

**BRATTLEBORO SELECTBOARD  
TUESDAY, JULY 7, 2020  
COMMITTEE INTERVIEWS – 5:00PM  
EXECUTIVE SESSION – IMMEDIATELY FOLLOWING COMMITTEE INTERVIEWS  
REGULAR MEETING – 6:15PM  
HELD REMOTELY VIA GoToMeeting  
MINUTES**

***NOTE: Per the “Stay Home – Stay Safe” order issued by Governor Scott, this meeting was held remotely with no physical location using GoToMeeting.***

Selectboard members in attendance: Tim Wessel, Elizabeth McLoughlin, Ian Goodnow, Brandie Starr, and Daniel Quipp.

Staff participating: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Town Attorney Robert Fisher, Highway/Utilities Superintendent Dan Tyler, Recreation & Parks Director Carol Lolatte, and Executive Secretary Jan Anderson.

Others participating: Robert Clements, Tim Berg, Karen Tyler, Denise Glover, Kurt Daims, Fhar Miess, Oscar Heller, Rikki Risatti, Lawrin Crispe, Sonia [no last name provided], Gary Stroud, Amber [no last name provided], HB Lozito, Emily Megas-Russel, David Levenbach, Izzy Snyder, Alex Fischer, Jackson Stein, Sheila Linton, Wichie Artu, Shea Witzberger, Wendy Levy, Ain Thompson, Robin Morgan, Zoe Cunningham-Cook, Audrey [no last name provided], Tara O'Brien, Anna Mullany, Abby Mnookin, Joshua Wyman, Chris Hart, Ryan Stratton, ASL interpreters Elizabeth Fox and Janet Dickinson, and BCTV staff and volunteers.

Chair Tim Wessel convened the meeting at 5:02pm. He confirmed that the meeting was properly warned. He announced that interviews for the Tree Advisory Committee and Citizen Police Communications Committee (CPCC) would take place. Applicants present for the CPCC were Tim Berg and Karen Tyler. They each spoke about their reasons for applying to serve on the CPCC. Applicants present for the Tree Advisory Committee were Robert Clements and Denise Glover. They each spoke about their reasons for applying to serve on the Tree Committee. At the end of the interviews, Chair Wessel announced that the Board would make appoints at the end of the upcoming business meeting.

**MOTION BY IAN GOODNOW TO ENTER INTO EXECUTIVE SESSION.**

Town Manager Peter Elwell mentioned that statutes required to include in the motion that the Board was entering into executive session to discuss pending or probable civil litigation and the appointment or employment or evaluation of a public officer or employee, that premature general public knowledge would clearly place the Selectboard or people involved at a substantial disadvantage, and the Town Manager, Assistant Town Manager, and Town Attorney were invited into the session.

**AMENDED MOTION BY IAN GOODNOW TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PENDING OR PROBABLE CIVIL LITIGATION AND THE APPOINTMENT OR EMPLOYMENT OR EVALUATION OF A PUBLIC OFFICER OR EMPLOYEE, THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE SELECTBOARD OR PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE, AND THE TOWN MANAGER, ASSISTANT TOWN MANAGER, AND TOWN ATTORNEY WERE INVITED INTO THE SESSION. MOTION CARRIED 5-0.**

Chair Wessel reconvened the meeting at 6:15pm. He briefly discussed some operational procedures for use of the GoToMeeting format.

**APPROVE MINUTES**

Wessel asked the Board to approve the minutes from the June 2, June 9, and June 26, 2020 meetings. There was no discussion.

**MOTION BY IAN GOODNOW TO APPROVE THE MINUTES FROM JUNE 2, JUNE 9, AND JUNE 26, 2020. MOTION CARRIED 5-0.**

**CHAIR'S REMARKS**

Chair Wessel reminded participants that the agenda was quite full and asked speakers to limit their comments to two minutes.

**MANAGER'S COMMENTS**

None.

**SELECTBOARD COMMENTS AND COMMITTEE REPORTS**

Quipp mentioned that he attended the Traffic Safety Committee Meeting on Thursday, June 18, where the Putney Road Project was discussed, and which would be discussed by the Board later in this meeting. He invited members of the public to attend any of those meetings which took place on the third Thursday of the month starting at 8:00am.

Goodnow announced that he attended a Board of Civil Authority meeting to organize the two upcoming elections: (1) State-wide primary scheduled on August 11, and (2) the general election to be held on November 3. He encouraged voters to go to "My Voter Page," which he posted on the chat page, in order to update voters' contact information and to request absentee ballots. He noted that the general election ballots specifically had to be requested. He encouraged people to vote by mail in order to avoid a crowd at the polling area during the COVID-19 restrictions. He said that the elections would take place at the American Legion for those voters who did not vote by mail. He also offered that people could contact Town Clerk Hilary Francis for more information or to visit the Town's website. He asked anyone interested in volunteering to help at the elections to contact Town Clerk Francis or himself.

**PUBLIC PARTICIPATION**

Kurt Daims remarked that the proposed Brattleboro youth vote amendment to the Brattleboro Town Charter was currently delayed in the State Legislature. He asked if Board members would consider writing to the Governor and Minority Whip, where the block existed, requesting to move the amendment forward. Starr asked Daims to contact her in order to discuss it further. Elwell noted that the matter was in the Government Operations Committee in the State House.

**WATER AND SEWER COMMISSIONERS**

**MOTION BY BRANDIE STARR TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.**

Reservoir Trail Culvert Replacement – *Bid Award*. Highway/Utilities Superintendent Dan Tyler said that the Selectboard was asked to award a bid for the Reservoir Trail Culvert Replacement Project to the low bidder, Neil Daniels, Inc., of Ascutney, Vermont, in the amount of \$98,760. He noted that the culvert replacement was part of the larger water treatment plant waste line project, and he spoke about some details of the project. There was brief discussion by the Board.

**MOTION BY DANIEL QUIPP TO AWARD A BID TO NEIL DANIELS, INC., IN THE AMOUNT OF \$98,760 FOR THE RESERVOIR TRAIL CULVERT REPLACEMENT PROJECT. MOTION CARRIED 5-0.**

**MOTION BY BRANDIE STARR TO ADJOURN AS WATER AND SEWER COMMISSIONERS.  
MOTION CARRIED 5-0.**

***UNFINISHED BUSINESS***

COVID-19 Update

Town Manager Elwell provided an update on COVID-19 matters, including the addition of a large mailbox in the Municipal Center parking lot to insert voter ballots and about changes to some activities and equipment in the Recreation and Parks Department. He noted that the Library would soon resume limited visitations. Quipp inquired about operations at the pool. Recreation & Parks Department Director Carol Lolatte announced that the pool was open for general swim each day from 1:00 to 4:00pm and 5:00 to 8:00pm and that attendance was lower than the maximum amount allowed. Quipp announced that the State Department of Health was conducting free COVID-19 testings each Wednesday in the Municipal Center parking lot.

**NO ACTION TAKEN.**

Representative Town Meeting -

- (i) *Review Proposed Plan for 2-Part Meeting*
- (ii) *Review Draft Warning*

Town Manager Elwell presented and discussed a proposal for the Selectboard to consider with regard to the rescheduling of the 2020 Representative Town Meeting (RTM), as set forth in the memorandum dated July 1, 2020, from Executive Secretary Jan Anderson, Town Moderator Lawrin Crispe, Town Manager Peter Elwell, Town Attorney Robert Fisher, Town Clerk Hilary Francis, and Assistant Town Manager Patrick Moreland. Elwell said that the team had worked extensively on alternative methods and formats for holding a fair and inclusive RTM during COVID-19. He said the proposed alternative included an informational discussion meeting via GoToMeeting that would be televised on BCTV on Saturday, August 22, followed by the casting of votes by an Australian ballot to be delivered (or postmarked) no later than August 28. He said this alternative would allow for a discussion, as well as provide an opportunity for every Town Meeting Member (TMM) to safely cast their votes, even if they were not able or willing to attend a virtual meeting. Quipp noted that the budget article in the draft Warning included in the packets did not contain an opportunity for TMMs to vote on the FY21 budget. Town Attorney Robert Fisher said that the Selectboard had already adopted the budget under the emergency provision empowered to the Board by the State Legislature for this year only. He spoke about the proposal and answered many questions posed by the Board and public. Moderator Lawrin Crispe said that he reluctantly supported the proposal during these extremely challenging times and that his interest was to balance fundamental democratic principles with the protection and general health and welfare of TMMs. He said that the proposal included the historical precedence of the use of an Australian ballot and the Vermont Legislature's recognition of the dilemma that certain communities were unable to hold their Town Meetings prior to the start of the new fiscal year. He stated his opinion that no great solution was evident, but this proposal would provide for a fair and inclusive process in which TMMs could participate and vote.

There was substantial discussion by the Board about the proposal and its resulting diminished authority of RTM for this year, the adoption of the budget and its finality, possible ways to provide RTM with an opportunity to address the budget, and the understood expectation that TMMs could approve, modify, or ratify the Board's budget vote. The following members of the public also provided their comments and opinions [editor's note – a national movement to defund or abolish police departments nation-wide was in progress and police department budgets were general targets of the movement] : Fhar Miess, Oscar Heller, Kurt Daims, Sonia (no last name offered), HB Lozito, Rikki Risatti, Emily (no last name offered), David Levenbach, Izzy Snyder, and Alex Fischer.

Chair Wessel called for a 10-minute recess at 8:15pm. Chair Wessel reconvened the meeting at 8:31pm.

Wessel asked the public for additional comments. Jackson Stein provided his comments and read a statement from Frank Ostin. Oscar Heller provided hypothetical questions about expenditure of funds, and Gary Stroud suggested investigating the use of different virtual platforms. The Board held another lengthy discussion, after which Board members agreed to review the BCTV video from the last meeting to obtain clarity about their discussions, intentions, and understandings. The Town Attorney was asked to provide a legal opinion about the Board's authority to pass the budget under the emergency legislative action, whether the vote provided a finished action, and what role RTM may play, advisory or otherwise, and whether ratification by RTM would be possible and/or advisable. Staff was asked to poll TMMs to learn from them about their ability, willingness, and accessibility of using the equipment necessary to connect to a digital RTM. Staff was asked to include in the poll whether people would be willing to attend in-person pods with a number of other TMMs. Elwell also offered to inquire about the on-line platform used by the legislature this past session.

**NO ACTION TAKEN.**

***NEW BUSINESS***

Police Review Process. Wessel said that the Board had committed to initiate a process to review the practices of the Brattleboro Police Department and the balance of services and funding for the department and social service providers in the community. McLoughlin spoke about a proposal that she offered, including a citizen-lead examination committee to review the Police Department's policies, training, procedures, and budget, as set forth in her proposal dated July 2, 2020, a copy of which was included in the Board's packets. She reviewed the eight points contained in the proposal. Wessel asked HB Lozito, Executive Director of Out In The Open, to discuss the proposal they submitted. Lozito spoke about the proposal signed by over 100 individuals and several agencies and organizations. They said that the proposal was a creation of a collective community process with voices from multiple organizations and individuals, creating a space for marginalized communities.

Amber Arnold, Sheila Linton, HB Lozito, and Wichie Artu spoke in support of the proposal and about some elements and recommendations contained within. There was some discussion by the Board about the McLoughlin proposal and the community proposal, including determining and allocating resources, merging the proposals, determining facilitators, anonymity, Open Meeting Law, understanding the current police process supported by data and evidence, and volunteerism in governmental processes. Chair Wessel asked for further public comment. Shea Witzberger, Wendy Levy, HB Lozito, Alex Fischer, Emily Megas-Russel, Robin Morgan, Zoe Cunningham-Cook, Audrey (no last name offered), Tara O'Brien, Ain Thompson, Anna Mullany, Abby Mnookin, and Joshua Wyman provided their comments and opinions. There was further discussion by the Board where it was agreed to add this matter to the July 21 agenda for further discussion and to consider scheduling special meetings to continue this and other controversial matters.

**NO ACTION TAKEN.**

**AGENDA ADJUSTMENT:** Due to the late hour of the meeting, the Board agreed to remove the following items from this agenda: Handy Stations (Item C), Town Highway Annual Financial Plan (Item D), and Route 9 Bike Lane Scoping Project (Item F). Elwell suggested, and the Board agreed, that a special meeting be scheduled on July 14 to discuss the matters removed from this agenda, to add the Police Review process to the July 21 agenda, and to consider whether a special meeting was needed on July 28.

Brattleboro Housing Partnerships' Red Clover Commons 2 Project – Approve Loan. Elwell said that the Selectboard was asked to approve a loan in the amount of \$100,000 to Brattleboro Housing Partnerships from the Town's Revolving Loan Fund in support of the Red Clover Commons 2 Project. He said the loan would be for a term of 15 years at 0% interest, as set forth in the memorandum dated June 29, 2020,

from Assistant Town Manager Patrick Moreland. Goodnow questioned why the request was made at the eleventh hour. Chris Hart, from Brattleboro Housing Partnerships, responded that it was typical in large developments to near the end of the project and have a funding gap. There was a brief discussion by the Board.

**MOTION BY BRANDIE STARR TO APPROVE A LOAN IN THE AMOUNT OF \$100,000 TO BRATTLEBORO HOUSING PARTNERSHIPS FROM THE TOWN'S REVOLVING LOAN FUND FOR A TERM OF 15 YEARS AT 0% INTEREST. MOTION CARRIED 5-0.**

Handy Stations – Consideration of Proposal. Due to the late hour of the meeting, the Board agreed to move this matter to the next meeting.

**NO ACTION TAKEN.**

Annual Financial Plan – Town Highways – Approve Town's Submittal to VTrans. Due to the late hour of the meeting, the Board agreed to move this matter to the next meeting.

**NO ACTION TAKEN.**

Putney Road Bike/Ped Safety Project – Authorize Maintenance Agreement with VTrans. Elwell said that the Selectboard was asked to authorize him to execute a maintenance agreement with VTrans for future maintenance of the RRFB (rectangular rapid flashing beacon) at Town Crier Drive and small sidewalk segments at Town Crier Drive and Hannaford Plaza, as set forth in his memorandum dated June 30, 2020. There was no discussion by the Board.

**MOTION BY IAN GOODNOW TO AUTHORIZE THE TOWN MANAGER TO EXECUTE A MAINTENANCE AGREEMENT WITH VTRANS FOR FUTURE MAINTENANCE OF THE RRFB AT TOWN CRIER DRIVE AND OF SMALL SIDEWALK SEGMENTS AT TOWN CRIER DRIVE AND HANNAFORD PLAZA. MOTION CARRIED 5-0.**

Route 9 Bike Lane Scoping Project – Award Contract for Consultant Services. Due to the late hour of the meeting, the Board agreed to move this matter to the next meeting.

**NO ACTION TAKEN.**

VTrans' Wilmington/Brattleboro Route 9 Rebuild – Official Town Comments on Draft Plans. Elwell said that the Selectboard was asked to authorize the Town Manager to express the Town's official comments on VTrans' preliminary plans to rebuild Route 9 from Wilmington to Brattleboro, as set forth in his memorandum dated June 30, 2020. There was no discussion by the Board.

**MOTION BY ELIZABETH McLOUGHLIN TO AUTHORIZE THE TOWN MANAGER TO EXPRESS THE TOWN'S OFFICIAL COMMENTS ON VTRANS' PRELIMINARY PLANS TO REBUILD ROUTE 9 FROM WILMINGTON TO BRATTLEBORO, AS SET FORTH IN THE MEMORANDUM DATED JUNE 30, 2020, FROM TOWN MANAGER ELWELL. MOTION CARRIED 5-0.**

Town Committees and Boards – Appointments. Wessel said that the Board was asked to appoint members to several Town committees and boards. He asked for nominations to the Citizen Police Communications Committee (CPCC), and noted that Board members could cast votes for more than one person nominated for each committee.

**NOMINATIONS FOR THE SINGLE VACANT SEAT ON THE CITIZEN POLICE COMMUNICATION COMMITTEE:**

Daniel Quipp nominated Karen Tyler. She received five votes.

Tim Wessel nominated Tim Berg. He received zero votes.

Brandie Starr nominated Terry Carter. She received one vote.

**CHAIR WESSEL ANNOUNCED THAT KAREN TYLER WAS APPOINTED TO THE CITIZEN POLICE COMMUNICATIONS COMMITTEE.**

**NOMINATIONS FOR THE THREE VACANT SEATS ON THE TREE ADVISORY BOARD:**

Brandie Starr nominated Robert Clements. He received five votes.

Daniel Quipp nominated Sharon Vollmuth. She received two votes.

Tim Wessel nominated Gayle Marie Weitz. She received one vote.

Elizabeth Mcloughlin nominated Denise Glover. She received five votes.

**CHAIR WESSEL ANNOUNCED THAT ROBERT CLEMENTS, SHARON VOLLMUTH, AND DENISE GLOVER WERE APPOINTED TO THE TREE ADVISORY BOARD.**

**WESSEL THEN NOMINATED THE FOLLOWING PEOPLE FOR THE BOARDS AND COMMITTEES WHERE THERE WERE NO CONTESTED SEATS:**

ADA Advisory Committee - Micah Ranquist

Cemetery Committee - Sharon Couturier

Energy Committee - Gary Stroud

Fence Viewers - Lee Madden, Tim Kipp, and Nicholas Biddle

Planning Commission - Katharine Manthei Audlin

Recreation & Parks Board - Gary Stroud, Allegra Carignan, Ricky Davidson, and Rebecca Day

Weigher of Coal - David Levenbach and Ryan Stratton

There was some discussion about the Weigher of Coal position. Wessel noted that the Charter allowed for one member and Vermont statutes allowed for two members. Ryan Stratton added that he believed the Town Ordinances also allowed for one or two members.

**MOTION BY BRANDIE STARR TO APPOINT THE SLATE OF NOMINEES AS PRESENTED BY TIM WESSEL. MOTION CARRIED 5-0.**

There was no further business.

**MOTION BY DANIEL QUIPP TO ADJOURN AT 11:35PM. MOTION CARRIED 5-0.**

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Ian Goodnow, Clerk