

**BRATTLEBORO SELECTBOARD
TUESDAY, FEBRUARY 18, 2020
EXECUTIVE SESSION – 5:30PM
REGULAR MEETING – 6:15PM
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER
MINUTES**

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

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Zoning Administrator Brian Bannon, and Executive Secretary Jan Anderson.

Media present: BCTV staff and volunteers.

Others present: John Kuschman, Susan Westa, Ray McNeill, Muhammad Adnan, ASL interpreters Janet Dickinson and Elizabeth Fox, and others who did not sign the attendance sheet.

Chair Brandie Starr called the meeting to order at 5:30pm.

MOTION BY BRANDIE STARR TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS 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 TO ATTEND. MOTION CARRIED 5-0.

Chair Starr reconvened the meeting at 6:20pm.

APPROVE MINUTES

Starr asked the Board to approve the meeting minutes from January 21, January 28, and February 4, 2020. There was no discussion.

MOTION BY ELIZABETH McLOUGHLIN TO APPROVE MINUTES FROM THE JANUARY 21, JANUARY 28, AND FEBRUARY 4 MEETINGS. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair Starr announced that a Selectboard candidates forum was scheduled on Wednesday, February 19, at 6:30pm in the Selectboard Meeting Room at the Municipal Center. She said that the forum would be aired live by BCTV on channel 10 and on Facebook.

MANAGER'S COMMENTS

Town Manager Elwell reminded voters that early voting had begun for local elections and the presidential primary. He said voters could vote at the Town Clerk's office during business hours and on Saturday, February 29, from 9:00am to 12:00 noon. He said that election day was Tuesday, March 3, and the polls would be open from 7:00am to 7:00pm at the American Legion Hall on Linden Street. Elwell then provided an update on the Hinsdale Bridge Project. He said that the Brattleboro/Hinsdale Citizens Committee recently met with VTrans and the NH Department of Transportation who anticipated that requests for proposals would be issued in August 2020, with the bid award in the fall, and active construction work to start in April 2021 and continue through 2023. He said that the existing bridges would be rehabilitated and turned into a bike/pedestrian pathway and was expected to be completed in 2024.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Quipp added that the Selectboard candidates forum would also be broadcast live on WVEW radio at 107.7 fm.

Wessel announced that he, Elizabeth McLoughlin, and Peter Elwell recently attended the VLCT Local Government Day in Montpelier and spoke with many legislators about local concerns. He spoke about the cannabis taxation and regulations being considered in the legislature this year. He said that the House Government Ops Committee had originally recommended that municipalities who permitted cannabis sales would receive a 2% local option tax to assist with possible increased demands on police and fire departments. However, he said that the House Ways and Means Committee was supporting a 14% tax on cannabis sales, along with a 6% sales tax, but only giving towns a 1% local option sales tax (provided that the town had adopted such a tax), which would provide towns with very little funding to pay for any impacts to the town.

McLoughlin, who also attended the Local Government Day, said that she met many legislators at the conference and learned about relationships between the Town and legislators. She spoke about the pilot program being proposed to allow certain towns to self-govern. She said that most House legislators were surprised to learn that the matter was of such importance to the Town. She suggested that residents contact their legislators and ask for their support on this matter. She thanked Senator Jeanette White for her efforts during the last session in getting bill S.106 through the Senate.

Town Manager Elwell spoke about stormwater management legislation that was discussed at the Local Government Day. He said that stormwater regulations were passed by the State without sufficient funding assistance for the major investments in infrastructure that would be required by towns. He suggested that Brattleboro could establish a Stormwater Utility Fund to implement a fair way to collect money from stormwater contributors. He said that the State owned a large amount of property in Brattleboro, including I-91, several roads, and the State Office Building, and would be a large fee-based contributor to the Stormwater Utility Fund.

PUBLIC PARTICIPATION

None.

LIQUOR COMMISSIONERS

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

Second Class Liquor License Renewal - Max LLC, d/b/a One Stop. Starr noted that Max LLC was cited during the year for alcohol sales to a minor and was asked to appear before the Board to address the citation. John Kuschman, co-owner of Max LLC, admitted that an employee sold alcohol to a minor and that the employee had been re-trained in alcohol sales. He said that the business had since received two commendations from the Department of Liquor Control. There was a brief discussion by the Board.

MOTION BY ELIZABETH McLOUGHLIN TO APPROVE RENEWAL OF A SECOND CLASS LIQUOR LICENSE FOR MAX LLC d/b/a ONE STOP AT 414 CANAL STREET. MOTION CARRIED 5-0.

First and Third Class Liquor License and Entertainment Permit Renewals - Three Dollar Dewey's, d/b/a McNeill's Brewery. Starr noted that McNeill's Brewery was cited during the year for alcohol sales to a minor and was asked to appear before the Board to address the citation. Ray McNeill said that the server made a mistake and it was the first offense in thirty-five years. He said that since the incident he and the employee were both re-certified. There was a brief discussion by the Board.

MOTION BY DAVE SCHOALES TO APPROVE RENEWAL OF A FIRST CLASS LIQUOR LICENSE, A THIRD CLASS LIQUOR LICENSE, AND AN ENTERTAINMENT PERMIT FOR THREE DOLLAR

DEWEY'S d/b/a McNEILL'S BREWERY AT 90 ELLIOT STREET. MOTION CARRIED 5-0.

New Second Class Liquor License – Pass Mart, Inc. Elwell said that the Board was asked to approve a new second class liquor license for Pass Mart, Inc., at 228 Canal Street. He said that he was notified earlier that the owner may not be able to attend the meeting because of the weather. He said that Town staff recommended approval and it was up to the Board to decide whether to move the matter to a time when the owner was able to appear. There was a brief discussion by the Board.

MOTION BY DANIEL QUIPP TO APPROVE A SECOND CLASS LIQUOR LICENSE FOR PASS MART, INC., AT 228 CANAL STREET. MOTION CARRIED 5-0.

MOTION BY ELIZABETH McLOUGHLIN TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.

UNFINISHED BUSINESS

Communication Union District (CUD) Planning Process –
(a) Update – Sue Westa, Windham Regional Commission
(b) Official Designation of Town Representative

Assistant Town Manager Moreland spoke about a previous suggestion from a member of the public that the Town form a municipally-owned broadband and communications service and about his subsequent research into such a service. He said that he recently provided a report to the Board on existing levels of service in Brattleboro and nearby towns. He said that the Windham Regional Commission (WRC) received a \$60,000 grant in January to provide professional technical assistance to participating municipalities in the exploration of a Communications Union District (CUD). He noted that state statutes were clear that financing for CUDs was allowable through revenue bonds and not general obligation bonds. He introduced Sue Westa from the Windham Regional Commission. Westa spoke of WRC's efforts to reach out and meet with surrounding communities since receiving the grant. She spoke of ongoing regional planning for the potential formation of one or more CUDs in order to improve the scope and quality of broadband service in southeastern Vermont. She said that WRC was asking municipalities and communities to communicate their interest in forming a CUD by participating in a survey. She said that the survey was posted on the WRC and Brattleboro Town websites, and was being made available to other towns/communities. She said that the plan was to incorporate the survey results into a feasibility study and then prepare a business plan for the implementation of fiber broadband through the region. She said that unserved and underserved communities were a priority interest and she suggested that rural communities band together to be more effective in addressing the infrastructure and cost. She spoke about a successful CUD model developed by EC Fiber and Valley Net in another region of the state. She said the survey was due on March 17 and then the technical service providers would finalize a feasibility study and send it to the State. Following State approval, a business plan would be developed during the summer. She noted that CUDs could be financed through revenue bonds and stressed that they would not become a responsibility of municipalities as clearly set out in the statutes. There were many questions and much discussion by the Board, including the focus of underserved residential areas, possible funding, costs, and financial responsibility of the Town. Starr noted that the Board was asked to appoint someone to represent the Town in future WRC discussions. Elwell confirmed that Moreland had remained active in CUD discussions and recommended that he be appointed as the Town's representative.

MOTION BY ELIZABETH McLOUGHLIN TO DESIGNATE ASSISTANT TOWN MANAGER PATRICK MORELAND AS THE TOWN'S REPRESENTATIVE IN THE REGIONAL PLANNING EFFORT FOR A COMMUNICATIONS UNION DISTRICT. MOTION CARRIED 5-0.

NEW BUSINESS

Financial Report – Monthly Report, January. Town Manager Elwell discussed the monthly financial report for January 2020 prepared by Finance Director John O’Connor. Elwell added that the second quarterly installment from the State for the Local Option Sales Tax was received in the amount of \$227,215, which was higher than predicted. He said that the excess revenue was likely a result of the State’s efforts to collect sales tax from online sales. Schoales suggested that staff inquire of the Chamber of Commerce or Downtown Brattleboro Alliance whether the downtown businesses were negatively impacted by the implementation of the sales tax. There was some discussion by the Board.

NO ACTION TAKEN.

Local Hazard Mitigation Plan Progress Report - Zoning Administrator Brian Bannon presented and discussed the annual Progress Report on the Local Hazard Mitigation Plan. He spoke about several bulleted items in the report. He said that he was required to provide the report to the Board, but no action was required. There were some questions and discussion by the Board.

NO ACTION TAKEN.

Ratification of Town Manager’s Decision to Authorize Grant Application – Reallocation of 2017 Funds – State Homeland Security Grant, Fire Department. Elwell said that the Board was asked to ratify his decision to authorize the Fire Department to apply for a \$1,600 Homeland Security grant to fund the purchase of equipment used in swift water rescue operations. He said that the Fire Department received short notice of the grant opportunity with a deadline that was prior to the date of this meeting, so he authorized the application and was asking the Board to ratify it. There was no discussion by the Board.

MOTION BY ELIZABETH McLOUGHLIN TO RATIFY THE TOWN MANAGER’S DECISION TO AUTHORIZE THE FIRE DEPARTMENT TO APPLY FOR A \$1,600 HOMELAND SECURITY GRANT TO FUND THE PURCHASE OF EQUIPMENT USED IN SWIFT WATER RESCUE OPERATIONS. MOTION CARRIED 5-0.

There was no further business.

MOTION BY DAVE SCHOALES TO ADJOURN AT 7:35PM. MOTION CARRIED 5-0.

Elizabeth McLoughlin, Clerk