

**BRATTLEBORO SELECTBOARD
TUESDAY, APRIL 3, 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, and David Schoales.

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Planning Director Rod Francis, Recreation & Parks Director Carol Lolatte, and Executive Secretary Jan Anderson.

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

Others present: Nick Nickerson, Mary Giamartino, Peter Masseri, Orly Munzing, Anne Latchis, Judy Eshelman, Terry Carter, Chris Hart, Jay Boomer, ASL interpreters Elizabeth Fox and Janet Dickinson, 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 CONTRACTS AND PENDING OR PROBABLE CIVIL LITIGATION OR PROSECUTION TO WHICH THE PUBLIC BODY IS OR MAY BE A PARTY, 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.

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

APPROVE MINUTES

MOTION BY TIM WESSEL TO APPROVE MINUTES FROM THE MARCH 20 AND MARCH 26, 2018 MEETINGS. MOTION CARRIED 4-0.

CHAIR'S REMARKS

None.

MANAGER'S COMMENTS

None.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

None.

PUBLIC PARTICIPATION

Nick Nickerson noted that a school district in Pennsylvania had its answer to recent school shootings. He said that the school district suggested installing five-gallon buckets filled with stones into classrooms so the students could throw stones at shooters, which would give students an active role and lessen effects of PTSD. He also suggested an "upgrade" by giving teachers slingshots and marbles to use against potential shooters.

(See additional Public Participation at the end of the meeting.)

LIQUOR COMMISSIONERS

MOTION BY DAVE SCHOALES TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 4-0.

Liquor License Renewal – Hotel Pharmacy. O'Connor said that the Board previously approved annual liquor license renewals but wanted to address applicants who had violations in the past year. She said that Hotel Pharmacy received a citation for selling alcohol to an underage customer and was asked to explain the incident and what corrective actions had since been taken. Mary Giamartino and Peter Masseri, from Hotel Pharmacy, explained the incident and discussed new policies and procedures that had since been implemented. There was a brief discussion by the Board.

MOTION BY TIM WESSEL TO APPROVE THE ANNUAL RENEWAL OF A SECOND CLASS LIQUOR LICENSE FOR HOTEL PHARMACY, 20 ELLIOT STREET. MOTION CARRIED 4-0.

Strolling of the Heifers Friday Evening Street Festival - Special Event Permits for June 1

- (i) 14th Star Brewing Co.
- (ii) Pizzapalooza, LLC, d/b/a Beer Naked Brewery
- (iii) Artesano, LLC
- (iv) Caledonia Spirits, Inc.
- (v) Vermont Distillers, Inc.
- (vi) Albatross, LLC, Spirits of Old Bennington
- (vii) Fresh Tracks Farm, LLC, d/b/a Fresh Tracks Farm Vineyard & Winery
- (viii) White Mountain Distillery, LLC, d/b/a Stowe Cider
- (ix) Cold Spring Spirits, d/b/a Mad River Distillers

O'Connor said that the Board was asked to approve special event liquor permits for nine vendors planning to participate in the Strolling of the Heifers ("Strolling") Friday Night Street Festival on June 1, 2018. Anne Latchis, Orly Munzing and Judy Eshelman, from Strolling, spoke about the liquor samplings that would be served at the River Garden during the Friday Night Street Festival. They confirmed that each of the vendors would have servers that were licensed by the Department of Liquor Control. There was a brief discussion by the Board.

MOTION BY BRANDIE STARR TO APPROVE SPECIAL EVENT PERMITS FOR THE FOLLOWING VENDORS FOR THE PORTION OF THE STROLLING OF THE HEIFERS' FRIDAY EVENING STREET FESTIVAL TO BE HELD INSIDE THE RIVER GARDEN ON JUNE 1, 2018, BETWEEN 5PM AND 9:30PM:

**VERMONT DISTILLERS, INC., FROM WEST MARLBORO, VERMONT;
14TH STAR BREWING COMPANY FROM ST. ALBANS, VERMONT;
CALEDONIA SPIRITS FROM HARDWICK, VERMONT;
ALBATROSS, LLC, d/b/a SPIRITS OF OLD BENNINGTON FROM BENNINGTON,
VERMONT;
PIZZAPALOOZA, LLC, d/b/a BEER NAKED BREWERY FROM MARLBORO, VERMONT
ARTESANO FROM GROTON, VERMONT;
FRESH TRACKS FARM, LLC, d/b/a FRESH TRACKS FARM VINEYARD & WINERY FROM
BERLIN, VERMONT;
WHITE MOUNTAIN DISTILLERY, LLC, d/b/a STOWE CIDER FROM STOWE, VERMONT;
COLD SPRING SPIRITS d/b/a MAD RIVER DISTILLERS OF WARREN, VERMONT.**

MOTION CARRIED 4-0.

MOTION BY BRANDIE STARR TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 4-0.

NEW BUSINESS

Strolling of the Heifers Weekend

- (i) Street/Sidewalk Blocking Permit for Friday Evening Street Festival, June 1
- (ii) Parade/Open Air Permit for Saturday Parade and Expo, June 2
- (iii) Parade/Open Air Permit for Sunday Tour de Heifer, June 3

O'Connor said that the Board was asked to approve three permits for the Strolling of the Heifers weekend on June 1, 2 and 3, 2018. Anne Latchis, Orly Munzing and Judy Eshelman, from Strolling of the Heifers, were present to discuss the weekend events. Elwell said that Town staff had met extensively with the

event organizers and recommended that the Selectboard approve the permits with the conditions that were noted on the draft permits. He noted that the parking meters would be bagged at 2:00pm on Friday for the Street Festival so as to allow a more orderly and safe set-up by the various vendors who would be setting up in the street. Latchis said that the downtown merchants agreed to the bagging of meters at that time. There was discussion about notifying the public and installing signs about the street closure. Munzing spoke about the Slow Living Summit that was taking place on Thursday and Friday, the Friday Night Street Festival, and the Saturday parade and following events taking place at The Brattleboro Common and The Retreat lawn. She said that the parade's theme this year was "May the Farms Be With You," and she encouraged the public to wear Star Wars costumes. She said that the parade and festival supported a number of farm programs throughout the year and she spoke of the many programs. Eshelman spoke about the "goat Olympics" event that would take place on Saturday on The Retreat lawn. There was a brief discussion by the Board.

MOTION BY DAVE SCHOALES TO APPROVE A STREET/SIDEWALK BLOCKING PERMIT FOR THE STROLLING OF THE HEIFERS FRIDAY EVENING STREET FESTIVAL ON JUNE 1, 2018, BETWEEN 4:15PM AND 9:30PM; AND

TO APPROVE A PARADE/OPEN AIR MEETING AND STREET/SIDEWALK BLOCKING PERMIT FOR THE STROLLING OF THE HEIFERS PARADE AND EXPO ON JUNE 2, 2018, BETWEEN 8AM AND 5PM; AND

TO APPROVE A PARADE/OPEN AIR MEETING PERMIT FOR THE TOUR DE HEIFER BIKE RIDE EVENT ON JUNE 3, 2018, BETWEEN 8AM AND 4PM. MOTION CARRIED 4-0.

Downtown Improvement District Application for Designation Renewal – Planning Department. O'Connor said that the Board was asked to approve the application for renewal of the Town's designated Downtown Improvement District ("DID"). Planning Director Rod Francis spoke about the requirement to renew the DID designation every five years, the lengthy process it entailed, and about the advantages and benefits of having such a downtown program. He said that the Selectboard was required to approve submission of the application, as set forth in his memo dated March 28, 2018. He said that a majority of property owners within the DID voted in favor of supporting renewal of participation in the DID. There was a brief discussion by the Board.

MOTION BY DAVE SCHOALES TO APPROVE SUBMITTAL OF THE APPLICATION TO THE DOWNTOWN BOARD OF THE VERMONT DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR RENEWAL OF BRATTLEBORO'S DESIGNATED DOWNTOWN IMPROVEMENT DISTRICT. MOTION CARRIED 4-0.

Schedule Two Public Hearings for Review and Potential Adoption of the 2018 Town Plan - May 1 and May 15 are the Proposed Hearing Dates - Planning Department. Planning Director Francis said that the Board was asked to schedule two public hearings to hear and comment on amendments proposed to the Town Plan. He said that the Town Plan was required to be updated and re-adopted every five years (although the requirement would be extended to eight years in the future). He said that the Town Plan had been updated, that the Planning Commission held public hearings and had approved the revised Town Plan, and the Selectboard was now being asked to hold two public hearings and then adopt the revised Plan. He said that the Board was being asked to schedule public meetings on May 1 and May 15, 2018. There was some discussion about the public's opportunity to comment on the changes, how the public would be notified, and the minor changes made to the Plan.

MOTION BY DAVE SCHOALES TO SCHEDULE PUBLIC HEARINGS REGARDING THE 2018 TOWN PLAN TO BE HELD ON MAY 1 AND MAY 15, 2018. MOTION CARRIED 4-0.

Conditional Letter of Map Revision (CLOMR) for Whetstone Brook Melrose Terrace Floodplain Restoration Project – Planning Department. Planning Director Francis was present and introduced Doug Osborne, from the engineering firm of Milone & MacBroom, and Chris Hart, Executive Director of the Brattleboro Housing Partnerships (BHP). Francis said that the Town and BHP were collaborating on a project to remove flood-prone buildings at Melrose Terrace and to provide floodplain restoration at that location, as set forth in his memo dated March 29, 2018. He provided a PowerPoint presentation

showing the damages and resulting conditions after Tropical Storm Irene flooding and the proposed new floodplain maps drawn by the engineers. He said that the Federal Emergency Management Agency (FEMA) had grant funding available for such restoration projects and it required BHP to request a "conditional letter of map revision" (CLOMR) from the municipality as part of its review process. He said that the Board was asked to authorize the Town Manager to sign the required form in order for BHP to request a CLOMR to advance the restoration project. Osborne presented images of the existing conditions of the land, the present and former path of the Whetstone Brook, and proposed new floodplain maps. Hart discussed the FEMA grant that BHP was applying for, the deadline by which to submit the application, the destruction of buildings at Melrose Terrace, and efforts to move the remaining tenants from the flood zone. Jay Boomer, owner of 755 Western Avenue, spoke at length in opposition to the proposed floodplain maps and stated that his property was formerly located within the 500-year flood plain and would now be located within the 50-year flood plain. He spoke of the negative effects and said they would impact the value and resale value of his property. He said that the redrawing of the flood lines would result in the need for costly flood insurance. After much discussion between the parties and the Board, Hart agreed that BHP would instruct the engineers to re-evaluate the data and conditional factors in order to ascertain whether the floodplain lines could be revised. She also spoke about concerns that a delay may cause in BHP receiving the substantial amount of FEMA funds. Boomer asked the Selectboard to delay its authorization until he had a chance to review the maps with the engineers. O'Connor clarified that the Selectboard was not being asked to approve the floodplain maps, nor did it have authority to do so, and she said that a delay in the process would be of no advantage to Boomer's requests but could substantially disadvantage the FEMA funding. Francis confirmed that FEMA, not the Selectboard, had sole authority to determine the floodplain. He further discussed the availability of significantly updated data and tools used by the engineers in preparing the maps. There was substantial discussion by the Board about the property, restoration project, proposed flood maps, FEMA's procedural process, flood insurance requirements, results in delaying the project, and possible appeal processes. The Board generally agreed that to delay the authorization could substantially jeopardize the project and funding.

MOTION BY DAVE SCHOALES TO AUTHORIZE THE TOWN MANAGER TO SIGN AND SUBMIT FORMS TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO OBTAIN A CONDITIONAL LETTER OF MAP REVISION TO ADVANCE THE WHETSTONE FLOODPLAIN RESTORATION PROJECT. MOTION CARRIED 4-0.

Cemetery Seasonal Maintenance – Award Bid, Recreational & Parks Department. O'Connor said that the Board was asked to award the annual bid for Town cemetery maintenance. Recreation & Parks Director Carol Lolatte said that the project went out to bid and the Town received two bids, one of which did not meet the specifications. She asked the Board to award the bid to Vermont Road Works, LLC, in the amount of \$17,021. There was a brief discussion by the Board.

MOTION BY TIM WESSEL TO AWARD THE BID FOR SEASONAL MAINTENANCE OF PROSPECT HILL CEMETERY AND MORNINGSIDE CEMETERY TO VERMONT ROAD WORKS, LLC, IN THE AMOUNT OF \$17,021. MOTION CARRIED 3-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).

Walmart Foundation Community Grant – Approve Application for Skatepark, Recreation & Parks Department. Recreation & Parks Director Lolatte said that the Board was asked to approve an application for a \$5,000 Community Grant from the Walmart Foundation to provide partial funding for design and construction of the proposed Skatepark at Living Memorial Park. She said that the fundraising campaign continued forward and the finish line was "in sight." Wessel asked if members from BASIC (Brattleboro Area Skatepark Is Coming) could appear at the next Selectboard meeting to discuss the current level of funds. There was a brief discussion by the Board.

MOTION BY BRANDIE STARR TO AUTHORIZE THE RECREATION AND PARKS DEPARTMENT, ON BEHALF OF B.A.S.I.C. (BRATTLEBORO AREA SKATEPARK IS COMING), TO APPLY FOR A \$5,000 COMMUNITY GRANT FROM THE WALMART FOUNDATION TO PROVIDE PARTIAL FUNDING FOR DESIGN AND CONSTRUCTION OF THE PROPOSED SKATEPARK AT LIVING MEMORIAL PARK. MOTION CARRIED 4-0.

Westgate – Assignment of Debt from Housing Vermont to Windham & Windsor Housing Trust. Assistant Town Manager Patrick Moreland spoke about the Westgate affordable housing development and said that it was operated as a cooperative that had previously been supported by Housing Vermont since 2001 through an entity called Westgate Bond Housing Limited Partnership. He said that through a series of transactions, the Windham and Windsor Housing Trust (WWHT) was assuming the support role previously provided by Housing Vermont, and the entity through which WWHT would provide support was named Westgate Allocated Housing Limited Partnership. Moreland said that the Board was asked to approve an Assumption Agreement that was prepared by Town Attorney Robert Fisher through which Westgate Allocated Housing Limited Partnership would acknowledge that it had assumed all the obligations previously owed to the Town by the Westgate Bond Housing Limited Partnership and the Town would acknowledge that Westgate Bond Housing Limited Partnership no longer owed any obligations to the Town. There was a brief discussion by the Board.

MOTION BY DAVE SCHOALES TO AUTHORIZE THE TOWN MANAGER TO EXECUTE AN ASSUMPTION AGREEMENT WITH WESTGATE ALLOCATED HOUSING LIMITED PARTNERSHIP, AS PRESENTED. MOTION CARRIED 4-0.

Five County Scattered Site CDBG Grant – Windham and Windsor Housing Trust, Vermont Community Development Program

- (i) *Adopt Grant Agreement Resolution*
- (ii) *Accept and Appropriate VCDP Grant*
- (iii) *Authorize Town Manager to Execute Grant Agreement and Take All Other Actions Necessary to Implement this Grant*

Assistant Town Manger Moreland said that the Board approved a grant application in March, 2017 to support a 5-county affordable housing program to be administered by the Windham and Windsor Housing Trust and Downstreet Housing and Community Development in north central Vermont. He said that later that year, the Town was notified that it would be awarded a grant in the amount of \$725,000, subject to certain conditions. He said that the conditions had been met and the various parties were now ready to finalize the documents necessary to implement this grant. He said he Board was asked to (1) adopt the Grant Agreement Resolution, (2) accept and appropriate the sum of \$725,000, and (3) authorize the Town Manager to execute the Agreement and take all other actions necessary to implement the grant. There was a brief discussion by the Board.

MOTION BY TIM WESSEL TO ADOPT THE GRANT AGREEMENT RESOLUTION APPROVING GRANT AGREEMENT # 07110-SS-2016-BRATTLEBORO-00005, AS PRESENTED; AND

TO ACCEPT AND APPROPRIATE THE SUM OF \$725,000 FROM THE VERMONT COMMUNITY DEVELOPMENT PROGRAM FOR THE FIVE COUNTY HOMEOWNERSHIP SERVICE PROGRAM ADMINISTERED BY THE WINDHAM AND WINDSOR HOUSING TRUST AND DOWNSTREET HOUSING AND COMMUNITY DEVELOPMENT; AND

TO AUTHORIZE THE TOWN MANAGER TO EXECUTE GRANT AGREEMENT # 07110-SS-2016-BRATTLEBORO-00005 WITH THE STATE OF VERMONT AND TAKE ALL OTHER ACTIONS NECESSARY TO IMPLEMENT THIS GRANT. MOTION CARRIED 4-0.

Vermont Community Development Program Policy Updates

- (i) *Town's Revolving Loan Fund – Plan for Use of Program Income & Unrestricted Revenue*
- (ii) *Agency of Commerce and Community Development – Municipal Policies and Codes*

Assistant Town Manger Moreland said that the Board was asked to approve two updated policy statements regarding the Town's ongoing administration of the local revolving loan fund and the Town's participation in the Vermont Agency of Commerce and Community Development's (ACCD) grant and loan programs. He said that compliance staff for the Vermont Community Development Program (VCDP) recently notified the Town that many of the Town's uses of Program Income, while wholly consistent with State's guidelines, were not provided for the Town's Revolving Loan Fund Policy. He said that the proposed agreements, which had been written by Town staff and approved by the Town Attorney and Attorney for the ACCD, would cure that oversight. He said that further details were set forth in his memo

dated March 26, 2018. Starr summarized that the new policy statements would bring the policy in line with practices. There was no further discussion.

MOTION BY BRANDIE STARR TO ADOPT THE POLICY ENTITLED “TOWN OF BRATTLEBORO REVOLVING LOAN FUND – PLAN FOR THE USE OF PROGRAM INCOME AND UNRESTRICTED REVENUE,” AS PRESENTED; AND

TO ADOPT THE POLICY ENTITLED “MUNICIPAL POLICIES AND CODES (FORM MP-1),” AS PRESENTED. MOTION CARRIED 4-0.

PUBLIC PARTICIPATION (continued)

Terry Carter missed the earlier public participation and asked to speak about the dumping of tires in the West River wetlands by the West River Trail. She said that she requested this matter be added to the April 17 Selectboard agenda for public discussion. She asked that the Town and its citizens apply pressure on the Vermont Agency of Environmental Regulations to enforce its own regulations. She invited people to contact her (254-5421) to make arrangements for her to show them the area of concern.

There was no further business.

MOTION BY BRANDIE STARR TO ADJOURN AT 8:50PM. MOTION CARRIED 4-0.

Tim Wessel, Clerk