

**BRATTLEBORO SELECTBOARD  
TUESDAY, MAY 1, 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 Shanta Lee Gander.

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Public Works Director Steve Barrett, Planning Director Rod Francis, Planner Sue Fillion, Fire Chief Mike Bucossi, Police Chief Mike Fitzgerald, Police Captain Mark Carignan, and Executive Secretary Jan Anderson.

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

Others present: James Casterline, Amber Bergeron, Kathleen (Kit) Whallon, Tom Mosakowski, Kathy Urffer, Wayne Estey, Andy Hill, Franz Reichsman, 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, PENDING OR PROBABLE CIVIL LITIGATION OR PROSECUTION TO WHICH THE PUBLIC BODY IS OR MAY BE A PARTY, AND THE NEGOTIATING OR SECURING OF REAL ESTATE PURCHASE OR LEASE OPTIONS, 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 5-0.**

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

***APPROVE MINUTES***

**MOTION BY TIM WESSEL TO APPROVE MINUTES FROM THE APRIL 17, 2018 MEETING. MOTION CARRIED 5-0.**

***CHAIR'S REMARKS***

Chair O'Connor announced that the Brooks Memorial Library recently celebrated its 50th birthday and the Vermont Legislature passed a Resolution honoring the Library. She displayed the Resolution and thanked Legislators Valerie Stuart, Mollie Burke, Tristan Toleno, Jeanette White and Becca Balint, and the entire Legislature, for providing the recognition of the Library. She said that the Resolution would be displayed in the Library for the public's viewing pleasure.

***MANAGER'S COMMENTS***

Town Manager Elwell reminded the public that Diversity Day was scheduled on Friday, May 4, between 5:00 and 8:00pm on Elliot Street. He said that Elliot Street would be closed to traffic between the Harmony Parking Lot entrance and Main Street. He invited the public to attend and partake in the food and events provided by businesses and the community organizers. He said that Diversity Day was collaboration between the local school, businesses, community, and the Town to bring diversity within the community. Schoales added that Friday was also Gallery Walk and that students would be displaying their artwork. He thanked Mikaela Simms, Diversity Coordinator for the Schools, for her assistance with organizing the celebration. Peter thanked the full community for all of the support in organizing the celebration.

## **SELECTBOARD COMMENTS AND COMMITTEE REPORTS**

Wessel reported that the Traffic Safety Committee met recently and that a pedestrian RFB (reflective flashing beacon) was scheduled to be installed on Western Avenue in the area of Holton Home.

Starr reported that the seasonal overnight overflow shelter was closed as of yesterday morning and would remain closed until next winter. She said that work was being done in the meantime to provide the affected population with housing. She noted that Groundworks was looking for a location for the shelter next winter.

## **PUBLIC PARTICIPATION**

Kit Whallon, a member of 350Brattleboro, reminded the Board of the resolution that was passed by the voters on the March 6 ballot and said it was time to implement the message of the voters. She thanked the Board for its past efforts regarding the climate and environment. She recognized and acknowledged some of the work already performed, including the planned installation of the solar array at the landfill, the plastic bag ban, providing bike lanes on Putney Road, installation of a "share the road" sign on Western Avenue, implementation of the curbside pay-as-you-throw, recycling and compost programs, and creation of the Energy Committee (who assisted with changing street lights to LEDs, funding energy audits of municipal buildings, funding for energy projects at the library, transportation center and skating rink, and installing insulation at the Gibson Aiken Center).

## **LIQUOR COMMISSIONERS**

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

First Class Liquor License – Twin Flames LLC, d/b/a Twin Flames Taqueria. O'Connor said that the Board was asked to approve a first class liquor license for a new restaurant preparing to open at the location where Brattleburger was formerly located. James Casterline and Amber Bergeron, owners of the restaurant, spoke about their plans for the restaurant. Franz Reichsman asked about the menu. Elwell noted that all of the required paperwork was in order and Town staff recommended approval of the license. There was a brief discussion by the Board.

**MOTION BY DAVE SCHOALES TO APPROVE A FIRST CLASS LIQUOR LICENSE FOR TWIN FLAMES LLC, D/B/A TWIN FLAMES TAQUERIA AT 97 MAIN STREET. MOTION CARRIED 5-0.**

**MOTION BY TIM WESSEL TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.**

## **WATER AND SEWER COMMISSIONERS**

**MOTION BY SHANTA LEE GANDER TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.**

FY19 Utility Fund Budget – Discussion. Elwell said that the Board was asked to review and discuss the proposed FY19 Utility Fund Budget, so that the final budget may be presented at the June 5 meeting for approval. He said that the proposed budget was a collaborative effort between the Town Manager's Office, Finance Director, and Public Works Director. He said that an electronic rate model was available to calculate rates based upon different variables that the Board may suggest. He said that the current rates were set by ordinance and FY19 would be the final year of the five-year rate ordinance. He said that substantial upgrades were planned for the Water Treatment Plant and those costs would be taken into consideration next year when a new rate ordinance would become necessary. Public Works Director Barrett then reviewed and discussed in detail the operating expenses and capital costs in the proposed budget, all as set forth in his memo dated April 23, 2018. Wayne Ester and Franz Reichsman asked several questions. There was much discussion by the Board, including adding energy efficient vehicles, investments in odor control measures at the Wastewater Treatment Plant, costs of taking over the Welcome Center Pump Station, possible changes in the current rates, and questions about specific line items. Chair O'Connor requested a list for the June 5 meeting of energy efficiency projects remaining to be performed in connection with utility facilities.

**NO ACTION TAKEN.**

Contract for Final Design of Waste Process Water Line at Pleasant Valley. Public Works Director Barrett said that the Board was asked to approve a contract with Dufresne Group in the amount of \$38,800 for final design of the waste process water line project to connect the Pleasant Valley Water Treatment Facility to the Town's sanitary sewer system. There was a brief discussion by the Board.

**MOTION BY BRANDIE STARR TO AUTHORIZE THE TOWN MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$38,800 WITH DUFRESNE GROUP FOR THE FINAL DESIGN OF THE WASTE PROCESS WATER LINE PROJECT AT THE PLEASANT VALLEY WATER TREATMENT FACILITY. MOTION CARRIED 5-0.**

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

***UNFINISHED BUSINESS***

Selectboard Goals for 2018-2019. O'Connor said that the Board was asked to further consider 2018-2019 Selectboard Goals. She noted that Gander and Schoales had asked to add additional items to the list so she asked them to speak to their requests. Gander asked the Board to consider adding enactment of a resolution of being a compassionate community and to build a tool box in order to do so, including establishing a taskforce or committee to do research, help resolve matters within the community, and appoint a member of the Selectboard to be on the taskforce/committee. Schoales asked to explore the Payment in Lieu of Taxes ("PILOT") Program in order that the Town could be compensated for services provided to non-profits or other institutions or agencies that utilized the PILOT Program so as to provide additional revenue to the Town. He also suggested adding program-based budgeting where the actual cost of each service/program was considered. Additionally, he suggested identifying energy sustainability projects to be performed next and assigning funds to those projects. He also suggested that the Board discuss housing and finding ways to alleviate the housing shortage. Finally, he requested adding the development of a day-work program for the homeless and panhandling population. Wessel suggested revisiting implementation of the 1% Option Sales Tax and exploring regional economic development. Elwell noted that the compassionate community citizens group was meeting on May 18 to discuss actions that it could take for the town to be a more compassionate community and suggested that interested Selectboard members attend that meeting. There was much discussion by the parties about the list of goals with some review of past requests that had not been implemented and the reasons for it, and the need to work with groups and resources in the community who were already established and undertaking some of the suggested projects. The Board asked Elwell to revise the list of Goals to include the recommendations made at this meeting and then add the Goals to the May 15 agenda. Elwell summarized that the Board agreed to: add under Financial Matters - additional revenue possibilities that included the PILOT Program and the 1% sales tax; add under Energy Efficiency and Sustainability – specific FY20 budget amounts, discussion about housing and engaging with the community; add Compassionate Community – enacting a resolution and building the tool box, and add Economic and Community Development with "housing" in the cluster.

**NO MOTION WAS OFFERED.**

Annual Selectboard Appointment to Windham Solid Waste Management District. O'Connor said that at the last meeting, the Board did not appoint a representative to the Windham Solid Waste Management District's Board of Supervisors, and since that meeting Assistant Town Manager Patrick Moreland had volunteered to be the Town's Representative to the WSWMD Board and Town Manager Peter Elwell volunteered to be the Alternate Representative. Moreland spoke about his past experience with the WSWMD Board and said that he would be willing to be the Town's representative. Elwell said that he was willing to be the Alternate.

**MOTION BY TIM WESSEL TO APPOINT PATRICK MORELAND AS THE TOWN'S REPRESENTATIVE TO THE WINDHAM SOLID WASTE MANAGEMENT DISTRICT AND PETER ELWELL AS THE ALTERNATE. MOTION CARRIED 3-0 (SCHOALES AND GANDER WERE NOT PRESENT AT THE TIME OF THE VOTE).**

**NEW BUSINESS**

Vermont Agency of Transportation (VTrans) Matters – Department of Public Works

- (i) *Approval of the Annual Financial Plan*
- (ii) *Certification of Compliance for Town Road and Bridge Standards*
- (iii) *VTrans Grant Applications*
  - (a) *Pave a Section of Maple Street*
  - (b) *Pave a Section of Hinesburg Road*
  - (c) *Structures Grant to Replace Failing Box Culvert on Hinesburg Road*

Public Works Director Barrett said that the Board was asked to take five separate actions related to VTrans matters. He said that the Board was first asked to approve the Annual Financial Plan which would determine the amount of funding received from the State and to certify that the Town spends at least \$300 for each mile of roadway. There was no discussion.

**MOTION BY TIM WESSEL TO APPROVE THE “ANNUAL FINANCIAL PLAN – TOWN HIGHWAYS” FORM FOR SUBMITTAL TO THE VERMONT AGENCY OF TRANSPORTATION. MOTION CARRIED 4-0 (STARR WAS NOT PRESENT AT THE TIME OF THE VOTE).**

Barrett said that the Board was also asked to approve the Certificate of Compliance for Town Road and Bridge Standards and he spoke briefly about the certification. There was no discussion.

**MOTION BY GANDER TO APPROVE THE ANNUAL “CERTIFICATION OF COMPLIANCE FOR TOWN ROAD AND BRIDGE STANDARDS AND NETWORK INVENTORY” FORM FOR SUBMITTAL TO THE VERMONT AGENCY OF TRANSPORTATION. MOTION CARRIED 5-0.**

Barrett said that the Board was asked to approve three applications for VTrans paving grants as set forth in his memo dated April 25, 2018, as follows: (1) Class 2 grant in the amount of \$117,205, with a local funding match of \$23,441, to pave a portion of Maple Street; (2) Class 2 grant in the amount of \$97,340, with a local funding match of \$19,468, to pave a section of Hinesburg Road; and (3) structures grant in the amount of \$172,200, with local funding match of \$17,200, to replace a failing box culvert on Hinesburg Road. There was no discussion by the Board.

**MOTION BY DAVE SCHOALES TO APPROVE THAT APPLICATIONS BE SUBMITTED TO THE VERMONT AGENCY OF TRANSPORTATION FOR THE FOLLOWING GRANTS: (1) A PAVING GRANT IN THE AMOUNT OF \$117,205 FOR PAVING MAPLE STREET, (2) A PAVING GRANT IN THE AMOUNT OF \$97,340 FOR PAVING HINESBURG ROAD, AND (3) A STRUCTURES GRANT IN THE AMOUNT OF \$172,200 FOR A CULVERT ON HINESBURG ROAD. MOTION CARRIED 5-0.**

Proposed Settlement of Marcraft v. Town of Brattleboro. Elwell said that the Board was asked to approve settlement of a dispute regarding the value of the Marcraft Realty Corporation property (the Outlet Center) at 580 Canal Street. He said that the Town's assessed value on the property had been \$2,012,170 and that value was appealed based on an appraisal that indicated a value of just over \$1,300,000. He said that the Town had an independent appraisal completed and it reported a value of \$1,360,000, so the parties agreed to settle the dispute by establishing a value of \$1,350,000 for this year and the two following years. There was no discussion by the Board.

**MOTION BY BRANDIE STARR TO AUTHORIZE THE TOWN MANAGER TO EXECUTE A “STIPULATION TO ASSESSED VALUE” WITH MARCRAFT REALTY CORPORATION IN THE AMOUNT OF \$1,350,000 FOR PROPERTY I.D. #00340035.000 AT 580 CANAL STREET. MOTION CARRIED 5-0.**

Downtown Parking Study – Planning Department. Planning Services Director Rod Francis and consultant Andy Hill of Desman Design Management provided a PowerPoint presentation about the Downtown Parking Study. Francis said that the project was funded by a Municipal Planning Grant, was part of a process for preparing the Downtown Master Plan, and was meant to resolve issues associated with development of public facilities downtown and to explore ways in which public parking could be improved. Hill spoke at length and in depth about many aspects of the Downtown Parking Plan, dated April 23, 2018, a copy of which was included in the Board's backup materials. Franz Reichsman, Wayne Estey, and some Board members asked several questions and offered suggestions. O'Connor said that the report was provided in anticipation of the Board's consideration of the Parking Budget at the next Selectboard meeting and no action was necessary.

#### **NO ACTION TAKEN.**

**Agenda Adjustment** – O'Connor said that due to the late hour, she suggested moving the following items on the agenda to the May 15 meeting: Item F (Police-Fire Facilities Project), Item I (Solid Waste Budget), and Item J (July 3 meeting schedule). The Board agreed to move the items.

Town Plan Amendment – First Public Hearing, Planning Department. O'Connor said that the Board was asked to hold the first of two public hearings on the amendment of the Town Plan. Planning Director Rod Francis, Planner Sue Fillion, and Planning Commission Member Kathy Urffer were present to discuss the proposed amendments.

Chair O'Connor opened the public hearing.

Rod Francis provided a brief history of the preparation of the 2013 Town Plan and subsequent minor amendment in 2015. He said that the Town Plan must be renewed this year in keeping with the five year requirement. He said that the chapters that had been receiving the most attention were Energy, Arts and Culture, and Economic Development. Chair O'Connor confirmed that the Planning Commission had approved the amended 2018 version of the Plan. Francis said that in addition to public hearings held by the Planning Commission, the Selectboard was required to hold two public hearings for public input on the amended Plan. He reviewed some options that the Selectboard could take if it did not accept the Plan as rewritten.

Gander spoke of her concerns about the language used under the Arts and Culture Chapter (page 57) describing the Town Arts Committee. She noted that the Arts Committee was not active at this time, and the Plan did not acknowledge the committee's current inactive status, but did note roles and activities that the Arts Committee was expected to fulfill within the community (included on the matrix at page 110). Francis responded that the life expectancy of the Plan was 8 years and the Arts Committee, or any other committee, could change at any time during that timeframe. Elwell confirmed that the Arts Committee was currently dormant but that new vacancies would be announced by the Board within the next month and the committee may become active after the new appointments. There was a brief discussion by other Board members who agreed to hear from the members of the Arts Committee at a later date.

Franz Reichsman, who admittedly had not participated in the process to rewrite the Plan, suggested development of a pathway along the Whetstone Brook from downtown to Living Memorial Park. Fillion noted that a pathway (Whetstone Trail) had been considered previously and was included in the proposed Plan on page 76. Urffer noted that on May 18, students from Montessori School were having an artist's presentation around that the vacant parcel at the end of Birge Street and the Whetstone Brook so additional information about a pathway would be available after then.

Wayne Estey agreed with Reichsman's proposal and suggested that money for flood mitigation was likely available since Tropical Storm Irene and the revising of the flood zone. He confirmed that the Board had received a copy of his written comments and he read portions of it for the viewer's information, including amend zoning ordinances so that artists' public murals could contain their signatures and website information, relocate State and County offices into Brattleboro, remodel the upper floors of downtown buildings into Class A office space or better quality apartments, add dollar resources and other support

for art organizations, license or register the panhandling population as was being successfully done in other communities, and install public bathrooms possibly with shower facilities.

O'Connor announced that a second public hearing would be held by the Selectboard on May 15.

Chair O'Connor closed the public hearing. Board members thanked the presenters for all of their work and for staying so late in the meeting.

**NO ACTION TAKEN.**

**Second Agenda Adjustment** – O'Connor said that due to the late hour, she suggested moving Item H (Union Station Project) to the May 15 meeting. The Board agreed to the move.

Street Name Change – Bro Place to Lilac Lane. O'Connor said that the Board was asked to approve changing the name of a street from Bro Place to Lilac Lane. Elwell said that only two properties were located on that street. He said that one property owner requested the name change and the other property owner consented to the change, so staff recommended that the Board approve the name change. Gander expressed a concern that the new street may be confused with streets bearing the same name but located in different towns. Elwell responded that no other street in Brattleboro contained that name. There was no further discussion.

**MOTION BY DAVE SCHOALES TO APPROVE CHANGING THE NAME OF BRO PLACE TO LILAC LANE. MOTION CARRIED 5-0.**

Police-Fire Facilities Project

- (i) *Recommendations from the Police-Fire Facilities Building Committee Regarding Use of the Remaining Bond Funds (approximately \$300,000)*
- (ii) *Disband the Police-Fire Facilities Building Committee*

Due to the late hour (approaching 10:00pm), this matter was moved to the May 15 agenda and was not discussed at this time.

**NO ACTION TAKEN.**

Grants for Ballistic Vests for Fire Department

- (i) *Walmart Community Grant Program*
- (ii) *Firefighter Support Foundation Equipment Grant*

Elwell said that the Board was asked to approve two grant applications for the purchase of ballistic vests for the Fire Department. He explained that in these difficult times, firefighters occasionally were required to go into places where their safety was uncertain. He said that unlike the protective vests worn continuously by law enforcement officers, the Fire Department vests would be "one size fits most" and would be worn over the firefighters' normal protective gear only on those calls where the location or circumstances may cause reasonable concern for the firefighters' safety. There was no discussion by the Board.

**MOTION BY SHANTA LEE GANDER TO APPROVE THAT THE FOLLOWING GRANT APPLICATIONS BE SUBMITTED FOR THE ACQUISITION OF BALLISTIC VESTS FOR THE FIRE DEPARTMENT: (1) APPLICATION TO THE WALMART COMMUNITY GRANT PROGRAM IN THE AMOUNT OF \$5,000, AND (2) APPLICATION TO THE FIREFIGHTER SUPPORT FOUNDATION IN THE AMOUNT OF \$2,400. MOTION CARRIED 5-0.**

Union Station Project – *Request for \$15,000 to Begin Design.* Due to the late hour (approaching 10:00pm), this matter was moved to the May 15 agenda and was not discussed at this time.

**NO ACTION TAKEN.**

FY19 Solid Waste Budget – Discussion. Due to the late hour (approaching 10:00pm), this matter was moved to the May 15 agenda and was not discussed at this time.

**NO ACTION TAKEN.**

July 3 Selectboard Meeting – Confirm, Cancel, or Reschedule. Due to the late hour (approaching 10:00pm), this matter was moved to the May 15 agenda and was not discussed at this time.

**NO ACTION TAKEN.**

There was no further business.

**MOTION BY BRANDIE STARR TO ADJOURN AT 10:00PM. MOTION CARRIED 5-0.**

---

Tim Wessel, Clerk