

**BRATTLEBORO SELECTBOARD
TUESDAY, APRIL 16, 2019
EXECUTIVE SESSION – 5:00PM
REGULAR MEETING – 6:15PM
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER
MINUTES**

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

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Fire Chief Mike Bucossi, Assistant Fire Chief Leonard Howard, Recreation & Parks Director Carol Lolatte, Public Works Director Steve Barrett, Library Director Starr LaTronica, and Executive Secretary Jan Anderson.

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

Others present: James Branagan, David Hiler, Orly Munzing, Jana Zeller, Anne Latchis, Oscar Heller, Melissa Clark, Jeff Clark, Tony Duncan, Michael Bosworth, Samantha Duda, Rikki Risatti, Spoon Agave, Ivan Hennessey, Ray McNeill, Franz Reichsman, ASL interpreters Janet Dickinson and Elizabeth Fox, and others who did not sign the attendance sheet.

Chair Starr called the meeting to order at 5:00pm. She confirmed that the meeting was officially warned.

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 6:22pm.

APPROVE MINUTES

Starr asked the Board to approve the minutes from the April 2 meeting. There was no discussion.

MOTION BY DAVE SCHOALES TO APPROVE MINUTES FROM THE APRIL 2 MEETING. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair Starr thanked the audience for attending the meeting.

MANAGER'S COMMENTS

None.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Tim Wessel spoke about a meeting earlier in the day with US Attorney Christina Nolan, who also held a press conference, regarding the recent multi-jurisdictional law enforcement activities focused on drug trafficking. He said the activities included collaborative efforts over multiple days with Project CARE and other federal, state, and local agencies. Starr said that she appreciated the law enforcement efforts and general understanding about the lack of treatment available and the systemic issues around people struggling with addictions.

PUBLIC PARTICIPATION

Franz Reichsman referenced a recent announcement by the Trump administration’s proposal to relocate asylum seekers to sanctuary cities. He suggested that the Town be well-positioned to receive such asylum seekers and incorporate them into the community if the federal policy went into effect.

LIQUOR COMMISSIONERS

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

Renewal of First-Class Liquor License – Three Dollar Dewey’s, Inc., d/b/a McNeill’s Brewery. Elwell said that the Board was asked to approve a renewal of a first-class liquor license for Three Dollar Dewey’s, d/b/a McNeill’s Brewery, with conditions. He said that the renewal was before the Board at this time because the business was required by the Fire Department to correct safety deficiencies to the electrical fire sprinkler systems. He said that the existing license expired on April 30, 2019 and the Board was asked to approve renewal of the license on the condition that the repairs pass inspection prior to May 1, 2019. Ray McNeill, owner of the business, said that substantial progress had been made and he expected the work to be completed by May 1. There was a brief discussion by the Board.

MOTION BY TIM WESSEL TO APPROVE THE RENEWAL OF THE FIRST-CLASS LIQUOR LICENSE FOR THREE DOLLAR DEWEY’S, D/B/A MCNEILL’S BREWERY, ON THE CONDITION THAT SPRINKLER SYSTEM REPAIRS PASS INSPECTION BY THE BRATTLEBORO FIRE DEPARTMENT NO LATER THAN MAY 1, 2019. MOTION CARRIED 5-0.

Strolling of the Heifers Friday Evening Festival – Friday Night Festival at the River Garden

- (i) *Wild Hart Distillery Inc., Shelburne, VT*
- (ii) *Vermont Distillers, Inc., Marlboro, VT*
- (iii) *Saxtons River Distillery, Brattleboro, VT*
- (iv) *J and J Farm LLC, d/b/a Hell’s Gate Distillery, St. Albans, VT*
- (v) *White Mountain Distillery, LLC, d/b/a Stowe Cider, Stowe, VT*
- (vi) *St. Johnsbury Distillery, St. Johnsbury, VT*
- (vii) *Charles Dodge, d/b/a Putney Mtn. Winery, LLP, Putney, VT*
- (viii) *Whetstone Station Restaurant & Brewery, Brattleboro, VT*
- (ix) *Caledonia Spirits, Inc., Hardwick, VT*

Orly Munzing, Founder, and Anne Latchis, General Manager of Strolling of the Heifers, were present and they discussed the Friday Night Festival with food and alcohol vendors taking place at the River Garden on June 7, 2019 from 5:00pm to 9:30 pm. There were questions and some discussion by the Board.

MOTION BY DANIEL QUIPP TO APPROVE SPECIAL EVENT PERMITS FOR THE FOLLOWING VENDORS FOR THE PORTION OF THE STROLLING OF THE HEIFERS’ FRIDAY EVENING FESTIVAL TO BE HELD INSIDE THE RIVER GARDEN ON JUNE 7, 2019, BETWEEN 5PM AND 9:30PM:

**WILD HART DISTILLERY INC.,
VERMONT DISTILLERS, INC.,
SAXTONS RIVER DISTILLERY,
J AND J FARM LLC, D/B/A HELL’S GATE DISTILLERY,
WHITE MOUNTAIN DISTILLERY, LLC, D/B/A STOWE CIDER,
ST. JOHNSBURY DISTILLERY,
CHARLES DODGE, D/B/A PUTNEY MTN. WINERY, LLP,
WHETSTONE STATION RESTAURANT & BREWERY, and
CALEDONIA SPIRITS, INC.**

MOTION CARRIED 5-0.

Strolling of the Heifers – Saturday Outside Catering Permit, 45 Linden Street, Whetstone Station Restaurant and Brewery, Brattleboro, VT. Starr said that the Board was asked to approve an outside catering permit for Whetstone Station Restaurant and Brewery, in conjunction with the Strolling of the Heifers parade and festival, to be held on Saturday, June 8, 2019. James Branagan and David Hiler, from Whetstone Station, were present and they spoke about the catering plans. Hiler spoke in detail about the food truck and operation that would be set up in the parking lot of the law offices of Corum, Mabie, Cook, Prodan, Angell, Secrest and Darrow, located at 45 Linden Street. He said that serve food, beer, and wine would be served from 9:00am to 4:00pm, using an I.D. wristband system inside double fencing to prevent service of alcohol to minors. McLoughlin spoke of her concerns about serving alcohol starting at 9:00am while the parade was taking place. Anne Latchis, from “Strolling”, said that a liquor inspector could shut down the operation if they so much as pulled the tap in order to test the beer lines outside of the time specified on the permit. Ivan Hennessey added that standard liquor licenses allowed businesses to start serving as early as 8:00am. There was much discussion, particularly about the time of the permit and the responsibility of the alcohol servers.

MOTION BY DAVE SCHOALES TO APPROVE A CATERING PERMIT FOR WHETSTONE STATION RESTAURANT AND BREWERY OF BRATTLEBORO, VERMONT FOR SATURDAY, JUNE 8, 2019, IN ASSOCIATION WITH THE STROLLING OF THE HEIFERS PARADE. MOTION CARRIED 5-0.

MOTION BY TIM WESSEL 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.

Main Street Water Main Replacement Project – Ratify Town Manager’s Bid Award. Elwell said that the Board was asked to ratify a bid award in the amount of \$178,143 to Zaluzny Construction of Vernon, Vermont. He said that the Board granted him authority at the last meeting to accept the sole bid and award the contract to expedite the necessary water main replacement ahead of the annual Strolling of the Heifers parade. Public Works Director Steve Barrett stated that the project was also provided to the Vermont bid list, but no other bids were received. There was some discussion by the Board.

MOTION BY ELIZABETH McLOUGHLIN TO RATIFY THE TOWN MANAGER’S BID AWARD IN THE AMOUNT OF \$178,143 TO ZALUZY CONSTRUCTION OF VERNON, VERMONT, FOR THE WATER MAIN REPLACEMENT PROJECT ON MAIN STREET. MOTION CARRIED 5-0.

Ordinance Amendment – Second Reading, Public Hearing, Chapter 18 (Water and Sewer) Art. II (Sewers), Div. 5 (Rents), Sec. 18-137 (Sewer Rates); and Art III (Water), Div. 2 (Rates), Sec. 18-163 (Metered Service)

Elwell said that the Board was asked to hold a second reading and to conduct a public hearing on the proposed amendments to Chapter 18 of the Code of Ordinances in order to maintain the current water and sewer rate schedule for an additional year. He read the proposed ordinance language in the amendment.

Chair Starr opened the public hearing.

Franz Reichsman, from Finance Committee, spoke about enterprise funds having similarities and differences to other town funds, and he said that the Finance Committee intended to take part in discussions regarding the Utilities Fund and other enterprise funds. He spoke about anticipated improvements to the water treatment plant and water supply system and inquired about the expenses and timeframe for that process. Elwell responded to some of his inquires and invited the committee to attend upcoming Selectboard meetings in May and June when the FY20 enterprise fund budgets would be

discussed. He said that a more detailed discussion about the water treatment plant repair or replacement project, and improvements to the water system, would be held during fall meetings.

Wessel added a comment that the Board had a healthy debate last year about the amount of funds that should be held in the account and that he was in favor of not increasing the rates for the upcoming year. Schoales noted that it has been the Town Manager's intent to avoid borrowing money and paying interest payments, when possible.

Elwell stated that the improvements to the water treatment plant and supply system would substantially exceed the \$5 million currently held in the water and sewer funds. He said he anticipated that some money would have to be borrowed to complete the project.

Chair Starr closed the public hearing.

MOTION BY ELIZABETH McLOUGHLIN TO APPROVE THE AMENDMENTS TO BRATTLEBORO CODE OF ORDINANCES CHAPTER 18, WATER & SEWERS, AS PRESENTED. MOTION CARRIED 5-0.

MOTION BY DAVE SCHOALES TO ADJOURN AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.

UNFINISHED BUSINESS

Representative Town Meeting Follow-Up Matters – Continued Discussion, Energy Efficiencies and Sustainability. Starr announced that this matter was discussed at the previous Selectboard meeting and, at that time, the Board agreed to resume discussions at this meeting so that Board member Schoales could participate. She said that Representative Town Meeting (RTM) approved an expenditure of \$100,000 for energy efficiency and/or sustainability purposes [that could be spent at the Selectboard's discretion].

Schoales provided and discussed a handout entitled "Sustainability Tools for Assessing and Rating (STAR) Communities Objectives." He spoke at length about sustainability, resilience, and having a formal and inclusive process to acquire a Sustainability Officer and to define responsibilities for that person and for the Town. He suggested that the State Energy & Technology Committee and the Governor's budget may contain grants or methods for municipalities to develop business plans to reach all their residents with a certain speed technology. He suggested that staff explore the possibility of obtaining grants and other funds for the purpose of running fiber to every business and home in Town. He invited Oscar Heller (Chair of the Energy Committee) and Michael Bosworth (former Chair of the Energy Committee) to speak. Bosworth spoke about the differences between the duties of a Sustainability Officer and an Energy Coordinator. He noted that a Sustainability Officer would have much broader duties and could work with private residents and businesses. He said that he sensed RTM members were in favor of hiring a Sustainability Officer. He suggested looking at other regional cities and towns to see what those municipalities had for sustainability positions. Heller said that the Energy Committee recommended abandoning the Energy Coordinator position in favor of a Sustainability Officer, and they recommended that the \$100,000 allocated by RTM be reserved for the purpose of the Sustainability Officer salary. He said that the Energy Committee would help develop a job description for that position. He suggested that RTM provided a clear directive to focus on a Sustainability Officer. He said that the Energy Committee would meet on May 13 and the matter would be an agenda item and members of public were invited to attend and get involved.

Elwell said that the Board could create a Sustainability Officer position or invest the funds in other aspects of energy efficiency and sustainability, as he articulated in his memo dated March 28, 2019. He said that the Board had previously directed staff to work with community members who had been researching the potential scope of a Sustainability Officer position and to bring the matter back to the Board to make an informed decision about whether to proceed with the creation of such as position or invest the funds in other efficiency and/or sustainability initiatives. Spoon Agave, Tony Duncan, Franz Reichsman, and Rikki

Risatti provided their opinions and comments. There was a lengthy discussion by the Board with a general agreement that the expenditure of the funds should be well-defined and well-spent. It was agreed that the matter would be added to future agendas for further discussion and public input.

NO ACTION TAKEN.

NEW BUSINESS

Strolling of the Heifers – Parade and Open-Air Permits

- (i) *Permit for Friday Night Festival on The Common*
- (ii) *Permit for Saturday Parade and Expo*
- (iii) *Permit for Sunday Tour de Heifer*

Starr said that the Board was asked to approve permits for the Strolling of the Heifers weekend on June 7-9, 2019. Orly Munzing, Founder, and Anne Latchis, General Manager of Strolling of the Heifers, were present and provided much information about the weekend activities and festivities. Munzing discussed the history and purpose of the Stroll and said that the parade and weekend festivities were fundraisers for the year-round support of local farmers and other farm and agriculture-related projects and programs. She said that this year's theme of the Slow Living Summit was the "Future of Women in Food Entrepreneurship," and the theme for the parade and Saturday activities was "Farmers are Heroes." She also provided information on the focus of the health of the animals and the veterinarian procedures around animals' preparation and participation in the parade. She said that the Tour de Heifers and farm tours were planned for Sunday. Latchis spoke about the many vendors and activities planned at the Brattleboro Common on Friday evening and the Saturday parade and following activities on the Common. They discussed some of the changes in the program and route since last year's parade, and said that much more information was contained on the Stroll's website, including public transportation to and from the Saturday festivities, a focus on sustainability, overall safety concerns, and volunteer opportunities. David Hiler, Whetstone Station, praised the event, the organizers' efforts, and the support of local vendors. Rikki Risatti spoke of concerns for the animals in the parade and the ethical treatment of animals. There was much discussion by the Board.

MOTION BY DAVE SCHOALES TO APPROVE AN OPEN-AIR PERMIT FOR THE STROLLING OF THE HEIFERS FRIDAY EVENING FESTIVAL ON THE BRATTLEBORO COMMON, IN THE PARKING LOT AT THE AMERICAN LEGION, AND IN THE PARKING LOT OF THE WINDHAM COUNTY COURTHOUSE ON JUNE 7, 2019, BETWEEN 5:00PM AND 9:00PM. MOTION CARRIED 5-0.

MOTION BY ELIZABETH McLOUGHLIN TO APPROVE A PARADE/OPEN AIR MEETING AND STREET/SIDEWALK BLOCKING PERMIT FOR THE STROLLING OF THE HEIFERS PARADE ON MAIN STREET AND THE EXPO, TO BE HELD ON THE BRATTLEBORO COMMON AND AT 45 LINDEN STREET, ON JUNE 8, 2019, BETWEEN 8AM AND 4PM. MOTION CARRIED 5-0.

MOTION BY DANIEL QUIPP TO APPROVE A PARADE/OPEN AIR MEETING PERMIT FOR THE TOUR DE HEIFER BIKE RIDE EVENT ON JUNE 9, 2019, BETWEEN 7:30 AM AND 4:00 PM. MOTION CARRIED 5-0.

Financial Report – Monthly Financial Report, March. Finance Director John O'Connor presented and discussed the financial report for March, 2019. The Board inquired about certain line items.

NO ACTION TAKEN.

Financial Management Questionnaire and Internal Controls Checklist - Annual review. Elwell said that the Board was asked to acknowledge receipt of the two financial questionnaires required annually by the State. Finance Director John O'Connor spoke about the questionnaires. Board members asked a few questions.

MOTION BY DAVE SCHOALES TO AUTHORIZE THE CHAIR TO SIGN THE (1) FINANCIAL MANAGEMENT QUESTIONNAIRE–TOWNS AND CITIES, (2) MUNICIPAL CHECKLIST FOR INTERNAL CONTROL– PART 1, CASH CONTROLS, AND (3) MUNICIPAL CHECKLIST FOR INTERNAL CONTROL – PART II, OTHER CONTROLS RELATING TO CASH OR RISK. MOTION CARRIED 5-0.

EPA/State/Town Brownfields Contracting Item re: Long Falls Paper – Planning Department. Elwell said that the Board was asked to authorize him to execute a contract with Stone Environmental of Montpelier, Vermont, for a Phase II environmental assessment at Long Falls Paperboard at 161 Wellington Road in Brattleboro. He spoke about the purchase of the Neenah Paper business, now Long Falls Paperboard, in partnership with the Brattleboro Development Credit Corporation (BDCC). He said that an environmental assessment and cleanup was necessary for the property to be shielded from possible environmental liability from Vermont's Brownfields Reuse and Environmental Liability Limitation Act (BRELLA) program. He said that he was authorized by the Board in October of 2015 to execute contracts with 3 different firms that were short-listed after an extensive Request for Qualifications process; however, Stone Environmental was not one of the three firms. He said that Stone Environmental was selected by the State of Vermont Department of Environmental Conservation (VTDEC), and since it was not one of the approved firms, staff was asking the Board for authorization to engage Stone Environmental because of the Town's partnership with VT DEC on the project. He said that such authorization was allowed under Brattleboro's Procurement policy. Rikki Risatti provided comments. There was a brief discussion by the Board.

MOTION BY TIM WESSEL TO AUTHORIZE THE TOWN MANAGER TO EXECUTE A CONTRACT WITH STONE ENVIRONMENTAL OF MONTPELIER, VERMONT, FOR A PHASE II ENVIRONMENTAL ASSESSMENT AT LONG FALLS PAPERBOARD. MOTION CARRIED 5-0.

Skatepark

- (i) *Construction Bids*
- (ii) *BASIC Membership*

Carol Lolatte, Recreation & Parks Director, and Jeff Clark, Chair of BASIC (Brattleboro Area Skatepark Is Coming), were present to discuss bids received for construction of the skatepark. Lolatte said that three bids were received, as set forth in her memo dated April 3, 2019, and all the bids were over the amount budgeted. She asked the Board to reject all the bids for the skatepark construction project. She then announced that she received word today that the Nelson Withington Funds, managed by the Vermont Community Foundation, approved a donation of \$75,000 for construction of the skatepark. She said that she was very grateful for the donation, and the project was now approximately \$21,000 short. She said that the project would be re-scoped and bids would then be re-solicited. There was some discussion by the Board.

Jeff Clark thanked Elizabeth McLoughlin for years of service on the BASIC committee and said that she would be missed. He said that when McLoughlin became a Selectboard member she was required to resign from BASIC. In addition, he said that another member had not attended committee meetings in more than a year. Consequently, he said that the committee asked the Selectboard to reduce the number of positions from seven to five members. Franz Reichsman inquired about the proposal to use labor from the Public Works Department. There was a brief discussion by the Board.

MOTION BY ELIZABETH McLOUGHLIN TO REJECT ALL BIDS FOR THE SKATEPARK CONSTRUCTION PROJECT AND TO REDUCE THE MEMBERSHIP OF BRATTLEBORO AREA SKATEPARK IS COMING (BASIC) FROM SEVEN TO FIVE MEMBERS. MOTION CARRIED 5-0.

Local Emergency Operations Plan – Annual Re-adoption. Fire Chief Mike Bucossi said that the State Vermont Emergency Management Division required municipalities to annually submit a Local Emergency Operations Plan (LEOP) to the State. He spoke about information contained in the LEOP, and said that the Board was asked to adopt the 2019 Brattleboro LEOP and to authorize Town Manger Elwell to certify

that the Town's LEOP had been duly adopted by the Board. Rikki Risatti provided comments. Ivan Hennessey asked to see a full copy of the plan. There was no discussion by the Board.

MOTION BY DAVE SCHOALES TO ADOPT THE 2019 BRATTLEBORO EMERGENCY OPERATIONS PLAN AND TO AUTHORIZE THE TOWN MANGER TO CERTIFY THAT THE PLAN HAS BEEN DULY ADOPTED BY THE BOARD. MOTION CARRIED 5-0.

Vermont Agency of Transportation (VTTrans) – Department of Public Works, Approval of the Annual Financial Plan. Public Works Director Steve Barrett said that an Annual Financial Plan was required to be submitted to the State each year within 60 days of the adoption of the municipal budget by Town Meeting. He spoke briefly about the requirement of the Town's expenditures on its roads and funds received from the State for road maintenance. There was a brief discussion by the Board.

MOTION BY DANIEL QUIPP TO APPROVE THE “ANNUAL FINANCIAL PLAN – TOWN HIGHWAYS” FORM FOR SUBMITTAL TO THE VERMONT AGENCY OF TRANSPORTATION. MOTION CARRIED 5-0.

Authorization for Brooks Memorial Library to Apply for Grants - Crosby-Gannett Fund and Dunham-Mason Fund. Library Director Starr LaTronica said that the Board was asked to authorize the submission of two small grants to contract with an archivist to support organization, conservation, and improved access to a multitude of local history materials at the Library. She said that one grant application was to the Dunham-Mason Fund (\$500) and the second application was to the Crosby-Gannett Fund (\$1,000). There was no discussion by the Board.

MOTION BY DAVE SCHOALES TO AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$1,000 TO THE CROSBY-GANNETT FUND AND A GRANT APPLICATION IN THE AMOUNT OF \$500 FROM THE DUNHAM-MASON FUND TO ORGANIZE, CONSERVE, AND IMPROVE ACCESS TO LOCAL HISTORY MATERIALS. MOTION CARRIED 5-0.

Windham Regional Commission - Representatives' Annual Report to Selectboard. McLoughlin noted that, after being elected to the Selectboard, she resigned her position as Commissioner on the Windham Regional Commission (WRC). She then reviewed the annual report from the Brattleboro WRC Commissioners to the Selectboard, dated March 5, 2019, as prepared by Planning Director Sue Fillion. There was a brief discussion by the Board and McLoughlin was thanked for her previous service.

NO ACTION TAKEN.

Re-Adoption of VCDP's "Municipal Policy and Codes (Form MP-1)" to add a Whistleblower Policy – Vermont Community Development Program Model Policy Update. Elwell said that the Board was asked to adopt the updated model of the Municipal Policies & Codes (MP-1) as rewritten by the U.S. Department of Housing & Urban Development (HUD) and as adopted by the Vermont Community Development Program. He said that this year's Policy had been updated to offer specific whistleblower protection. Quipp and McLoughlin read the whistleblower protection contained in the Policy. Rikki Risatti inquired whether committee members were considered "agents" under the Policy. Elwell said that he would check with the Town Attorney. There was a brief discussion by the Board.

MOTION BY TIM WESSEL TO ADOPT THE POLICY ENTITLED “MUNICIPAL POLICIES AND CODES (FORM MP-1)”, AS PRESENTED. MOTION CARRIED 5-0.

There was no further business.

MOTION BY DAVE SCHOALES TO ADJOURN AT 9:18PM. MOTION CARRIED 5-0.

Elizabeth McLoughlin, Clerk