

**BRATTLEBORO SELECTBOARD
TUESDAY, MAY 3, 2016
COMMITTEE INTERVIEWS – 5:15PM
EXECUTIVE SESSION – 5:30PM
REGULAR MEETING - 6:15PM
MINUTES**

Selectboard members present: David Gartenstein, Kate O'Connor, David Schoales, John Allen, and Richard DeGray.

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Town Attorney Robert Fisher, Town Clerk Annette Cappy, Public Works Director Steve Barrett, Police Chief Mike Fitzgerald, Fire Chief Mike Bucossi, Assistant Fire Chief Peter Lynch, and Library Director Starr LaTronica.

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

Others present: James Banslaben, Lee Leibowitz, Rhonda Calhoun, Robert Glennon (BCTV), Adam Salviani, Angel MacKinnon, Margaret Dillon, Paul Cameron, Christian Stromberg, Michael Bosworth, Robert G. Rueter, Barry Aleshnick, ASL interpreters Elizabeth Bjerke and Janice Wightman, and others who did not sign the attendance sheet.

Gartenstein called the meeting to order at 5:15 pm. He confirmed that the meeting was officially warned. He said that the Board would conduct interviews of the three applicants for the Police-Fire Facilities Building Committee. The candidates, Lee Leibowitz, Rhonda Calhoun, and James Banslaben, spoke about their backgrounds and requests to be considered for the Committee. After the interviews, Gartenstein said that the Board would vote on the nominations later in the meeting.

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, OTHER CONTRACTS, PENDING OR PROBABLE CIVIL LITIGATION, WHERE GENERAL PREMATURE PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE TOWN, SELECTBOARD AND PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER, ASSISTANT TOWN MANAGER, TOWN ATTORNEY, AND PUBLIC WORKS DIRECTOR WERE INVITED TO ATTEND. MOTION CARRIED 5-0.

Gartenstein reconvened the meeting at 6:15pm

APPROVE MINUTES

MOTION BY JOHN ALLEN TO APPROVE THE MINUTES FROM APRIL 19, 2016, AS PRESENTED. MOTION CARRIED 3-0 (ALLEN AND DeGRAY ABSTAINED).

CHAIR'S REMARKS

Chair Gartenstein announced that the Town was recently awarded a grant in the amount of \$175,000 to assist with the replacement of the failing retaining wall on Bonnyvale Road. He thanked members of VTrans, the Vermont Secretary of Transportation, and Governor Shumlin in making the grant available to the Town. He also announced that on Friday, the Vermont Supreme released its decision in favor of the Town in the matter, *Daims v. Town of Brattleboro*. He said that the suit was in connection with proposed Charter amendments in 2015, and the Supreme Court affirmed that the Selectboard acted properly in notifying residents of certain facts in connection with the proposed amendments. Gartenstein also clarified the ongoing discussion about recycling in Town. He said that the Windham Solid Waste Management District announced recently that it would no longer recycle plastic materials numbered 3-7; however, Gartenstein said that Town had a contract to recycle materials with numbers 1-7 and he said that Brattleboro residents could continue to deposit materials numbered 1-7 in their curbside recycling bins.

MANAGER'S COMMENTS

Town Manager Elwell noted that a meeting was scheduled next week with project team members to discuss the re-construction of the deck on the Elliot Street Bridge. He said that the project was scheduled to start after schools close this Spring and would be completed before schools re-open in the Fall. He also noted that the Harmony Lot Retaining Wall was near completion and suggested that the public make a trip to the Harmony Parking Lot to see the substantial work that had been done on the wall.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Allen said that the Police-Fire Facilities Building Committee recently met and details would be discussed later in the meeting.

PUBLIC PARTICIPATION

Gartenstein said that the Arts Committee prepared a Proclamation about the ARTstravanga event scheduled during the weekend of May 6, 7 and 8. Angel MacKinnon spoke briefly about the event sponsored by the Arts Council of Windham County. Gartenstein read the Proclamation and presented it to Adam Salviani from the Arts Committee.

LIQUOR COMMISSIONERS

MOTION BY KATE O'CONNOR TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.

Special Event Permit – *Whetstone Cider Works, LLC*. Elwell said that the Board was asked to approve the Special Event Permit for Whetstone Cider Works, LLC, for the "Hometown Book Launch" with Jodi Paloni at the Hooker-Dunham building, located at 139 Main Street, on Saturday, May 7, from 5:00pm to 7:30pm. There was no discussion by the Board.

MOTION BY DAVID SCHOALES TO APPROVE THE SPECIAL EVENT PERMIT FOR WHETSTONE CIDER WORKS, LLC, FOR THE "HOMETOWN BOOK LAUNCH" WITH JODI PALONI AT THE HOOKER-DUNHAM BUILDING ON SATURDAY, MAY 7, FROM 5:00PM TO 7:30PM. MOTION CARRIED 5-0.

Special Event Permit Procedures

- (i) *Consider Types, Rules, and Best Practices for Review*
- (ii) *Authorize Town Clerk to Approve Administratively*

Elwell said that the Board was asked to approve the Town Clerk's proposed administrative best practices which would revise the procedure to issue certain liquor permits, including authorizing the Town Clerk to issue permits for certain special event liquor applications, as set forth in the memorandum dated April 25, 2016, from Town Clerk Annette Cappy. Town Clerk Cappy discussed the proposed procedures and the advantages of adopting the streamlined procedures. Christian Stromberg spoke in favor of streamlining the event permit process. James Banslaben agreed with Stromberg. There was discussion by the Board, including adding a restriction that events having five or more liquor vendors would need Selectboard approval.

MOTION BY KATE O'CONNOR TO APPROVE THE TOWN CLERK'S ADMINISTRATIVE BEST PRACTICES FOR ISSUING REQUEST TO CATER PERMITS, SPECIAL EVENTS PERMITS, FESTIVAL PERMITS, EDUCATIONAL SAMPLING EVENT PERMITS, AND ART GALLERY, BOOKSTORE, LIBRARY OR MUSEUM PERMITS (INCLUDING AUTHORIZING THE TOWN CLERK TO ISSUE SUCH PERMITS) AS SET FORTH IN THE MEMORANDUM DATED APRIL 25, 2016, FROM TOWN CLERK ANNETTE CAPPY.

Gartenstein offered a friendly amendment to require Selectboard review when five or more vendors will be participating in the event. O'Connor accepted the friendly amendment.

AMENDED MOTION BY KATE O'CONNOR TO APPROVE THE TOWN CLERK'S ADMINISTRATIVE BEST PRACTICES FOR ISSUING REQUEST TO CATER PERMITS, SPECIAL EVENTS PERMITS, FESTIVAL PERMITS, EDUCATIONAL SAMPLING EVENT PERMITS, AND ART GALLERY, BOOKSTORE, LIBRARY OR MUSEUM PERMITS (INCLUDING AUTHORIZING THE TOWN CLERK TO ISSUE SUCH PERMITS) AS SET FORTH IN THE MEMORANDUM DATED APRIL 25, 2016, FROM TOWN CLERK ANNETTE CAPPY, AND TO REQUIRE SELECTBOARD REVIEW WHEN FIVE OR MORE VENDORS WILL BE PARTICIPATING IN THE EVENT. MOTION CARRIED 5-0.

Elwell said that the Board was also asked to approve administrative fees payable to the Town in connection with the issuance of liquor permits, as follows: (1) \$15.00 for Request to Cater Permits, Special Event Permits, and Art Gallery Permits, and (2) \$50.00 for Festival Permits and Educational Sampling Permits. Town Clerk Cappy said there was considerable administrative time spent in issuing such permits and the Board was asked to approve minimal administrative fees in connection with issuing the permits. O'Connor said that she heard from principals at a local brewery who were opposed to the fees but were unable to attend tonight's meeting so she suggested giving more time for local businesses to comment on the proposal. Christian Stromberg spoke against adding a local fee to the cost of a permit. There was substantial discussion by the Board. Allen suggested tabling the matter to the next meeting. DeGray spoke in support of collecting fees for the administrative services and in opposition to delaying the discussion further.

MOTION BY DAVID GARTENSTEIN TO CONTINUE THE DISCUSSION OF POTENTIAL ADMINISTRATIVE FEES PAYABLE TO THE TOWN FOR ISSUANCE OF LIQUOR PERMITS TO MAY 17, 2016. MOTION CARRIED 4-1 (DeGRAY OPPOSED).

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

UNFINISHED BUSINESS

Police-Fire Facilities Project

- (i) *Update*
- (ii) *Appoint Member to Police-Fire Facilities Building Committee.*

(i) *Update.* Elwell provided the Board and the public with an update on the Police-Fire Facilities Project as more fully set forth in his memorandum dated April 28, 2016. He said that the Police-Fire Facilities Building Committee (P-F Committee) met recently and was scheduled to meet again on May 11 to review plans for the West Brattleboro Fire Station. He also briefly reviewed the proposed project schedule and noted that it was an aggressive schedule and subject to change. He said construction would begin on the West Brattleboro Fire Station in mid-summer, at the Central Station in the Fall, and followed by the Police Department at Black Mountain Road. He said that project financing would be discussed substantively at the May 17 Selectboard meeting. He said that investigative work, environmental review, structural issues, and design work were starting at the 62 Black Mountain Road property, and he expected the purchase of the property to take place on August 10. He also noted that the owner of the property, Brattleboro Reformer, had sold the newspaper but not the physical asset and that the leased space reserved in the purchase and sale agreement may change since the ownership of the business had changed. There was some discussion by the Board.

Elwell said that the Board was asked to act upon several requests regarding plans for the West Brattleboro Fire Station, as set forth in a letter dated April 22, 2016, from Michael Bosworth, President of the West Brattleboro Association. He said that that the P-F Committee addressed the requests from the West Brattleboro Association (WBA) and some made recommendations to the Selectboard. Michael Bosworth said that the WBA wanted to save the current West Brattleboro Fire Station building for community events and asked for time to determine the feasibility of WBA taking over the cost and maintenance of the building prior to it being demolished as being anticipated in the current plan. Elwell said that the Development Review Board would need to review and approve site plans next month in order to keep the project on schedule, but that the building would not be demolished until such time as the new building was ready to host the Fire Department. Bosworth said that WBA would continue to

review the feasibility of taking over the old building and ask the DRB to review a revised site plan if, in the future, it proved feasible to keep the old building. He also said that the WBA asked for certain other inclusions in the new building plans. There was some discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO APPROVE THE WEST BRATTLEBORO ASSOCIATION'S REQUEST REGARDING EXTERIOR ELECTRICAL OUTLETS, TO REJECT THE WEST BRATTLEBORO ASSOCIATION'S REQUEST REGARDING A STORAGE SHED AND A BULLETIN BOARD, AND TO DIRECT THE ADMINISTRATIVE PROJECT TEAM TO PREPARE A SITE PLAN WHICH CALLS FOR THE DEMOLITION OF THE EXISTING STATION. MOTION CARRIED 5-0.

(ii) *Appoint Member to the Police-Fire Facilities Building Committee.* Gartenstein said that interviews of candidates for the Committee were conducted earlier in the evening and that the Board was now asked to fill the one vacant seat.

**JOHN ALLEN NOMINATED RHONDA CALHOUN.
RICHARD DeGRAY NOMINATED JAMES BANSLABEN AND LEE LEIBOWITZ.**

The Board then voted on the nominations.

**CALHOUN RECEIVED 5 VOTES.
BANSLABEN RECEIVED 4 VOTES.
LEIBOWITZ RECEIVED 3 VOTES.**

Gartenstein announced that Rhonda Calhoun had been appointed to the Police-Fire Facilities Building Committee, and he thanked the applicants for their interest.

NEW BUSINESS

Energy Audits – Initial Presentation. Assistant Town Manager Moreland, Energy Consultant Margaret Dillon from Sustainable Energy Education Demonstration Services (S.E.E.D.S.), and members from the Energy Committee - Bob Rueter, Michael Bosworth and Paul Cameron - were present to discuss the energy audits recently performed by Dillon. Moreland said that in August, 2015, the Board authorized the engagement of S.E.E.D.S. to perform energy audits of several Town facilities, and he provided an overview as noted in his memo dated April 27 and the Executive Summary to the audit (dated March, 2016), both of which were provided to the Board in the backup materials. He said that in performing the audits, consideration was also given to the opportunity to expand energy savings and make a fuel conversion to wood pellet heating. He thanked the Energy Committee, Efficiency Vermont, Margaret Dillon, and other project partners for their collaborative efforts in connection with the audit and recommendations. Dillon spoke in detail about the audit, matters in the Executive Summary, and her recommendations for energy savings. There was substantial discussion by the Board, members of the Energy Committee, and other participants. The Board agreed to ask Administration to provide it with recommendations on how to proceed.

MOTION BY KATE O'CONNOR TO DIRECT STAFF TO RETURN TO THE SELECTBOARD WITH RECOMMENDATIONS FOR IMPLEMENTATION OF PROJECTS RECOMMENDED BY CONSULTANT MARGARET DILLON BASED ON HER ENERGY AUDITS OF SEVERAL OF BRATTLEBORO'S MUNICIPAL FACILITIES. MOTION CARRIED 5-0.

Traffic Calming Plan Update and Change to "Street and Sidewalk Safety Policy". Elwell said that the Board was asked to approve the Street and Sidewalk Safety Policy (formerly known as the Traffic Calming Plan), as presented. He said that a summary of the recommended revisions to the Policy was contained in the memorandum dated April 22, 2016, from Highway/Utilities Superintendent Hannah O'Connell. He said that a copy of the revised Policy was included in the Board's backup materials, both in strikeout/underline format and in final format. He spoke about revisions to the policy and the process to include the public in communicating safety policies to the Town. He said that staff recommended approval of the proposed policy. There was no discussion by the Board.

MOTION BY DAVID GARTENSTEIN TO APPROVE THE AMENDED STREET AND SIDEWALK SAFETY POLICY (FORMERLY KNOWN AS THE TRAFFIC CALMING PLAN), AS PRESENTED. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).

Brattleboro Local Emergency Operations Plan – Fire Department. Elwell said that the Board was asked to adopt the 2016 Brattleboro Emergency Operations Plan (EOP) as set forth in the memorandum dated April 18, 2016, from Fire Chief Mike Bucossi, and to authorize the Town Manager to sign the Plan. He said that the EOP had been slimmed down after the closure of Vermont Yankee. Chief Bucossi said that the Plan was similar to that approved by the Board last year. There was no discussion by the Board.

MOTION BY JOHN ALLEN TO ADOPT THE 2016 BRATTLEBORO EMERGENCY OPERATIONS PLAN AS SET FORTH IN THE MEMORANDUM DATED APRIL 18, 2016, FROM FIRE CHIEF MIKE BUCOSSI, AND TO AUTHORIZE THE TOWN MANAGER TO SIGN THE PLAN. MOTION CARRIED 5-0.

Committee Appointment(s) – ADA Committee. Gartenstein said that the Board was asked to appoint two new members to the ADA Committee for the remainder of the fiscal year, and he asked for nominations.

KATE O’CONNOR NOMINATED ANDREA EVEY AND GRACE BENINSON TO THE ADA COMMITTEE FOR TERMS ENDING JUNE 30, 2016. NOMINATIONS CARRIED 5-0.

Rules for Conduct of Meetings and Hearings – Discussion and Approval. Elwell said that the Board reviewed its Rules for Conduct of Meetings and Hearings (“Rules”) each spring and he briefly discussed the proposed Rules and suggested changes, as summarized in his memorandum dated April 28, 2016. He spoke about the proposed change to filing vacancies on Town Committees so that it would be considered on a quarterly schedule. He also noted that Section H was new which included naming a newspaper of record as required annually by statute. He said that The Commons sent a letter to the Board asking that it be named the newspaper of record. Elwell noted that The Commons was a weekly publication and the Brattleboro Reformer was a daily publication so staff recommended keeping the Reformer as the newspaper of record because of the flexibility it provided in publishing legal notices. Barry Aleshnick, co-founder of The Commons and member of the Board of Directors, was present and spoke in favor of naming it as the newspaper of record. Executive Anderson spoke in favor of keeping the Reformer because of its daily publication schedule and for consistency in procedure to inform the public. There was some discussion by the Board and many Board members spoke favorably about the content of The Commons.

MOTION BY JOHN ALLEN TO APPROVE THE 2016 RULES FOR CONDUCT OF MEETINGS AND HEARINGS, AS PRESENTED.

Gartenstein asked, and Allen agreed, to add that the Brattleboro Reformer be included in the Rules as the newspaper of Record.

AMENDED MOTION BY JOHN ALLEN TO APPROVE THE 2016 RULES FOR CONDUCT OF MEETINGS AND HEARINGS, AS PRESENTED, AND TO INCLUDE THE BRATTLEBORO REFORMER AS THE NEWSPAPER OF RECORD. MOTION CARRIED 5-0.

Selectboard Goals – Discussion and Approval. Allen and Schoales asked to postpone the matter due to the late hour of the meeting and to give the Board more time to hold thoughtful discussions. There was no discussion by the Board.

MOTION BY DAVID SCHOALES TO TABLE THE SELECTBOARD GOALS TO THE MAY 17 MEETING. MOTION CARRIED 5-0.

Gartenstein announced that the Board would re-enter into executive session at this time, and would reconvene after the session but would not conduct further business after the session.

MOTION BY DAVID GARTENSTEIN AT 9:05PM TO RE-ENTER EXECUTIVE SESSION TO DISCUSS LABOR RELATIONS AGREEMENTS WITH EMPLOYEES AND CONTRACTS, WHERE PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE MUNICIPALITY, SELECTBOARD, AND PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER AND ASSISTANT TOWN MANAGER WERE INVITED TO ATTEND. MOTION CARRIED 5-0.

Gartenstein reconvened at 9:48pm. There was no further business.

MOTION BY JOHN ALLEN TO ADJOURN AT 9:48PM. MOTION CARRIED 5-0.

David Schoales, Clerk