

**BRATTLEBORO SELECTBOARD
TUESDAY, MAY 7, 2019
EXECUTIVE SESSION – 5:30PM
REGULAR MEETING – 6:15PM
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER
MINUTES**

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

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Public Works Director Steve Barrett, and Executive Secretary Jan Anderson.

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

Others present: Dale Joy, Ricky Davidson, Jimmy Lin, Jeff Morse, Robin Scudder, David Ingerman, Nick Nickerson, Chloe Learey, Emily Wagner, Gershom Moore, Keri Lindvall, Anne E. Howes, Ivan Hennessey, Samantha Duda, Erdin Cecunjanin, Dave Henry, Stephanie Bonin, ASL interpreters Elizabeth Fox and Janet Dickinson, and others who did not sign the attendance sheet.

Acting Chair Wessel called the meeting to order at 5:30pm. He confirmed that the meeting was properly warned.

MOTION BY TIM WESSEL TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS, LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, AND THE APPOINTMENT OR EMPLOYMENT OR EVALUATION OF A PUBLIC OFFICER OR EMPLOYEE, WHERE THE BOARD HAS DETERMINED THAT PREMATURE GENERAL 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 4-0.

Acting Chair Wessel reconvened the meeting at 6:19pm. He confirmed that the meeting was properly warned.

APPROVE MINUTES

Wessel asked the Board to approve the minutes from the April 16 meeting. There was no discussion.

MOTION BY DAVE SCHOALES TO APPROVE MINUTES FROM THE APRIL 16 MEETING. MOTION CARRIED 4-0.

CHAIR'S REMARKS

None.

MANAGER'S COMMENTS

Town Manager Elwell spoke about the Main Street water line repair project that was nearing completion and, he said, the water lines to 120-136 Main Street, 4-26 High Street, and 44-48 Harmony Place would be temporarily disconnected overnight starting tomorrow evening at 10:00pm in order to cutover the old line to the new line. He apologized for the inconvenience to residences and businesses. Elwell announced that early voting was open for the merged School District vote and ballots were available in the Town Clerk's office. He said that the election would take place on May 21 and the polls would be open from 8:00am to 7:00pm at the Municipal Center in Suite 105 (the former Police Department). Elwell announced that the new Human Resources Director Sally Nix had been hired and would join the team on June 17. He provided details about her previous work experience and about the intensive interview process with several teams in varied settings. He said that Ms. Nix would bring with her a strong Human Resources leadership and cultural awareness.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Schoales noted that the ballot for the Merged School District Election contained representatives from all four merging towns. He said that a candidates' forum was held last Sunday and was on the BCTV website. He added that more information was available on the Windham Southeast Supervisory Union's website (WSESU.org) by clicking on the Windham Southeast School District tab (WSESD).

Quipp noted that young artisans and entrepreneurs hosted Main Street Flea at 61 Main Street. He said that the Spring Pop-Up was a collection of young artists, artisans, and crafts people and would run until May 12.

PUBLIC PARTICIPATION

Proclamation to Celebrate Boys & Girls Club of Brattleboro's Anniversary – Ricky Davidson, Executive Director of Boys and Girls Club of Brattleboro, asked the Board to proclaim the month of May as "Boys & Girls Club of Brattleboro Month." He discussed the programming and activities provided by the Boys & Girls Club. Wessel read of the proclamation for the public and viewers. The Board signed the proclamation and congratulated Mr. Davidson and the club.

Child Care Counts Coalition of Windham County – Chloe Leary, Executive Director of the Winston Prouty Center, spoke about the Child Care Counts Coalition of Windham County organization. She said that the coalition had been meeting for 1-1/2 years for the purpose of maintaining and increasing childcare slots in Windham County and to raise awareness about the need for childcare. She provided materials to the Board and spoke in detail about childcare needs in Brattleboro and Windham County. Emily Wagner, from Let's Grow Kids, spoke about bill H.531 that was progressing through the Vermont legislature that would increase eligibility for financial assistance, broaden conditions for eligibility, and provide funds for workforce and professional development for education and for children's integrated services. There was much discussion and many questions by the Board members.

Nick Nickerson spoke about the decision by Kentucky Fried Chicken to turn off televisions at the restaurant in response to a customer who claimed they added to his PTSD. He suggested that the customer ignore the televisions so that other people could enjoy them.

Gershom Moore thanked the Town for providing more visible police officers on the streets. He said that he felt more positive while walking around.

LIQUOR COMMISSIONERS

MOTION BY ELIZABETH McLOUGHLIN TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 4-0.

First Class Liquor License – JLIN, Inc. d/b/a/ Shin La Restaurant. Wessel said that the Board was asked to approve a first class liquor license for JLIN, Inc. d/b/a/ Shin La Restaurant, located at 57 Main Street. Jeff Morse, attorney for the restaurant, introduced Jimmy Lin, sushi chef and owner of the restaurant. Morse said that Lin was from China and an expert sushi chef. He said that Lin recently purchased the business, was being assisted by his brother, and became a new father in March. Elwell said that staff had reviewed the application and recommended approval. There was a brief discussion by the Board.

MOTION BY DAVE SCHOALES TO APPROVE A FIRST CLASS LIQUOR LICENSE FOR JLIN, INC., D/B/A SHIN LA RESTAURANT, LOCATED AT 57 MAIN STREET. MOTION CARRIED 4-0.

First Class Liquor License, Outside Consumption Permit, and Entertainment License – Eldin LLC, d/b/a Bella Notte. Wessel said that the Board was asked to approve a first class liquor license, outside consumption permit, and entertainment license for Eldin LLC, d/b/a Bella Notte. Erdin Cecunjanin, and his brother, were present and said that they were opening the Bella Notte Restaurant at the Brattleboro Country Club. Dave Henry, from the Brattleboro Country Club, was also present. Elwell said that staff had reviewed the application and recommended approval. There was a brief discussion by the Board.

MOTION BY ELIZABETH McLOUGHLIN TO APPROVE A FIRST CLASS LIQUOR LICENSE, OUTSIDE CONSUMPTION PERMIT, AND ENTERTAINMENT LICENSE FOR ELDIN LLC, DOING BUSINESS AS BELLA NOTTE, LOCATED AT THE BRATTLEBORO COUNTRY CLUB, 52-59 SENATOR GANNETT DRIVE. MOTION CARRIED 4-0.

First Class Liquor License & Entertainment License - Basement Pub LLC, d/b/a Latchis Pub. Wessel said that the Board was asked to approve a first class liquor license for Basement Pub LLC, d/b/a Latchis Pub, located at 6 Flat Street. David Ingerman, Manager of Basement Pub LLC and majority owner of Ramunto's Brick Oven Pizza, was present and spoke about the business. He said that the upstairs pub would operate full-time and the basement pub would generally operate on weekends. He said that the opening of the restaurant had been delayed over the past year due to an accident in which a key employee had been involved. He said that the restaurant had been renovated and was close to completion, with the exception of one additional permit. Elwell said that staff had reviewed the application and recommended approval, pending the State's issuance of the Occupancy Permit. McLoughlin inquired about the flood control efforts to guard against future flood damage in the event of another flood, such as Tropical Storm Irene. She asked what staff members would investigate the flood issues. She inquired of Ingerman whether the business had flood insurance. Ingerman said that the owners of the building made structural improvements to the building after Tropical Storm Irene and that the Agency of Natural Resources was involved in the current project. He noted that the safety of patrons and staff was paramount so no events would take place in the basement during a storm of the magnitude of Tropical Storm Irene. Elwell offered that staff could obtain additional information pertaining to flood matters if the Board requested, but that the matter before the Board at this time was limited to a liquor license. There was much discussion about flood concerns. McLoughlin said that she could approve the liquor license but requested additional information pertaining to flood matters.

MOTION BY DANIEL QUIPP TO APPROVE A FIRST CLASS LIQUOR LICENSE AND ENTERTAINMENT PERMIT FOR BASEMENT PUB LLC, DOING BUSINESS AS LATCHIS PUB, LOCATED AT 6 FLAT STREET, WITH THE FOLLOWING CONDITION: THAT THE BRATTLEBORO FIRE DEPARTMENT REVIEW THE OCCUPANCY PERMIT ISSUED BY THE VERMONT DIVISION OF FIRE SAFETY BEFORE THE TOWN CLERK IS AUTHORIZED TO RELEASE THE LICENSE TO THE VERMONT DEPARTMENT OF LIQUOR CONTROL. MOTION CARRIED 4-0.

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

NEW BUSINESS

FY20 Farm Tax Stabilization Program

- (i) *Waiver for Robb Family Farm*
- (ii) *Waiver for and Agreement with LMH/Brook Meadow Farm*

Elwell said that the Board was asked to consider two separate requests for relief from a provision of the Farm Tax Stabilization program that required participants to earn not less than 67% of their household income from farming activity on land within Brattleboro. He discussed the Farm Tax Stabilization Program and the purpose of it. He said that over the years, traditional farming had transitioned, and a temporary waiver could be requested to take individual circumstances into consideration. He said that waivers were requested from the Robb Family Farm and LMH/Brook Meadow Farm, and that such requests were reviewed by a committee comprised of the Selectboard Chair, Town Manager, and Finance Director. He said that after reviewing the individual circumstances of the Robb Family Farm and Lisa Holderness' Brook Meadow Farm, as set forth in Assistant Town Manager Patrick Moreland's memo dated April 30, 2019, the committee recommended a waiver for the Robb Family Farm and a waiver with conditions for Brook Meadow Farm. There was some discussion by the Board.

MOTION BY DAVE SCHOALES TO APPROVE THE CONTINUED PARTICIPATION OF THE ROBB FAMILY FARM IN THE FISCAL YEAR 2020 FARM TAX STABILIZATION PROGRAM. MOTION CARRIED 4-0.

MOTION BY ELIZABETH McLOUGHLIN TO APPROVE PARTICIPATION OF LISA HOLDERNESS' BROOK MEADOW FARM IN THE FY20 FARM TAX STABILIZATION PROGRAM, WITH THE FOLLOWING CONDITIONS: (1) THAT MS. HOLDERNESS PROVIDE THE TOWN WITH 2018 TAX FORMS DOCUMENTING INCOME FROM FARMING AMOUNTING TO NO LESS THAN 60% OF HER TOTAL INCOME, AND (2) THAT AN AGREEMENT BETWEEN THE TOWN AND MS. HOLDERNESS BE DRAFTED BY THE TOWN ATTORNEY WHICH ALLOWS FOR 60% INCOME FROM FARMING IN 2018 AND REQUIRES 67% INCOME FROM FARMING IN 2019 AND BEYOND. MOTION CARRIED 4-0.

Certification of Compliance with Town Road & Bridge Standards for the Vermont Agency of Transportation (VTrans) – Department of Public Works. Wessel said that the Board was asked to approve the annual certification of compliance for submission to VTrans. Public Works Director Steve Barrett spoke about the standards and said that maintaining compliance allowed for the Town to receive State grants and other funding. There was a brief discussion by the Board.

MOTION BY DANIEL QUIPP TO APPROVE THE ANNUAL “CERTIFICATION OF COMPLIANCE FOR TOWN ROAD AND BRIDGE STANDARDS” FORM FOR SUBMITTAL TO THE VERMONT AGENCY OF TRANSPORTATION. MOTION CARRIED 4-0.

Roadway Paving Project – Award Bid. Public Works Director Barrett said that the Board was asked to award a bid in the amount of \$43,621 to Bazin Brothers of Westminster, Vermont, for the 2019 Spring Paving Project. He said that three bids were received and low bid was submitted by Bazin Brothers. He said that his May 1, 2019 memo outlined the streets that would be paved under this contract. There was some discussion by the Board.

MOTION BY ELIZABETH McLOUGHLIN TO AWARD A BID IN THE AMOUNT OF \$43,621 TO BAZIN BROTHERS OF WESTMINSTER, VERMONT, FOR 2019 SPRING PAVING. MOTION CARRIED 4-0.

Dump Truck for DPW/Highway Department – Award Bid. Public Works Director Barrett said that the Board was asked to award a bid in the amount of \$174,136 to Delurey Sales & Service of North Hoosick, New York, for the purchase of a new dump truck. He reviewed the two bids that were received and the additional requested warranties, as set forth in his memo dated May 1, 2019. He said that staff recommended the low bid from Delurey Sales & Service with the Viking-Cives equipment and additional warranties. There was some discussion by the Board.

MOTION BY DAVE SCHOALES TO AWARD A BID IN THE AMOUNT OF \$174,136 TO DELUREY SALES & SERVICE OF NORTH HOOSICK, NEW YORK, FOR THE PURCHASE OF A NEW DUMP TRUCK WITH WARRANTY. MOTION CARRIED 4-0.

Hinesburg Road Culvert Replacement Project – Award Bid. Public Works Director Barrett said that the Board was asked to award a bid in the amount of \$58,800 to A.S. Clark and Sons of Dummerston, Vermont, for the Hinesburg Road culvert replacement project. He said that a total of six bids were received, as set forth in his memo dated May 1, 2019, and staff recommended accepting the low bid from A.S. Clark and Sons. He said that an additional \$10,000 would be expended in order to perform paving and install a guard rail, and that 90% of the project was being funded through a VTrans Structures Grant. There was some discussion by the Board.

MOTION BY DANIEL QUIPP TO AWARD A BID IN THE AMOUNT OF \$58,800 TO A.S. CLARK AND SONS OF DUMMERSTON, VERMONT, FOR THE HINESBURG ROAD CULVERT REPLACEMENT PROJECT. MOTION CARRIED 4-0.

Ordinance Amendments – First Reading, Appendix C

- (i) *Designate a Handicapped Parking Space on Main Street (Art. VII, Sec. 16-107 - Spaces for Handicapped Parking)*
- (ii) *Designate “No Parking” Zone on Locust Street (Art. II, Sec. 16-100 – No Parking Areas)*

Elwell said that the Board was asked to conduct a first reading of two separate amendments to Appendix C of the Brattleboro Code of Ordinances related to parking. He said that residents had requested the “no parking” area be installed on the east side of Locust Street from Vine Street to Chestnut Street because of the diminished visibility on that block. He said that a citizen had also requested, through the Town’s ADA Committee, that a handicap parking space be installed on the east side of Main Street (by 145 Main Street near the River Garden) because no other on-street handicap spaces were available on that side of the street. He spoke about both requests, all as set forth in the memo from Assistant Town Manager Moreland dated April 23, 2019. Wessel noted that both proposed amendments had been approved by the Traffic Safety Committee and that the parking space on Main Street was not fully ADA compliant due to the width of the parking and travel lanes on Main Street. Robin Scudder thanked the Town and Assistant Town Manager Patrick Moreland for working with the ADA Committee and hearing their concerns about accessibility. She suggested that a similar parking space was also available on the west side of Main Street by the bike parklet in front of People’s United Bank and that additional accessible parking spaces be considered in the future. There was some discussion by the Board.

NO ACTION TAKEN.

Accept and Appropriate Grant – Dry Hydrant Grant, Bonnyvale Road. Elwell said that the Board was asked to accept and appropriate a grant in the amount of \$5,000 from the Vermont Association of Conservation Districts for a dry hydrant to be installed at a private pond at 641-643 Bonnyvale Road. He explained that a dry hydrant was a fire hydrant connected to a private water source in a rural area rather than the Town’s water system. He said that in this case the property owners had given permission to use the fire pond and the grant would fund installation of the new system. There was no discussion.

MOTION BY DAVE SCHOALES TO ACCEPT AND APPROPRIATE A GRANT IN THE AMOUNT OF \$5,000 FROM THE VERMONT ASSOCIATION OF CONSERVATION DISTRICTS FOR A DRY HYDRANT TO BE INSTALLED AT 641-643 BONNYVALE ROAD. MOTION CARRIED 4-0.

Grant Application – U.S. Department of Justice, Bullet Proof Vests for Police Department. Elwell said that the Board was asked to authorize the Brattleboro Police Department to submit a grant application in the amount of \$2,900 to the U.S. Department of Justice for bullet proof vests. There was a brief discussion.

MOTION BY DANIEL QUIPP TO AUTHORIZE THE BRATTLEBORO POLICE DEPARTMENT TO SUBMIT A GRANT APPLICATION IN THE AMOUNT OF \$2,900 TO THE U.S. DEPARTMENT OF JUSTICE FOR NEW BULLET PROOF VESTS. MOTION CARRIED 4-0.

Brattleboro Transportation Center Improvements – Bid Awards

- (i) *Install Additional Lights*
- (ii) *Replace Stairs*

Elwell said that the Board was asked to award bids for two separate capital improvement projects at the Brattleboro Transportation Center, being adding additional lighting and the replacement of two flights of stairs. He said that both projects were approved last year as part of the FY19 Parking Capital Improvement Program. He said that the cost for replacement of the stairs was \$68,000, and the cost to

install additional LED lighting was \$19,300, all as set forth in the memo from Assistant Town Manager Moreland dated May 1, 2019. Moreland spoke about the lighting project and said that a third row of LED lights would be added to increase the amount of lighting in the BTC in response to concerns by citizens. Stephanie Bonin, Executive Director of Downtown Brattleboro Alliance, announced that DBA was recently awarded a grant to develop a placemaking activity to be staged in the alley next to the BTC. There was some discussion by the Board about both projects.

MOTION BY ELIZABETH McLOUGHLIN TO AWARD A BID IN THE AMOUNT OF \$19,300 TO CLEVELAND ELECTRIC FOR ADDITIONAL LED LIGHTING AT THE BRATTLEBORO TRANSPORTATION CENTER. MOTION CARRIED 4-0.

MOTION BY DAVE SCHOALES TO AWARD A BID IN THE AMOUNT OF \$68,000 TO BELLCO FOR REPLACEMENT OF THE THIRD AND FOURTH FLOOR STAIRS AT THE BRATTLEBORO TRANSPORTATION CENTER. MOTION CARRIED 4-0.

Update Regarding Broadband Legislation/Grants – H.513. Assistant Town Manager Moreland said that the Board previously asked staff to provide a report on the status of pending legislation that may make funds available for local broadband projects. He stated that Brattleboro was considered “largely served” and the pending bill was primarily directed at “unserved” and “underserved” communities. He spoke at length about bill H.513 and its potential impact on Brattleboro, as set forth in his memo dated April 26. There was some discussion by the Board.

NO ACTION TAKEN.

Annual Goal Setting

- (i) *Review of Comprehensive Review of Town Operations (CRTO) Update*
- (ii) *Discussion and Possible Adoption of Selectboard Goals for 2019 - 2020*

Elwell said that the Board was asked to review the annual update to the Comprehensive Review of Town Operations (CRTO) and to review the draft list of Selectboard Goals for 2019-2020. He said that much progress had been made on the CRTO, as set forth in his “2019 Update.” He suggested that after this year, he would expect to draft a new CRTO with new items to be accomplished in the upcoming years. He then asked Board members to review and discuss the list of proposed goals. Wessel suggested that the Board discuss potential goals at this meeting but schedule the adoption of the goals at a meeting when the full Board was present.

Quipp suggested adding the following goal under a new “Public Health” heading: “Better understand the impact of the opioid epidemic and overdose crisis on the Town of Brattleboro through collaboration, reporting, and information sharing.” He then provided suggestions on how the goal may be accomplished.

McLoughlin suggested adding another goal to the “Public Health” heading, as follows: “To educate the public about the collaborative effort that is Project Care, with a town wide mailing of the existing brochure, so that a greater understanding of the issue and what Brattleboro is doing can be known to all.”

McLoughlin offered another suggested goal under the “Sustainability” heading, as follows: “To work with and negotiate with the Current Bus Line to: (a) have visible bus stop signs, especially in the downtown, (b) to consider lower fares to promote ridership; and (c) to create a downtown loop wherein people from an agreed upon distance North, West and South of the Downtown can access the bus for downtown errands, reduce traffic, provide a walkable link and promote mass transit sustainability.”

There was substantial discussion about the opioid crisis, providing the public with information about the current situation, increasing public awareness, including funding sources, and highlighting actions being

taken to address the situation. McLoughlin said that she was also interested in increasing the awareness about the bus service. She said that it was a hidden resource and she was interested in expanding ridership to include people who may want to use the bus for environmental sustainability purposes. There was further discussion by the Board about the bus service. After a lengthy discussion about several goals, Elwell suggested modifying the document to include suggestions made at this meeting and then bring it to the Board at the next meeting for further discussion.

NO ACTION TAKEN.

July Selectboard Meetings – Cancel July 2+16 and Hold a Single July Meeting on July 9? Elwell said that the Board was asked to consider its July meeting schedule. As indicated in his May 1 memo, he suggested holding one meeting on July 9. That would allow for a break around the Fourth of July holiday and a four week break after that meeting. There was some discussion by the Board. It was generally agreed to review the proposed schedule with Brandie Starr, who was not present at this meeting, before deciding definitely about the July schedule.

NO ACTION TAKEN.

There was no further business.

MOTION BY DANIEL QUIPP TO ADJOURN AT 9:05PM. MOTION CARRIED 4-0.

Elizabeth McLoughlin, Clerk