Parade/Open Air Permit for Sunday Tour de Heifer, June 5.*

Parade Master Rick Chapin and Executive Director Orly Munzing, from Strolling of the Heifers, were present and discussed the parade and other events through the weekend of June 3 through June 5. Elwell said that the Board was asked to approve three permits for the weekend events, and that staff recommended approval of the permits after having reviewed the applications and met with Strolling representatives. There was a brief discussion by the Board.

MOTION BY JOHN ALLEN TO APPROVE THE FOLLOWING PERMITS:

- (i) STREET/SIDEWALK BLOCKING PERMIT FOR STREET FESTIVAL ON FRIDAY, JUNE 3;**
- (ii) PARADE/OPEN AIR PERMIT FOR STROLLING OF THE HEIFERS PARADE ON SATURDAY, JUNE 4; and**
- (iii) PARADE/OPEN AIR PERMIT FOR TOUR DE HEIFER ON SUNDAY, JUNE 5.**

MOTION CARRIED 4-0.

Emergency Management Timeline for Vermont Yankee Decommissioning – Update, Fire Department.

Fire Chief Mike Bucossi reported on the emergency management transition that would be occurring as a result of the closure of the Vermont Yankee Nuclear Plant (“VY”). He said that VY requested new emergency regulations to go into effect due to reduced danger of radiological emergencies on or about April 15. O’Connor said she was Chair of the Nuclear Decommissioning Citizens Advisory Panel and spoke of other concerns expressed by other entities, such as the Citizens Panel, State of Vermont, Nuclear Regulatory Commission, and Department of Health, and which were currently being negotiated with VY. There was some discussion by the Board.

NO ACTION TAKEN.

Approve Grant Application – National Creative Placemaking Fund Grant (ArtsPlace Skatepark Grant), BASIC and Recreation & Parks Department. Gartenstein said that the Board was asked to approve an application for a \$230,000 National Creative Placemaking Fund Grant from ArtPlace America to help fund the design and construction of the Skatepark. Jeff Clark and Elizabeth McLoughlin, members of the Brattleboro Area Skatepark is Coming Committee (BASIC) were present. Clark spoke about the reduced size of the skatepark and fundraising efforts to-date. McLoughlin spoke about the grant and the incorporation of art into building the Skatepark. There was some discussion by the Board.

MOTION BY DONNA MACOMBER TO APPROVE THE APPLICATION FOR A \$230,000 NATIONAL CREATIVE PLACEMAKING FUND GRANT FROM ARTPLACE AMERICA TO HELP FUND THE DESIGN AND CONSTRUCTION OF THE SKATEPARK. MOTION CARRIED 4-0.

Ordinance Amendments - Chapter 3 (Animals and Fowl), Second Reading and Public Hearing.

Gartenstein said that the Board was asked to hold a second reading and public hearing on amendments to Chapter 3 of the Town of Brattleboro Code of Ordinances, and to approve the amendments as presented. Police Captain Mark Carignan and Town Clerk Annette Cappy were present and discussed the proposed amendments and the reasons for the requested amendments, as mentioned in their memoranda dated January 26, 2016. An unidentified member of the public spoke about two previous incidents with dogs and asked how the amendments would affect those types of situations. Gartenstein and Carignan noted and discussed the sections of the proposed ordinances that would affect such incidents. There was no other discussion by the Board.

Gartenstein opened the public hearing. There was no public comment.

Gartenstein closed the public hearing.

MOTION BY KATE O’CONNOR TO APPROVE THE AMENDMENTS TO CHAPTER 3 (ANIMALS AND FOWL), AS PRESENTED. MOTION CARRIED 3-0 (MACOMBER WAS NOT PRESENT AT THE TIME OF THE VOTE).

Gartenstein said that the Board was also asked to adopt the proposed fee schedule in accordance with Chapter 3, Section 3-24. There was no discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO ADOPT THE FEE SCHEDULE IN ACCORDANCE WITH CHAPTER 3, SECTION 3-24, AS PRESENTED. MOTION CARRIED 4-0.

Gartenstein announced that the Board would enter into executive session and would not conduct further business after the session.

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS/EVALUATION OF A PUBLIC OFFICIAL AND LABOR RELATIONS WITH EMPLOYEES WHERE PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE MUNICIPALITY, PEOPLE INVOLVED, AND THE BOARD AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER WAS INVITED TO ATTEND MOST OF THE SESSION. MOTION CARRIED 4-0.

Gartenstein reconvened the meeting at 8:17pm. There was no further business.

MOTION BY DONNA MACOMBER TO ADJOURN AT 8:17PM. MOTION CARRIED 4-0.

David Schoales, Clerk