

**BRATTLEBORO SELECTBOARD
TUESDAY, FEBRUARY 20, 2018
EXECUTIVE SESSION – 5:30PM
REGULAR MEETING – 6:15PM
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER
MINUTES**

Selectboard members present: Kate O'Connor, Brandie Starr, Tim Wessel, David Schoales, and John Allen.

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Finance Director John O'Connor, and Executive Secretary Jan Anderson.

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

Others present: Howard Fairman, Linda Sturgeon, Kara Hamilton, Paige Martin, Cassandra Holloway, Jacqueline S. Stromberg, 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 5:30pm. She confirmed that the meeting was properly warned.

MOTION BY KATE O'CONNOR TO ENTER INTO EXECUTIVE SESSION TO DISCUSS LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, PENDING OR PROBABLE CIVIL LITIGATION OR PROSECUTION TO WHICH THE PUBLIC BODY IS OR MAY BE A PARTY, NEGOTIATING OR SECURING A REAL ESTATE PURCHASE OR LEASE OPTION, 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 4-0 (STARR WAS NOT PRESENT AT THE TIME OF THE VOTE).

Chair O'Connor reconvened the meeting at 6:22pm.

APPROVE MINUTES

MOTION BY JOHN ALLEN TO APPROVE THE MINUTES FROM JANUARY 6, 2018. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair O'Connor spoke of the successful Harris Hill Ski Jump over the past weekend. She noted that the ski jump was operated by a volunteer organization and spoke of the substantial amount of time and work that the volunteers provided. She thanked them for their work. She also mentioned that Winter Carnival Week had started and she encouraged the public to participate in the many activities and fun events that were scheduled.

MANAGER'S COMMENTS

Town Manager Elwell announced that Police Chief Michael Fitzgerald would be recognized in Montpelier later in the week at Prevention Day at the Statehouse and he would receive a Prevention Champion Award. He said that Cassandra Holloway, of Brattleboro Area Prevention Coalition, nominated the Chief for the award for his leadership role in substance prevention. He spoke about the Chief's many years of association with several agencies and his leadership approach in recognizing the differences between people who were suffering and in need of help and other people who were intent on harming others. Cassandra Holloway was present at the meeting and she spoke of the Chief providing inspiration and about his progressive approach.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Wessel congratulated Brattleboro on its 15 year anniversary. He said that the media site was very useful, a source of information, and provided valuable institutional memory.

PUBLIC PARTICIPATION

Howard Fairman thanked Carol Lolatte and Jessy Cudworth, from the Recreation & Parks Department, for purchasing and installing two space heaters in the Senior Center after his appearance at the February 6 Selectboard meeting where he notified the Board about the lack of heat in the Senior Center. He also suggested contacting the Vermont charitable foundation that supplied funds in the past to install air conditioning at the Senior Center in order to request additional funds with which to create separate heating zones at the Senior Center. Additionally, he suggested installing an "air curtain" (also called "air door") to minimize the rush of cold air from the front and back doors at the Senior Center. He provided manufacturer's information on the "air curtain." There was a brief discussion by the Board.

Paige Martin requested that the Board consider creation of a municipal broadband service that would provide cheaper, faster, more reliable, and better internet service for residents than that provided by private internet companies, such as Comcast. She spoke about additional revenue that would be generated for the Town, the importance of the internet, and about multiple advantages of a community-owned broadband service for entrepreneurs, start-ups, and businesses. She said that the recent repeal of net neutrality by the FCC would likely affect the speed, affordability, and control of information by service providers. Cassandra Holloway spoke in favor of such an initiative which would be beneficial for nonprofit agencies. Howard Fairman suggested that an intermediary organization would be required in order to connect a Brattleboro network with the main internet. There was a brief discussion by the Board and staff was asked to research the matter.

HEALTH COMMISSIONERS

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

Appoint Deputy Health Officer – Catherine Barrows, Animal Control Officer. O'Connor said that the Board was asked to recommend that the Vermont Department of Health re-appoint Catherine Barrows as Deputy Health Officer for a three year term ending in March of 2021. Elwell discussed the three Health Officer positions with the Town. There was a brief discussion by the Board.

MOTION BY JOHN ALLEN TO RECOMMEND THAT THE VERMONT DEPARTMENT OF HEALTH RE-APPOINT CATHERINE BARROWS AS DEPUTY HEALTH OFFICER FOR A THREE YEAR TERM ENDING IN MARCH OF 2021. MOTION CARRIED 5-0.

MOTION BY BRANDIE STARR TO ADJOURN AS HEALTH COMMISSIONERS. MOTION CARRIED 5-0.

LIQUOR COMMISSIONERS

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

Liquor License, Outside Consumption Permits, and Entertainment Licenses – Annual Renewals.

O'Connor said that the Board was asked to approve annual renewals of liquor licenses, outside consumption permits, and entertainment licenses, as set forth in memo from Town Clerk Hilary Francis dated February 8, 2018. O'Connor clarified that the list of renewals contained names of all businesses within the Town that have liquor licenses and that each business would still have to submit their individual renewal applications and all other documentation required for the renewal to the Town Clerk. Elwell clarified that the Board could approve the entire list or remove certain businesses if there were concerns. O'Connor noted that a total of fourteen businesses were cited for violations by Vermont Department of Liquor Control (DLC) in the last year for serving or selling alcohol or tobacco products to a minor or for education/training violations. There was much discussion about the increased number of citations since last year's renewals. Cassandra Holloway, from Brattleboro Area Prevention Coalition, said that DLC was

more actively pursuing compliance by the establishments for training, education, and sales to minors. She also said that training was required every two years and DLC did not notify individuals to inform them that re-certification was required. After a lengthy discussion about the violations, the Board asked Holloway if she could provide a routine (quarterly or semi-annually) compliance report. Holloway also questioned whether additional violations were reported by DLC but not included on the renewal form. The Board requested that representatives from Avenue Grocery, Price Chopper, Indo-American Grocery, and any other establishments that had been cited by DLC for serving alcohol to minors appear before the Selectboard at the March 6 meeting.

MOTION BY BRANDIE STARR TO APPROVE THE RENEWAL OF LIQUOR LICENSES, OUTSIDE CONSUMPTION PERMITS, AND ENTERTAINMENT LICENSES FOR THE ENTITIES AS PRESENTED, WITH EACH INDIVIDUAL LICENSE RENEWAL CONTINGENT UPON THE LICENSEE'S PROVIDING THE TOWN WITH THE NECESSARY DOCUMENTATION, NOT HAVING ANY OUTSTANDING DEBT TO THE TOWN, HAVING A VALID CURRENT BUSINESS LICENSE, AND COMPLYING WITH ANY POLICE AND FIRE DEPARTMENT REQUIREMENTS, WITH THE EXCEPTION OF THOSE BUSINESSES BEING ASKED TO APPEAR AT THE MARCH 6 SELECTBOARD MEETING WITH VIOLATIONS REGARDING SERVING MINORS [AVENUE GROCERY, PRICE CHOPPER, AND ANY ESTABLISHMENT THAT HAS BEEN CITED BY DEPARTMENT OF LIQUOR CONTROL FOR SERVING ALCOHOL TO A MINOR], AS WELL AS INDO-AMERICAN GROCERY FOR THEIR OWN CITED VIOLATIONS. MOTION CARRIED 5-0.

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

WATER AND SEWER COMMISSIONERS

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

Request to Abate Late Fees – 98 Green Street. O'Connor said that the Board was asked to review the request by Linda Sturgeon to abate the eight percent late-fee penalty applied to her utility bill due November 15, 2017. Linda Sturgeon was present and said that she was the owner of the apartment building located at 98 Green Street and there was a catastrophic failure of a toilet while the tenant was on vacation. She said that she received a bill of almost \$2,800 which was about ten times higher than the normal bill and then came into the Treasurer's Office and arranged to pay the bill in two installments. She said that she agreed to pay for the water and sewer usage and the interest due on the second installment, but was not told that she would receive a penalty on the second installment. She said that if she had been informed about the penalty that she would have borrowed the money. Elwell said that the bill contained notification that any bill not paid by the due date would incur a penalty of 8%, plus interest of 1%, and he suggested that the rules set forth in the ordinance be enforced equally to all users. O'Connor agreed that the rules in the ordinance should be enforced equally. There was much discussion by the Board about following the ordinance, appeal authority given to the Water and Sewer Commissioners to abate such fees, and not having a formal payment arrangement in place in this case.

MOTION BY DAVE SCHOALES TO ABATE THE PENALTY FEE ON THE STURGEON BUILDING LOCATED AT 98 GREEN STREET. MOTION CARRIED 4-1 (O'CONNOR OPPOSED).

Pollution Control Grant – Accept for Reduction of Debt. Elwell said that the Board was asked to accept a Pollution Control Grant in the amount of \$2,368,442.12 from the Vermont Department of Environmental Conservation to retire a portion of the Town's debt for sludge and septic processing improvements at the Town's wastewater treatment facilities. He reviewed the history of the grant application and funding process, as set forth in his memo dated February 14, 2018. There was a brief discussion by the Board.

MOTION BY JOHN ALLEN TO ACCEPT A POLLUTION CONTROL GRANT IN THE AMOUNT OF \$2,368,442.12 FROM THE VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO RETIRE A PORTION OF THE TOWN'S DEBT FOR SLUDGE AND SEPTIC PROCESSING IMPROVEMENTS AT THE TOWN'S WASTEWATER TREATMENT FACILITIES. MOTION CARRIED 5-0.

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

NEW BUSINESS

Financial Report – Monthly Report, January. Finance Director John O'Connor presented and discussed the financial report for the month of January, 2018. Kate O'Connor noted that the winter road budget had reached its limits and there were a large number of potholes in the Town's roadways. There was some discussion by the Board mostly about the condition of the roads. Elwell suggested inviting Steve Barrett, the Director of Public Works, to the March 6 meeting to discuss the condition and repair of the roads. He also noted that the Town had asked the State to increase the scope of its road improvement project that would be undertaken in the future to include the roadway from Edward Heights to the interstate.

NO ACTION TAKEN.

Friends of Brattleboro Town Cemeteries. O'Connor said that the Board was asked to approve the creation of a volunteer organization named the "Friends of Brattleboro Town Cemeteries." Jackie Stromberg, Chair of the Cemetery Committee, was present and said that the Town was responsible for five cemeteries and most of the annual budget was spent on mowing at the cemeteries. She discussed the purpose of cemeteries and spoke about some needs at the cemeteries, such as repair of the roof of the mausoleum, installing a fence around Prospect Hill Cemetery, repairing tombstones, installing signs, and improving the general condition of the cemeteries. She said that the "Friends" could help maintain the cemeteries and raise money for some projects. Elwell said that the "Friends" organization would establish collect membership dues and organize volunteer workers and the Town would offer certain incentives to join the organization by offering a discount for the purchase of a gravesite plot, as set forth in his memo dated February 13, 2018. (It should be noted that in Elwell's memo, "Friends" would be a volunteer organization and not a Town committee.) There was some discussion by the Board.

MOTION BY DAVE SCHOALES TO APPROVE THE CREATION OF A VOLUNTEER ORGANIZATION CALLED "FRIENDS OF BRATTLEBORO TOWN CEMETERIES" AS PRESENTED. MOTION CARRIED 5-0.

Windham Solid Waste Management District (WSWMD) PILOT Agreement. Elwell said that the Board was asked to approve a two-year PILOT (Payment In Lieu of Taxes) Agreement for FY19 and FY20 with the Windham Solid Waste Management, as set forth in the memo from Assistant Town Manager Patrick Moreland dated February 13, 2018. There was a brief discussion by the Board.

MOTION BY JOHN ALLEN TO APPROVE A TWO-YEAR PILOT (PAYMENT IN LIEU OF TAXES) AGREEMENT WITH THE WINDHAM SOLID WASTE MANAGEMENT DISTRICT, AS PRESENTED, AND TO AUTHORIZE TOWN MANAGER PETER ELWELL TO EXECUTE THE AGREEMENT. MOTION CARRIED 5-0.

Wessel asked if the Board could hold a discussion about the process and requirement of registering as a write-in candidate. He said that the requirement to register was not a democratic process because early voters would not know about the write-in candidates. The Board agreed to add this matter to the agenda for the next meeting. Starr reminded voters to vote on March 6. Schoales said that a Selectboard candidate forum would take place tomorrow at 6:30pm and would be broadcast live by BCTV.

There was no further business.

MOTION BY JOHN ALLEN TO ADJOURN AT 7:50PM. MOTION CARRIED 5-0.

Tim Wessel, Clerk