

**BRATTLEBORO SELECTBOARD
TUESDAY, AUGUST 20, 2019
EXECUTIVE SESSION – 5:30PM
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, Police Chief Mike Fitzgerald, Police Captain Mark Carignan, Planning Director Sue Fillion, Recreation & Parks Director Carol Lolatte, Library Director Starr LaTronica, and Executive Secretary Jan Anderson.

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

Others present: Becky Beaulier, Carol Levin, Terry Martin, Doug Johnston, George Perides, Dan Jeffries, Ralph Buchanan, Tyra Saucier, Eleanor Weiss, George Carvill, Bill Knowles, Elizabeth Kroll, Tim Maciel, Jane Southworth, Karen Saunders, Jessica Dolan (and daughter Naia), Abigail Mnookin, Michael Bosworth, Nick Nickerson, Jack Haskell, Tallezin Haugh, Maia McNeill, Petria Mitchell, Jana Zeller, Prudence MacKinney, Rio Daims, Zoe Flagellet, Brittany Dunn, Sharon Fantl, Richard Evers, Kathleen K. Whallon, Kurt Daims, Orion Barber, Chrissy Lee, Kate Richardson, Oscar Heller, Tony Duncan, Jaki Reis, Diana Rice, Linda Bailey, George Harvey, Rikki Risatti, Emily Peyton, Spoon Agave, Franz Reichsman, Lissa Weinmann, Don Brown, HB Lozito, Millicent Cooley, Lucia Morey, Stephanie Bonin, Penelope Wurr, Arlene Distler, ASL interpreters Janet Dickinson and Karen Todd, and others who did not sign the attendance sheet.

Chair Starr called the meeting to order at 5:30pm.

MOTION BY BRANDIE STARR TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS AND LABOR RELATION AGREEMENTS WITH EMPLOYEES, 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 6:15pm. She confirmed that the meeting was properly warned.

APPROVE MINUTES

Starr asked the Board to approve the minutes from the August 6 meeting. There was no discussion.

MOTION BY ELIZABETH McLOUGHLIN TO APPROVE THE MINUTES FROM THE AUGUST 6 MEETING. MOTION CARRIED 5-0.

CHAIR'S REMARKS

None.

MANAGER'S COMMENTS

None.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

None.

AWARD CEREMONY – *New England Association of Chiefs of Police, Community Policing Award.* Starr said that the Brattleboro Police Department placed first in the New England Association of Chiefs of Police community policing awards for departments in communities with a population under 15,000.

Retired Chief Douglas Johnston, from the New England Association of Chiefs of Police, Inc., said that community policing awards had been in place for the past five years and he was pleased to present the Brattleboro Community Police Award, in the category of population under 15,000, to Chief Michael Fitzgerald on behalf of the Brattleboro Police Department.

NO ACTION TAKEN.

PUBLIC PARTICIPATION

George Harvey spoke of his concerns around the energy crisis and dependence on crude oil. He said that the Town had to be prepared for such critical developments.

LIQUOR COMMISSIONERS

MOTION BY DAVE SCHOALES TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.

Second Class Liquor License – Family Dollar Stores of Vermont, LLC, d/b/a Family Dollar #28626

Elwell said that the Board was asked to approve a second class liquor license for Family Dollar Stores of Vermont, LLC, d/b/a Family Dollar #28626, located at 895 Putney Road. A representative from the store said that employees had completed the alcohol training course yesterday. Nick Nickerson spoke in support of the application. There was no discussion by the Board.

MOTION BY TIM WESSEL TO APPROVE A SECOND CLASS LIQUOR LICENSE FOR FAMILY DOLLAR STORES OF VERMONT, LLC, DOING BUSINESS AS FAMILY DOLLAR #28626, LOCATED AT 895 PUTNEY ROAD. MOTION CARRIED 5-0.

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

UNFINISHED BUSINESS

Sustainability

(Follow-up from Representative Town Meeting and July 9 + August 6 Selectboard Meetings)

- (i) *Report on Progress in Achieving Energy Related Goals in the Town Plan*
- (ii) *Report on Progress of Implementing Recommendations in the 2016 Energy Audit*
- (iii) *Authorization to Apply to Host a Climate Change Vulnerability Assessment and Adaptation Planning Workshop*
- (iv) *Create a Staff Position and/or Invest in Other Energy Efficiency or Sustainability Purposes*

(i) Planning Director Sue Fillion presented and discussed the 2019 Progress Report on the Brattleboro Town Plan Energy Goals, as set forth in her written report dated August 12, 2019. She spoke of the goals, efficiency upgrades, policies and actions, and conversion of streetlight fixtures to LEDs. There were several questions and comments by Board members.

NO ACTION TAKEN.

(ii) Assistant Town Manager Moreland spoke about energy efficiency projects addressed by the Town in response to the 2016 Energy Audit by Margaret Dillon, from Sustainable Energy Education Demonstration Services (SEEDS), as set forth in his memo dated August 12, 2019. He spoke of completed projects at the Brattleboro Transportation Center, Brooks Memorial Library, and the Gibson Aiken Center. He also spoke of projects in process at the Library, skating rink, Town water system, and the Retreat Wells. He then spoke about future potential projects at the Pleasant Valley Treatment Plant, DPW garage, Municipal Center, and a district heating plant to be shared by the Municipal Center and Library. There were several questions and comments by Board members.

NO ACTION TAKEN.

(iii) Planning Director Sue Fillion said that the Board was asked to authorize the Planning Services Department to apply for the opportunity to host a climate change vulnerability assessment and adaptation planning workshop, as set forth in her memorandum dated August 12, 2019. Several people from the audience provided their comments and suggestions. There were several questions and comments by Board members.

MOTION BY TIM WESSEL TO AUTHORIZE THE PLANNING SERVICES DEPARTMENT TO APPLY FOR A CLIMATE CHANGE VULNERABILITY ASSESSMENT AND ADAPTATION PLANNING WORKSHOP. MOTION CARRIED 5-0.

(iv) Starr said that the Board was asked to consider whether to create a Sustainability Coordinator position or to invest available funds in projects/programs to achieve greater energy efficiency and sustainability in Town government and in the community. Elwell spoke about the history of the consideration of the position over the past 2-1/2 years, including discussions at the Selectboard level, community outreach and involvement, defining sustainability and creating a possible job description, and additional energy efficiency funding that was approved by Representative Town Meeting (RTM) in 2019.

Several members in the audience spoke of their concerns and provided their opinions about energy efficiency, climate change, and whether to create a Sustainability Officer position. Many spoke in favor of creating the position - Mia King, Rio Daims, George Carvill, Maia McNeill, Orion Barber, Don Brown, Lissa Weinmann, HB Lozito, Alice, George Harvey, Penelope Wurr, Millicent Cooley, Tallezin, Abby Mnookin, Lucia Morey, Oscar Heller, Kit Whallon, Jessica Dolan, Rikki Risatti, Karen Saunders, and Jaki Reis. Some people spoke in opposition to creating the position - Jane Southworth, Dan Jeffries, Prudence MacKinney. Additionally, Tony Duncan provided a copy of a Sustainability Coordinator Research Report and Franz Reichsman read a proclamation by the Finance Committee in support of the position. There was a lengthy discussion by all of the Board members. Schoales, Starr, and Quipp acknowledged that the Town had completed several energy efficiency projects and that other projects were pending and awaiting funding. They agreed that a Sustainability Officer could focus on such projects and find grants for additional funding. Wessel read the motion that was passed at RTM, which did not mention creation of the position. He noted that energy efficiency projects were routinely undertaken by the Town, and he stated that he did not agree with creating the position at this time. McLoughlin mentioned the amount of energy efficiency and sustainability projects that were completed, underway or contemplated. She suggested maintaining the current plan of spending \$100,000 per year on projects that were addressed in the Energy Audit for the next 5 to 7 years, and then re-evaluate on how to move forward and possibly consider the position at that time.

MOTION BY DAVE SCHOALES THAT THE SELECTBOARD APPROVE THE CREATION OF A SUSTAINABILITY COORDINATOR POSITION AND DIRECT STAFF TO USE THE "POSITION SUMMARY" DOCUMENT AS THE BASIS FOR THE FINAL JOB DESCRIPTION AND PROMPTLY COMMENCE RECRUITMENT FOR THIS POSITION. MOTION CARRIED 3-2 (Wessel and McLoughlin opposed).

Starr called for a short recess. She reconvened the meeting at 9:05pm

Potential Appointment of a Charter Review Commission – Continued Discussion. Elwell said that the Board was asked to consider a request previously submitted by Spoon Agave to appoint a Charter Review Commission. Spoon Agave said that democracy was based on the premise that people had the inalienable right to determine how they would be governed, and the Charter was the social contract setting the terms for the governance. He said that Vermont statutes provided that town charters be reviewed at least every 15 years. There was some discussion by the Board about some matters, such as

the school merger and youth vote that were pending in courts or the legislature, and not yet finalized so as to be included in the Charter at this time. Mark (a member of the audience who did not provide his last name) spoke in favor of moving forward with a Charter review. After some discussion, a majority of Board members did not feel this was the proper time to appoint a Charter Review Commission.

NO ACTION TAKEN.

Ordinance Amendment – Second Reading and Public Hearing, Appendix C, Article 3, Section 16-110, Parking Meters on Grove Street. Elwell said that the Board was asked to hold a second reading and public hearing on the proposed Ordinance amendment to Appendix C (Regulations Governing the Control of Traffic) to change the time limit for parking at the two westernmost metered parking spaces on Grove Street from 30 minutes to 2 hours.

Starr opened the public hearing.

Rikki Risatti suggested moving the “Declaration of Climate Urgency” item up on the agenda particularly since the ASL interpreters were about to leave. Risatti said it was “ironic and offensive” to hear that matter so late in the evening. Chair Starr said the Board would keep with the agenda.

Starr closed the public hearing.

MOTION BY DANIEL QUIPP TO APPROVE THE AMENDMENT TO APPENDIX C OF THE BRATTLEBORO CODE OF ORDINANCES (REGULATIONS GOVERNING THE CONTROL OF TRAFFIC), AS PRESENTED. MOTION CARRIED 5-0.

NEW BUSINESS

Financial Report – Monthly Report for July. Town Manager Elwell said that the July financial report was one month into the new fiscal year and there was nothing unusual to report. There was no discussion.

NO ACTION TAKEN.

Public Art Proposals

- (i) *RTM Funding for Art – Proposed Public Art Project Competition*
- (ii) *FEET (Frost, Elliot, Elm Triangle) Project – Mural on Elliot Street*

(i) Chrissy Lee and Sharon Fantl, from the Town Arts Fund Working Group (TAFWG) (a citizen-led group), spoke of the proposal submitted to the Board. Lee said that the TAFWG had been meeting regularly since April to develop a detailed proposal for the \$15,000 Town Arts Fund that was voted into the budget at RTM. She said they wanted to share the status of their work to-date, seek feedback from the Board on the draft application materials, and initiate a productive partnership between the working group and the Board to enhance development of the proposal. She said they would return to the Selectboard next month with a final proposal. Fantl highlighted some key points in the proposal. She said that the arts projects were meant to create a positive relationship within the community, aim for collaboration, participation and community-building, and to support diversity and inclusion. Lee offered that the Arts Council of Windham County be the fiduciary agent to receive the funds and provide an accounting of the funds. She said that TAFWG was dedicated to having the first year as a success pilot year for future years and would serve as a model for other towns in Vermont and the country. McLoughlin confirmed that the funds would be used for projects in Brattleboro only as those funds were Brattleboro tax dollars. There was some discussion by the Board particularly about the well-organized and clear presentation.

MOTION BY DAVID SCHOALES TO AUTHORIZE TO MOVE FORWARD IN THE MATTER THAT IT WAS PRESENTED. MOTION CARRIED 5-0.

(ii) Starr said that the Board was asked to consider a community mural proposed by the FEET (Frost, Elliot, Elm Triangle) Neighbors to be painted on a retaining wall on the west end of Elliot Street. Kate Richardson, Don Brown, and George Perides were present. Richardson spoke about the proposed mural project. Elwell said that staff had communicated with FEET members over the past few months and late in the process realized that such a public art project should be approved by the Town Arts Committee before seeking Selectboard approval. He said that a block party was being planned on September 8 to complete the mural and celebrate the project, and that the Arts Committee could not meet prior to tonight's meeting so the Board was asked to approve the project as presented. There was a brief discussion by the Board.

MOTION BY ELIZABETH McLOUGHLIN TO AUTHORIZE THE FEET NEIGHBORS TO PAINT A MURAL ON THE RETAINING WALL AT THE WEST END OF ELLIOT STREET, AS PRESENTED. MOTION CARRIED 5-0.

Small Business Assistance Loan Program

(i) *Northeast Processing LLC – \$70,000 for Expansion of Business*

(ii) *George J. Brooks Florist, LLC – \$45,000 of Reserve Capital for Business Expenses*

Elwell said that the Board was asked to approve two Small Business Assistance Program (SBAP) loans, both of which had been approved by the SBAP loan committee, as set forth in the memorandum dated August 9, 2019, from Grants Manager Kim Ellison. There was no discussion by the Board.

MOTION BY TIM WESSEL TO APPROVE A \$70,000 SMALL BUSINESS ASSISTANCE PROGRAM LOAN TO NORTHEAST PROCESSING, LLC, IN ACCORDANCE WITH THE TERMS AND CONDITIONS APPROVED BY THE SMALL BUSINESS ASSISTANCE PROGRAM LOAN COMMITTEE; AND TO APPROVE A \$45,000 SMALL BUSINESS ASSISTANCE PROGRAM LOAN TO GEORGE J. BROOKS FLORIST, LLC, IN ACCORDANCE WITH THE TERMS AND CONDITIONS APPROVED BY THE SMALL BUSINESS ASSISTANCE PROGRAM LOAN COMMITTEE. MOTION CARRIED 5-0.

Request for "Declaration of Climate Emergency" Rio Daims, and several unidentified speakers, said they were asking the Town of Brattleboro to declare a climate emergency, as set forth in the "Declaration of Climate Emergency" provided to the Board in the back-up materials. They spoke of reasons to declare an emergency at this time, including the population being at risk and that everyone needed to take responsibility for the climate. There was much discussion by the Board about their concerns for the climate but noted that the Declaration contained items that they could not support. It was decided to add this matter to the next agenda for further discussion.

NO ACTION TAKEN.

Recreation and Parks Mowers – Bid Award. Elwell said that the Board was asked to award a bid to Gary's Power Equipment of Winchester, New Hampshire, in the amount of \$17,000 for a zero-turn mower and a walk-behind mower for the Recreation and Parks Department, as set forth in the memorandum dated August 15, 2019, from Recreation & Parks Director Carol Lolatte. There was no discussion.

MOTION BY ELIZABETH McLOUGHLIN TO AWARD A BID TO GARY'S POWER EQUIPMENT IN THE AMOUNT OF \$17,000 FOR A ZERO-TURN MOWER AND A WALK-BEHIND MOWER FOR THE RECREATION AND PARKS DEPARTMENT. MOTION CARRIED 5-0.

Police Department Carport Project – Bid Award. Elwell said that the Board was asked to award a bid to GPI Construction of Brattleboro in an amount not to exceed \$149,304 for construction of a carport at the Brattleboro Police Department, as set forth in the memorandum dated August 14, 2019, from Assistant Town Manager Patrick Moreland. There was a brief discussion by the Board.

MOTION BY DAVE SCHOALES TO AWARD A BID TO G.P.I. CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$149,304 FOR CONSTRUCTION OF A CARPORT AT THE BRATTLEBORO POLICE DEPARTMENT. MOTION CARRIED 5-0.

Police Vehicles – State Contract. Elwell said that the Board was asked to authorize the purchase of two police vehicles (2020 Ford Explorer Interceptors) from Formula Ford of Montpelier, Vermont, for the total price of \$60,200 (reflecting the State contract bid price), as set forth in the memorandum dated August 9, 2019, from Police Chief Michael Fitzgerald. There was no discussion by the Board.

MOTION BY DANIEL QUIPP TO AUTHORIZE THE PURCHASE OF TWO 2020 FORD EXPLORER INTERCEPTORS FROM FORMULA FORD FOR THE TOTAL PRICE OF \$60,200. MOTION CARRIED 5-0.

Police Equipment – IDEMIA Fingerprint Scan (Morpho-Trac) – State Contract. Elwell said that the Board was asked to authorize the purchase of a replacement Fingerprint Scanning / Photograph Machine from IDEMIA for the State contract bid price of \$24,030, as set forth in the memorandum dated August 9, 2019, from Police Chief Michael Fitzgerald. There was no discussion by the Board.

MOTION BY TIM WESSEL TO AUTHORIZE THE PURCHASE OF A FINGERPRINT SCANNING / PHOTOGRAPH MACHINE FROM IDEMIA FOR \$24,030. MOTION CARRIED 5-0.

Vermont Department of Corrections Grant – Accept and Appropriate Grant for Brattleboro Community Justice Center. Elwell said that the Board was asked to accept and appropriate a \$20,000 grant from the Vermont Department of Corrections to provide supplemental FY20 funding for the Brattleboro Community Justice Center, as set forth in the memorandum dated August 2, 2019, from Grants Manager Kim Ellison. There was no discussion by the Board.

MOTION BY DANIEL QUIPP TO ACCEPT AND APPROPRIATE A \$20,000 GRANT FROM THE VERMONT DEPARTMENT OF CORRECTIONS TO PROVIDE SUPPLEMENTAL FISCAL YEAR 2020 FUNDING FOR THE BRATTLEBORO COMMUNITY JUSTICE CENTER. MOTION CARRIED 5-0.

Long Term Financial Plan – 2019 Update. Due to the lateness of the hour, the Board agreed to move this matter to the September 17 agenda.

NO MOTION WAS OFFERED.

Committee Appointments

Starr said that the Board was asked to appoint new members to the Town Arts Committee, Brattleboro Housing Partnerships Board of Commissioners, and Tree Advisory Committee.

TIM WESSEL MADE THE FOLLOWING NOMINATIONS:

**KAY CURTIS TO THE ARTS COMMITTEE,
ELIZABETH HARRISON TO THE BRATTLEBORO HOUSING PARTNERSHIPS BOARD OF
COMMISSIONERS, AND
MARY HENINGER TO THE TREE ADVISORY COMMITTEE**

NOMINATIONS CARRIED 5-0.

There was no further business.

MOTION BY ELIZABETH McLOUGHLIN TO ADJOURN AT 10:20PM. MOTION CARRIED 5-0.

Elizabeth McLoughlin, Clerk