

**BRATTLEBORO SELECTBOARD  
TUESDAY, APRIL 4, 2017  
REGULAR MEETING – 6:15PM  
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER  
MINUTES**

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

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Public Works Director Steve Barrett, Fire Chief Mike Bucossi, Recreation & Parks Director Carol Lolatte, Police Captain Mark Carignan, and Executive Secretary Jan Anderson.

Media present: Chris Mays representing the Brattleboro Reformer, Olga Peters representing WTSA, Wendy Levy representing The Commons, and BCTV staff and volunteers.

Others present: Stephanie Shiman, John Broyles, Dawn Chattin, Dale Joy, Bruce Whitney, Elizabeth Bridgewater, Daniel Quipp, Paige Martin, Michael Bosworth, 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 6:15pm. She confirmed that the meeting was officially warned.

***APPROVE MINUTES***

**MOTION BY DAVE SCHOALES TO APPROVE THE MINUTES FROM MARCH 21 AND MARCH 27, 2017. MOTION CARRIED 5-0.**

***CHAIR'S REMARKS***

Chair O'Connor welcomed the two new Board members – Brandie Starr and Tim Wessel. She announced that the Town's budget was passed at Representative Town Meeting recently and noted that there were no major controversies at the meeting.

***MANAGER'S COMMENTS***

Town Manager Elwell noted that the Town was currently under a flood watch due to the melting snow and forecasted rain. He said that Emergency services were ready to respond, if necessary. He also noted that the Town participated in a community rating system in connection with the National Flood Insurance Program. He said that due to the measures taken by the Town to reduce the threat of flooding in the community, the Town's score improved and property owners who were required to purchase flood insurance would now receive a 10% discount. He thanked Zoning Administrator Brian Bannon for his participation in the program and the work of the Public Works Department for taking the actions necessary to reduce flood threats.

***SELECTBOARD COMMENTS AND COMMITTEE REPORTS***

Schoales noted that the new Board members seemed eager to start their work on the Board. He also noted that there were representatives from three media sources at the meeting. He welcomed the fresh eyes and ears.

***PUBLIC PARTICIPATION***

Dale Joy read a prepared statement regarding the unhealthy and unsafe conditions in her apartment and in the apartment building. She voiced her dissatisfaction with the landlord for allowing such conditions to exist, her eviction from it, and the involvement by the Town Health Officer and the State Department of Health.

Daniel Quipp, from the 350Brattleboro, a climate action organization, referenced Elwell's statement about being in a flood watch and noted that increased precipitation was expected due to climate changes. He reminded the Board members recently elected of some statements they made pertaining to energy and climate during their recent campaigns. He welcomed the new Board members.

### ***LIQUOR COMMISSIONERS***

**MOTION BY JOHN ALLEN TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.**

First Class Liquor License – Cantina Vidorra LLC. O'Connor said that the Board was asked to approve a first class liquor license for Cantina Vidorra, LLC, located at 49 Elliot Street. Stephanie Shiman and John Broyles, owners of the restaurant, were present and discussed their plans for the restaurant. Elwell confirmed that the application had been reviewed and approved by the Police and Fire Departments. There was a brief discussion by the Board.

**MOTION BY BRANDIE STARR TO APPROVE A FIRST CLASS LIQUOR LICENSE FOR CANTINA VIDORRA, LLC, LOCATED AT 49 ELLIOT STREET. MOTION CARRIED 5-0.**

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

### ***WATER AND SEWER COMMISSIONERS***

**MOTION BY TIM WESSEL TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.**

Approve Purchase of Pick-Up Truck - State Contract. Public Works Director Barrett said that the Board was asked to approve the purchase of a 2017 Chevrolet Silverado pick-up truck through the State bid process for the Utilities Division in the total amount of \$26,995. He discussed information contained in his memo dated March 31, 2017. There was a brief discussion by the Board.

**MOTION BY JOHN ALLEN TO APPROVE THE PURCHASE OF A 2017 CHEVROLET SILVERADO THROUGH THE STATE OF VERMONT CONTRACT IN THE TOTAL AMOUNT OF \$26,995. MOTION CARRIED 5-0.**

**MOTION BY JOHN ALLEN TO ADJOURN AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.**

### ***UNFINISHED BUSINESS***

Police-Fire Facilities Building Project – Update. Town Manager Elwell announced that the West Brattleboro Fire Station was complete and said that the ribbon cutting ceremony and open house were scheduled on April 22 from 9:00am to 12:00noon, with a brief ceremony at 9:30am. He also provided an update on the construction progress at Central Fire Station and 62 Black Mountain Road, as set forth in his memo dated March 30, 2017. He said that memo also contained financial information regarding administratively approved project expenses with an overall summary of the project budget. Fire Chief Bucossi added that the operation of the West Brattleboro Fire Station was going well in the new building. Daniel Quipp inquired about the tall beams and insulation being installed at Central Fire Station. There was some discussion by the Board.

**NO ACTION TAKEN.**

**NEW BUSINESS**

VCDP Application for Windham and Windsor Housing Trust's Scattered Site Grant – Public Hearing and Adopt Resolution.

O'Connor opened the public hearing.

Assistant Town Manager Moreland said that the Board was asked to hold a public hearing and adopt the Resolution authorizing the submission of a Vermont Community Development Program (VCDP) Scattered Site Grant in the amount of \$715,896 to support Windham & Windsor Housing Trust's (WWHT) Home Repair Program, Counseling Advocacy, and First Time Home Buyer Services Program. He discussed the program to be funded by the grant, as set forth in his memo dated March 23, 2017. Representatives from WWHT, Elizabeth Bridgewater (Director of Homeownership) and Bruce Whitney (Lending and Shared Equity Manager) were present and discussed the operations of WWHT and the Scattered Site Grant. Bridgewater discussed the history and various aspects of WWHT's homeownership program. Whitney discussed the particulars, operations, and expectations of the Scattered Site Grant. He read a letter from thankful citizen who had previously participated in the Scattered Site project. O'Connor noted that the funds were from a federal source, and were not from the State or local budgets. Dale Joy asked about the working relationship with SEVCA. There was some discussion by the Board.

**MOTION BY JOHN ALLEN TO ADOPT THE RESOLUTION AUTHORIZING THE SUBMISSION OF A VCDP SCATTERED SITE GRANT IN THE AMOUNT OF \$715,896 TO SUPPORT WINDHAM & WINDSOR HOUSING TRUST'S HOME REPAIR PROGRAM, COUNSELING ADVOCACY, AND FIRST TIME HOME BUYER SERVICES PROGRAM. MOTION CARRIED 5-0.**

O'Connor closed the public hearing.

Cemetery Maintenance Bid Award – Recreation & Parks Department. Carol Lolatte, Recreation & Parks Director, said that the Board was asked to award the cemetery seasonal maintenance contract for Prospect Hill Cemetery and Morningside Cemetery to Vermont Road Works, LLC, in the amount of \$17,180. There was a brief discussion by the Board.

**MOTION BY DAVE SCHOALES TO AWARD THE CEMETERY SEASONAL MAINTENANCE CONTRACT FOR PROSPECT HILL CEMETERY AND MORNINGSIDE CEMETERY TO VERMONT ROAD WORKS, LLC, IN THE AMOUNT OF \$17,180. MOTION CARRIED 5-0.**

Approve Grant Application – Crosby Gannett Grant for Skatepark, Recreation & Parks Department. Director Lolatte said that the Board was asked to approve an application for a \$1,000 grant to help pay for design and construction of the proposed skatepark at Living Memorial Park. There was a brief discussion by the Board.

**MOTION BY TIM WESSEL TO APPROVE AN APPLICATION FOR A \$1,000 GRANT FROM THE CROSBY GANNETT FUND OF THE VERMONT COMMUNITY FOUNDATION TO HELP PAY FOR DESIGN AND CONSTRUCTION OF THE PROPOSED SKATEPARK AT LIVING MEMORIAL PARK. MOTION CARRIED 5-0.**

Ratify Town Manager's Approval of Small and Inspiring Grant – Vermont Community Foundation Grant for Skatepark, Recreation & Parks. Elwell said that the Board was asked to ratify his approval of an application for a \$2,500 grant to help pay for design and construction of the proposed skatepark at Living Memorial Park. He said that he approved the application last week because the application deadline was April 1. There was a brief discussion by the Board.

**MOTION BY DAVE SCHOALES TO RATIFY THE TOWN MANAGER'S APPROVAL OF AN APPLICATION FOR A \$2,500 SMALL AND INSPIRING GRANT FROM THE VERMONT COMMUNITY**

**FOUNDATION TO HELP PAY FOR DESIGN AND CONSTRUCTION OF THE PROPOSED SKATEPARK AT LIVING MEMORIAL PARK. MOTION CARRIED 5-0.**

Ratify Town Manager's Letter to World Learning re: Grant Application for Proposed Solar Project. Elwell said that the Board was asked to approve a letter stating a finding that World Learning's solar project was "not inconsistent with the Town Plan" for a solar project grant application being submitted by World Learning, as set forth in his memo dated March 30, 2017. He said that the Board previously issued similar letters to three other energy grant proposals and World Learning's request came in after the last Board meeting and the deadline was prior to this meeting. He said that the grant requested a letter from the Selectboard so the Board Chair was asked to sign an identical letter to supplement World Learning's application. There was a brief discussion by the Board.

**MOTION BY BRANDIE STARR TO RATIFY PETER ELWELL'S DECISION TO PROVIDE WORLD LEARNING WITH THE ATTACHED LETTER DATED MARCH 28, AND TO AUTHORIZE KATE O'CONNOR, AS CHAIR OF THE SELECTBOARD, TO SIGN AN IDENTICAL LETTER DATED APRIL 4. MOTION CARRIED 5-0.**

Vermont Agency of Transportation (VTrans) Matters

- (i) *Approval of the Annual Financial Plan*
- (ii) *Certification of Compliance*

Public Works Director Barrett said that the Board was asked to approve the VTrans Annual Financial Plan for Town Highways, as presented. He briefly discussed the purpose of Financial Plan. There was a brief discussion by the Board.

**MOTION BY DAVE SCHOALES TO APPROVE THE ANNUAL FINANCIAL PLAN FOR TOWN HIGHWAYS. MOTION CARRIED 5-0.**

Public Works Director Barrett said that the Board was also asked to approve the VTrans Certification of Compliance for Town Road and Bridge Standards and Network Inventory form. He briefly discussed the purpose of keeping in compliance with the standards. There was no discussion.

**MOTION BY JOHN ALLEN TO APPROVE THE CERTIFICATION OF COMPLIANCE FOR TOWN ROAD AND BRIDGE STANDARDS AND NETWORK INVENTORY. MOTION CARRIED 5-0.**

Town Meeting Follow-Up Matters – Staff Updates and Selectboard Discussion

- (i) *Plastic Bags*
- (ii) *Compassionate Cities*
- (iii) *Indigenous Peoples' Day*

O'Connor said that on election day, the voters voted in favor of a plastic bag ordinance and for promoting participation in the Compassionate Cities movement. She said that Representative Town Meeting voted in favor of changing the name of the Columbus Day holiday to Indigenous Peoples' Day. Town Manager Elwell spoke about the research that staff had already begun on each of the matters and discussed some possible actions that the Board could take in the future, all as set forth in his memo dated March 30, 2017. Daniel Quipp noted that the State Legislature was currently considering a bill on plastic bags and suggested a proactive public approach to discuss it. Dale Joy asked whether there would be a celebration on Indigenous Peoples' Day. There was much discussion by the Board, including the importance of providing opportunities for the public to participate in future discussions. It was generally agreed that Indigenous Peoples' Day be added to the next agenda for action and that staff report to the Board with suggestions on how to proceed on the other matters.

**NO ACTION TAKEN.**

Annual Update of Comprehensive Review of Town Operations (CRTO) and Selectboard Goals – Staff's

*Schedule Recommendation and Selectboard Discussion.* Town Manager Elwell proposed a schedule for Selectboard discussion and action on the annual review/update of the CRTO and for setting the Board's goals for the year, as set forth in his memo dated March 30, 2017. There was a brief discussion.

**NO ACTION TAKEN.**

Committee Matters

- (i) *Appoint Energy Coordinator*
- (ii) *Appoint Other Committee Members*

O'Connor said that the Board was asked to fill vacancies on various Town committees. She asked for nominations the Arts Committee.

**JOHN ALLEN NOMINATED KATIE BACHLER AND JOEL KAEMMERLEN TO THE TOWN ARTS COMMITTEE. NOMINATIONS CARRIED 5-0.**

**DAVE SCHOALES NOMINATED MARILYN CHIARELLO TO THE CONSERVATION COMMISSION. NOMINATION CARRIED 5-0.**

**TIM WESSEL NOMINATED ROSEANN GRIMES TO THE ENERGY COMMITTEE. NOMINATION CARRIED 5-0.**

O'Connor noted that one application had been received for the Energy Coordinator position but understood that other people may be interested in that position. Executive Secretary Anderson said that the previous deadline to submit applications had been extended but no specific deadline was set. Michael Bosworth, Chair of the Energy Committee, said that he understood there was interest in the position by other people who were not sure about the process to apply. He suggested that the Energy Committee have an opportunity to meet with potential applicants. It was agreed by the Board that the deadline to submit applications be set at April 24, that copies of the applications be provided to the Energy Committee for discussion at its May 1 meeting, and that the Board make the appointment at its meeting on May 2. There was some discussion by the Board. Wessel inquired about the \$10,000 appropriation approved by Representative Town Meeting. There was discussion about the need to form a fiscal organization to receive the funds and how the funds could be appropriated within the budget by the Board to be utilized by the anticipated energy organization and the Energy Coordinator.

**MOTION BY JOHN ALLEN THAT THE BOARD TAKE THE \$10,000 APPROVED AT TOWN MEETING AND APPLY IT TO AN ENERGY COORDINATOR TO BE NAMED LATER.**

Executive Secretary Anderson suggested that the funds be directed to the agency that would be formed rather than directly to the Energy Coordinator. There was further discussion about the need to organize the fiscal agent and then make the funds available to the agency for use by the Energy Coordinator. Several suggestions were discussed and Allen accepted a friendly amendment to his motion.

**AMENDED MOTION BY JOHN ALLEN TO DESIGNATE \$10,000 TO A GROUP TO BE DETERMINED, SUBJECT TO THE APPOINTMENT OF AN ENERGY COORDINATOR AND THE SELECTBOARD'S APPROVAL OF THE ORGANIZATION TO RECEIVE THE FUNDS. MOTION CARRIED 5-0.**

O'Connor summarized that anyone interested in the Energy Coordinator position should submit an application by April 24, that the Energy Committee receive copies of the applications, and the Board make the appointment at its meeting on May 2. Elwell added that the Energy Committee would meet on May 1 and could provide its recommendation to the Board on May 2.

Rules for Conduct – Discussion. O'Connor said that the Board was asked to discuss its "Rules for Conduct of Meetings and Hearings." Wessel noted that Rule 9 stated "Any rules of procedure not set forth herein shall be as provided in Robert's Rules of Order," and he said that the current practice was

less in line with “Robert’s Rules” and more in line with “Robert’s Rules of Order for Small Boards.” He suggested that either the Board’s procedures be changed to coincide with Robert’s Rules, or the Rules for Conduct be amended to add “for Small Boards,” which would more accurately represent the current practice. He noted that some people had expressed concerns about responsiveness, and he discussed whether seconds to motions should be required and whether the chair should be allowed to make motions. He noted the power provided to the chair under Robert’s Rules, the possible abuse of power by a chair, and his past experience by a chair who moved meetings in a non-democratic manner. He clarified that he was not directing his comments to the current or most recent chair. There was much discussion by the Board members about their preferences, the past and current practices of the Board, safeguards in place to prevent abuse of power, whether to require seconds to motions, and whether to allow the chair participate in the debate and/or make motions. Allen also discussed his discomfort with not allowing a debate during the “Public Discussion” agenda item early in the meeting. There was further discussion by the Board about how much discussion was appropriate during Public Participation under the Open Meeting Law. Dale Joy and Dawn Chattin provided their comments and opinions. It was generally agreed by the Board to amend Rule 9 of the Board’s Rules for Conduct to include reference to Robert’s Rules for Small Boards, to add the matter to the next agenda, and continue the discussion at that time.

**NO ACTION TAKEN.**

Annual Selectboard Assignments – Committees and Boards. O’Connor said that the Board was asked to make assignments from among the Board members to serve one year terms on various committees and boards. Elwell described the purpose and responsibilities of each board and committee. It was agreed that Board members be appointed, as follows:

- Capital Grants Review Board - O’Connor and Starr;
- Rental Housing Improvement Program Loan Committee – Wessel;
- Small Business Assistance Program Loan Committee – Schoales;
- Traffic Safety Committee – Wessel;
- Windham Solid Waste Management District Board of Supervisors – Allen (Representative) and Starr (Alternate);
- Police-Fire Facility Building Committee – Allen.

**NO MOTION WAS OFFERED.**

Warrants – Rotation Schedule for Reviewing and Signing. O’Connor said that the Board members were asked to share responsibility for individually reviewing and approving warrants (accounts payable and payroll checks) for 2017-2018 and to agree upon a schedule. The year was divided into 5 parts and it was agreed that Starr would take the first rotation, followed by Schoales, O’Connor, Wessel, and Allen.

**NO MOTION WAS OFFERED.**

There was no further business.

**MOTION BY BRANDIE STARR TO ADJOURN AT 9:10PM. MOTION CARRIED 5-0.**

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Tim Wessel, Clerk