

**BRATTLEBORO SELECTBOARD
TUESDAY, APRIL 2, 2019
COMMITTEE INTERVIEWS – 5:15PM
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 (for the early portion of the meeting).

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

Media present: BCTV staff and volunteers.

Others present: Carol Levin, Rikki Risatti, Lisa Rae, Oscar Heller, Eli Gould, Trevor Brown, Wendy M. Levy, Tony Duncan, Michael Bosworth, Christine Hart, Jerry Carbone, Samantha Duda, Kelli Corbeil, Sandy Rouse, ASL interpreters Elizabeth Fox and Janet Dickinson, and others who did not sign the attendance sheet.

Chair Starr called the meeting to order at 5:15pm. She stated that the Board would conduct interviews for the Energy Committee, and she invited comment from the public on other committee vacancies. Carol Levin said that she had attended Energy Committee meetings for the past 2 years and she spoke of her career in solar energy and involvement in other energy and sustainability activities over 30 years. Rikki Risatti confirmed that they applied for consideration on any committee or board with vacancies, except for Senior Solutions. When asked to narrow the scope to one or two committees, Mx. Risatti indicated they would be particularly interested in the ADA Advisory Committee or Arts Committee. They spoke about their interest in those two committees and the larger community. Board members asked questions of each candidate. Lisa Rae asked about the Human Services Review Committee. Executive Secretary Anderson stated that the committee was not a Selectboard Committee, but rather a Representative Town Meeting committee. Anderson suggested that Ms. Rae complete a committee application or send an e-mail indicating her interest about the committee, and that information would be given to the Representative Town Meeting Moderator who would determine how that committee would proceed. Starr announced that the Board would make committee appointments later in the meeting.

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

Chair Starr reconvened the meeting at 6:20pm. She confirmed that the meeting was properly warned.

APPROVE MINUTES

Starr asked the Board to approve the minutes from the March 19 and March 25 meetings. There was no discussion.

MOTION BY TIM WESSEL TO APPROVE MINUTES FROM THE MARCH 19 AND MARCH 25 MEETINGS. MOTION CARRIED 4-0 (SCHOALES LEFT THE MEETING AFTER EXECUTIVE SESSION SO WAS NOT PRESENT AT THE TIME OF ANY FURTHER VOTES).

CHAIR'S REMARKS

Chair Starr welcomed viewers to the first meeting of the new combination of Selectboard members. She reviewed some logistical procedures and announced some rules and meeting procedures for the upcoming year, which she provided in a written handout.

MANAGER'S COMMENTS

Town Manager Elwell announced the spring leaf collection dates on Friday, April 19 and May 3. He noted that standard leaf collections bags would be required.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Tim Wessel welcomed the two new members to the Selectboard. He also announced that Dave Schoales would not be present for the rest of the meeting because he was attending a special School Board meeting.

Daniel Quipp noted that Sunday was a Trans Day of Visibility and that Green Mountain Crossroads invited community members to speak at an event. He announced that Trans people were welcome in Brattleboro.

PUBLIC PARTICIPATION

Rikki Risatti inquired whether police officers were working undercover in connection with panhandling and about the interest rate of the funds under the purview of Trustees of Public Funds and why the funds were not held at a community bank. They suggested adding online petitions to the Town's website and inquired whether complaints had been received regarding the Moderator's conduction of Representative Town Meeting. Starr reiterated the rule that discussion could not take place under public comment and stated that someone would contact them with answers.

LIQUOR COMMISSIONERS

MOTION BY ELIZABETH McLOUGHLIN TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 4-0.

Festival Permit – Four Seasons Media, Inc., for the Brattleboro Brewers Festival. Starr said that the Board was asked to approve a festival permit for the annual Brattleboro Brewers Festival. Kelli Corbeil, organizer of the festival, said that this would be the eighth year for the festival, which was scheduled on Saturday, May 25, 2019, from 11:30am to 4:30pm at the Famolare Field on Old Guilford Road. She spoke about the festival and some of the events that would take place. She said that the festival was a fundraiser and the recipient this year would be the Little League. There was a brief discussion by the Board.

MOTION BY TIM WESSEL TO APPROVE A FESTIVAL PERMIT FOR FOUR SEASONS MEDIA, INC., FOR THE BRATTLEBORO BREWERS FESTIVAL TO BE HELD AT 40 UNIVERSITY WAY ON SATURDAY, MAY 25, 2019, FROM 11:30AM TO 4:30PM. MOTION CARRIED 4-0.

MOTION BY ELIZABETH McLOUGHLIN TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 4-0.

WATER AND SEWER COMMISSIONERS

MOTION BY DANIEL QUIPP TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 4-0.

Ordinance Amendment – First Reading, Chapter 18 (Maintaining Current Water and Sewer Rates). Elwell said that the Board was asked to hold a first reading on the proposed amendment to Chapter 18 of the Code of Ordinances in order to maintain the current water and sewer rate schedule for an additional year. He said that next year the Board would be asked to consider a rate increase in order to address

upgrade of the water treatment plant. Executive Secretary read the proposed amendment to the ordinance, as set forth in the Board's back-up materials. Elwell confirmed that no action was required at this time and the matter would be added to the next agenda where the Board would hold a public meeting. There was no discussion by the Board.

NO ACTION TAKEN.

Main Street Water Main Replacement Project – Update. Elwell said that he was asking the Board for direction on how to expedite the bid award for the project. He said that the intent was to complete the work prior to the Strolling of the Heifers parade and festivities. In order to expedite the schedule, Elwell said that the Board could either hold a special meeting next week or delegate him with the authority to award the bid and then ratify the bid award at the Selectboard meeting on April 16. Public Works Director Barrett spoke about the water pipe break that took place on April 9, 2019. He said that a valve servicing a private building failed and that during the repair of the valve, DPW recognized that the water main on Main Street had been installed around 1890 and suggested replacing 300 feet of pipe to upgrade the aging infrastructure before it failed. He said that Dufresne Engineering had completed a final design and bid documents, and the project was out to bid with a bid deadline on Thursday. Tony Duncan and Rikki Risatti asked questions about the project. There was a brief discussion by the Board. The Board agreed to delegate authority to the Town Manager to award the bid, as set forth in Elwell's memo dated March 28, 2019.

NO MOTION WAS OFFERED.

MOTION BY TIM WESSEL TO ADJOURN AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 4-0.

NEW BUSINESS

VCDP Application for Brattleboro Housing Authority's Red Clover Commons 2 - Public Hearing and Resolution. Assistant Town Manager Moreland said that the Board was asked to hold a public hearing and approve an application for a Vermont Community Development Program grant (VCDP) in the amount of \$350,000 in support of Brattleboro Housing Partnership's (BHP) Red Clover Commons 2 project. He spoke about Community Development Block Grant (CDBG) dollars and the administration of the funds by the VCDP. He said that the two primary uses of those funds were for economic development and affordable housing. He said that BHP had applied for VCDP funds in the amount of \$350,000 for the Red Clover Commons 2 Project. Chris Hart, Executive Director of BHP, spoke in detail about the planned \$5.5 million project, including 18 housing units that would complete the relocation of residents from Melrose Terrace. Rikki Risatti inquired about several aspects of the project and fair housing practices. There was some discussion by the Board.

MOTION BY DANIEL QUIPP TO AUTHORIZE SUBMISSION OF AN APPLICATION TO THE VERMONT COMMUNITY DEVELOPMENT PROGRAM FOR AN IMPLEMENTATION GRANT TO BRATTLEBORO HOUSING PARTNERSHIPS IN THE AMOUNT OF \$350,000 FOR THE RED CLOVER COMMONS 2 PROJECT; AND TO ADOPT A RESOLUTION FROM THE VERMONT COMMUNITY DEVELOPMENT PROGRAM FOR GRANT APPLICATION AUTHORITY, IDENTIFYING ASSISTANT TOWN MANAGER PATRICK MORELAND AS THE CONTACT PERSON AND TOWN MANAGER PETER ELWELL AS THE AUTHORIZING OFFICIAL. MOTION CARRIED 4-0.

Request to Refinance Small Business Assistance Program (SBAP) Loan – Ironwood Brands, LLC; 21 O'Bryan Drive, LLC; and Eli Gould. Elwell said that the Board was asked to approve the restructuring and combining of two outstanding SBAP loans into a single loan in the total amount of \$42,000 with repayment details as set forth in the memo from Grants Manager Kim Ellison, dated March 21, 2019. Eli Gould spoke about the loans used for his business and to improve a building on O'Bryan Drive. He said

that the business plan did not work as anticipated and the building was sold but that some debt remained unpaid. He thanked the Town for its understanding and willingness to refinance the two loans. He said that he intended to repay all the funds and he asked that the balloon payment be extended from five years to seven years. There was much discussion by the Board.

MOTION BY ELIZABETH McLOUGHLIN TO APPROVE THE REFINANCING OF SMALL BUSINESS ASSISTANCE PROGRAM LOANS TO IRONWOOD BRAND, LLC, AND 21 O'BRYAN DRIVE, LLC, INTO A SINGLE LOAN OF \$42,000 WITH THE FOLLOWING TERMS: (1) 3% ANNUAL INTEREST; (2) 84 MONTHLY PAYMENTS OF \$405.56 EACH COMMENCING ON MAY 1, 2019, AND A BALLOON PAYMENT TO BE DETERMINED BY THE TOWN'S FINANCE DIRECTOR DUE ON APRIL 1, 2026; (3) A NEW PERSONAL GUARANTY FROM ELI GOULD; AND (4) MR. GOULD TO PROVIDE THE SBAP LOAN COMMITTEE WITH A COPY OF HIS PERSONAL INCOME TAX RETURN ANNUALLY. MOTION CARRIED 4-0.

Request to Add Language on the Recently Approved West Brattleboro Historical Marker *Brattleboro Words Project*. Starr said that the Board was asked to approve a request submitted by the Brattleboro Words Project to modify the wording of an historic marker planned for West Brattleboro. Sandy Rouse and Jerry Carbone, from the Words Project, spoke about the request to add language to the backside of the monument honoring novelist Mary Wilkins Freeman. Rouse provide some history on Ms. Freeman and spoke about many of her writings in the early history of the Town. Rikki Risatti inquired about the Words Project. Michael Bosworth, from West Brattleboro Association, said that the Association approved adding the additional language to the marker. There was a brief discussion by the Board.

MOTION BY TIM WESSEL TO APPROVE ALLOWING THE BRATTLEBORO WORDS PROJECT AND WEST BRATTLEBORO ASSOCIATION TO WORK WITH THE STATE OF VERMONT TO MODIFY A PLANNED HISTORIC MARKER SO THAT IT WILL RECOGNIZE NOVELIST MARY WILKINS FREEMAN ALONG WITH THE GLENWOOD SEMINARY AND BRATTLEBOROUGH ACADEMY. MOTION CARRIED 4-0.

Authorization for the Planning Department to Apply for a "Tiny Grant" – Conservation Commission Project to Control Japanese Knotweed at West River Park. Elwell said that the Board was asked to approve an application from the Planning Department on behalf of the Conservation Commission for a \$600 "tiny grant" from the Association of Vermont Conservation Commissions for continuation of a project to help manually control invasive Japanese knotweed at West River Park. Starr noted that Japanese Knotweed was an edible plant. There was a brief discussion by the Board.

MOTION BY DANIEL QUIPP TO AUTHORIZE THE PLANNING DEPARTMENT TO APPLY ON BEHALF OF THE CONSERVATION COMMISSION FOR A \$600 TINY GRANT FROM THE ASSOCIATION OF VERMONT CONSERVATION COMMISSIONS FOR MANUAL CONTROL OF JAPANESE KNOTWEED AT WEST RIVER PARK. MOTION CARRIED 4-0.

Starr called for a short recess at 7:41 pm. She reconvened the meeting at 7:45pm.

Representative Town Meeting Follow-Up Matters – Discussion. Elwell said that this matter was on the agenda because many "advisory" matters discussed at Representative Town Meeting (RTM) may require further direction or guidance by the Board. He provided a memo dated March 28, 2019 noting seven matters to be considered. Starr said that item #1 was "Consider Rent Stabilization" and she asked the Board members if they were interested in asking Attorney Robert Fisher to research the matter. After some discussion, the Board agreed to ask Attorney Fisher to provide more information about the legality of it and whether any other towns in Vermont had such a program. Starr said that in item #2, "Plan for Marketing Brattleboro," RTM directed the two entities receiving funds (Downtown Brattleboro Alliance and the Brattleboro Area Chamber of Commerce) to provide the Board with a marketing plan prior to receiving the funds. After some discussion, the Board generally agreed to ask the two entities to appear before the

Board at the May 7 meeting with a general plan, set of goals, and matrix to measure success. Starr read item #3 - "Convene RTM's Human Services Review Committee." There was much discussion about the item, including a lack of understanding of the committee's process and procedure. Elwell noted that the Human Services Review Committee was a creation of RTM and the committee was advisory to RTM and not the Selectboard. McLoughlin stated that the committee provided valuable and professional services and suggested that the committee provide a more "robust statement" about its work and considerations surrounding the recommendations. Wessel noted some confusion at RTM about the two agencies who submitted late funding applications and he suggested that next year any late applications not be forwarded to RTM for debate. Anderson provided information about the public process around the committee's meetings and application review. Elwell was directed to relay the Board's requests to the committee. Starr then stated that item #4 was "\$100,000 for Energy Efficiency and/or Sustainability" and that the directive in the RTM article stated that the funding was to be expended at the discretion of the Selectboard. After a brief discussion, the Board agreed to add the matter to the April 16 agenda when Schoales would be present for the discussion. Starr stated that item #5 on Elwell's memo was "Creation of an Arts Fund," and that RTM's non-binding advice to the Board was to solicit recommendations from the Arts Council of Windham County (ACWC) about public arts projects to be funded with \$15,000 allotted by RTM. Elwell noted that the Town had a Public Arts Policy and it had been the standard practice that public art was reviewed by the Town's Arts Committee (TAC). He noted that the Board was not required to establish an arts funds since the suggestion at RTM was advisory only. He asked if the Board chose to establish such a fund, would it seek requests from ACWC or TAC. After some discussion, the Board agreed to add the matter to a future agenda for further discussion and invite members from the two entities. Starr stated that item #6 was "Economic Study of Brattleboro." She noted that RTM allotted FY20 funds for SeVEDS (Southeast Vermont Economic Development Strategies) and that a suggestion at RTM was to require SeVEDS to provide an economic study of Brattleboro with any future funding requests. After some discussion, the Board agreed to invite Brattleboro Development Credit Corporation (BDCC) to a summer meeting to discuss development of an economic report on the Town. Starr said that the final item #7 on Elwell's memo was "Email Protocol for Communication Among RTM Members." After a brief discussion, the Board agreed that Town Attorney Fisher provide a formal legal opinion on the matter and that it be circulated to RTM members.

Starr asked for public input on any of the matters regarding follow-up from the 2019 RTM. Oscar Heller said that (1) he supported the requirement of DBA and the Chamber to provide a satisfactory marketing plan to the Selectboard with an evaluation of the results, (2) the Energy Committee recommended that the Town not pursue an Energy Coordinator position, but rather focus primarily on a sustainability position, and (3) RTM proposed that ACWC be involved in the arts fund because it was an entity that could receive funds. Wendy Levy provided her comments and suggestions, including (1) that Vermont was a Dillon state and she questioned whether rent stabilization would be allowed and, if so, that the median income be considered, (2) cautioned against focusing on efficiency because some important decisions take time to allow for the process to be completed, (3) agreed with Heller about requiring a marketing plan from DBA/Chamber, and (4) asked for better RTM support from the Town around Robert Rules of Order and other meeting procedures. She offered to assist with the organization of training sessions. Rikki Risatti suggested that (1) legal opinions be provided by a committee of lawyers rather than one attorney's opinion so as to provide for additional interpretations of law; (2) asked that all public meetings be televised and ASL interpreters be provided, and (3) suggested that \$15,000 was too low a fund to actually improve artists' quality of life. There was substantial discussion by the Board members on all the items included in this matter.

NO MOTIONS WERE OFFERED.

Rules for Conduct – Discussion and Possible Approval. Elwell said that the Board was asked to review, and possibly approve, the Rules for Conduct of Meetings and Hearings for 2019-2020. He said that the proposed Rules were identical to the Rules adopted by the Board last year, except for the date and the

change of the document deadline changed to "Tuesday" from "Wednesday" in item G(1)(a) and (b). There was a brief discussion by the Board.

MOTION BY TIM WESSEL TO APPROVE THE RULES FOR CONDUCT OF MEETINGS AND HEARINGS FOR THIS YEAR'S SELECTBOARD. MOTION CARRIED 4-0.

Conflict of Interest Policy – Discussion and Possible Approval. Elwell said that the Board was asked to review and approve the newly created Policy Regarding Conflicts of Interest and Ethical Conduct for 2019-2020. He said the policy was in response to a new statutory requirement this year and the proposed policy generally followed a format provided by the Vermont League of Cities and Towns (VLCT). Rikki Risatti provided comments. There was no discussion by the Board.

MOTION BY ELIZABETH McLOUGHLIN TO APPROVE THE POLICY REGARDING CONFLICTS OF INTEREST AND ETHICAL CONDUCT. MOTION CARRIED 4-0.

Warrants – Rotation Schedule for Reviewing and Signing. Elwell said that the Board was asked to assign individual Board members to review and sign payroll and accounts payable warrants for designated periods throughout the year. Each member was assigned a specific period of time to execute the weekly warrants according to the schedule in the back-up materials. There was a brief discussion.

NO MOTION WAS OFFERED.

Annual Selectboard Appointments – Committees and Boards. Starr said that Board members were asked to volunteer for certain board and committee positions for 2019-2020. Each member volunteered to serve on certain boards and committees as set forth in the back-up materials. In addition, Elwell asked the Board to re-appoint Assistant Town Manager Moreland as the primary representative to the Windham Solid Waste Management District Board of Supervisors, with Elwell being the alternate representative. Regarding the Windham Regional Commission, McLoughlin suggested that Tom Mosakowski and Planning Director Sue Fillion be appointed as representatives.

MOTION BY TIM WESSEL TO APPOINT THE FOLLOWING MEMBERS TO THE FOLLOWING BOARDS AND COMMITTEES:

**CAPITAL GRANT REVIEW BOARD - ELIZABETH McLOUGHLIN AND BRANDIE STARR;
RENTAL HOUSING IMPROVEMENT PROGRAM LOAN COMMITTEE - DANIEL QUIPP;
SMALL BUISNESS ASSISTANCE PROGRAM LOAN COMMITTEE – DAVID SCHOALES;
TRAFFIC SAFETY COMMITTEE – TIM WESELL;
WINDHAM REGIONAL COMMISSION – TOM MOSAKOWSKI AND SUE FILLION; AND
WINDHAM SOLID WASTE MANAGEMENT DISTRICT BOARD OF SUPERVISORS – PATRICK MORELAND (PRIMARY REPRESENTATIVE) AND PETER ELWELL (ALTERNATE).
MOTION CARRIED 4-0.**

Committee Appointments. Elwell said that the Board was asked to appoint several citizens to various boards and committees, and he asked the Board for nominations in accordance with the Board's Rules for Conduct. There was a brief discussion about the procedure, including an agreement to avoid the appointment of one individual to several committees. Starr noted that one applicant for the Energy Committee – Harmeet Singh – withdrew his application. Starr asked for nominations:

QUIPP NOMINATED RIKKI RISATTI FOR THE ADA ADVISORY COMMITTEE. NOMINATION CARRIED 4-0.

McLOUGHLIN NOMINATED JOANNA MARIE ZAMBELLA FOR THE ARTS COMMITTEE. NOMINATION CARRIED 4-0.

STARR NOMINATED CAROL LEVIN FOR THE ENERGY COMMITTEE. NOMINATION CARRIED 4-0.

WESSEL NOMINATED PRISCILLA “PAM” SWEENEY TO THE SENIOR SOLUTIONS ADVISORY COUNCIL. NOMINATION CARRIED 4-0.

Starr encouraged citizens to review other vacancies on the Town’s website and to consider volunteering.

There was no further business.

MOTION BY DANIEL QUIPP TO ADJOURN AT 9:15PM. MOTION CARRIED 4-0.

Elizabeth McLoughlin, Clerk