

**BRATTLEBORO SELECTBOARD  
TUESDAY, SEPTEMBER 17, 2019  
EXECUTIVE SESSION – 5:15PM  
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, Town Clerk Hilary Francis, and Executive Secretary Jan Anderson.

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

Others present: Nick Nickerson, Rikki Risatti, George Harvey, Waylon R. L. Adams, Alexander Meima, Maia McNeill, Kurt Daims, Mark J. Tully, Gwynn Zakov, Deb Kitzmiller, Aimee Geelney, Sheldon G. Weeks, Franz Reichsman, Tim Maciel, Mollie Burke, Michael Bosworth, Bruce Bonnette, Django Grace, ASL interpreters Janet Dickinson and Elizabeth Fox, and others who did not sign the attendance sheet.

Chair Starr called the meeting to order at 5:15pm. She confirmed that the meeting was officially warned.

**MOTION BY BRANDIE STARR TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS, LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, PENDING OR PROBABLE CIVIL LITIGATION OR A PROSECUTION TO WHICH THE PUBLIC BODY IS OR MAY BE A PARTY, THE NEGOTIATING OR SECURING OF REAL ESTATE PURCHASE OR LEASE OPTIONS, AND THE APPOINTMENT OR EMPLOYMENT OR EVALUATION OF A PUBLIC OFFICER OR EMPLOYEE, 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 6:19pm.

***APPROVE MINUTES***

Starr asked the Board to approve the minutes from the September 3, 2019 meeting. There was no discussion.

**MOTION BY ELIZABETH McLOUGHLIN TO APPROVE THE MINUTES FROM THE SEPTEMBER 3, 2019 MEETING. MOTION CARRIED 5-0.**

***CHAIR'S REMARKS***

Chair Starr extended her appreciation to the Brattleboro Police Department for the frontline work they perform in addressing poverty in the community without criminalizing it. She thanked the Department's leadership for their understanding, and noted that the Department worked within the boundaries of the U.S. Constitution and Vermont Court System. She noted that the Police Department acted within applicable laws contrary to the public's misconception of it not doing enough. She thanked the Department for their work. She also noted the compassion that Berlin Police Sgt. Bissett showed for the homeless situation by his purchasing of sleeping bags for 43 homeless people.

***MANAGER'S COMMENTS***

None.

***SELECTBOARD COMMENTS AND COMMITTEE REPORTS***

Schoales announced that the Diversity Committee would meet on Thursday for the first time since spring and it had a full agenda.

Wessel announced an informational kick-off meeting for COSU (Windham County Consortium on Substance Abuse) at the Latchis Theatre on Tuesday, September 24, at 10:00am, followed by discussions at the Turning Point, addressing substance misuse. He also added his personal condolences to the O'Connor family for the loss of Martha O'Connor. He recognized the many contributions to the community by Tim and Martha O'Connor over the years.

### ***PUBLIC PARTICIPATION***

George Harvey criticized the Board for its response and treatment of the youth who presented the Declaration of Climate Emergency at a recent meeting. He said that the Board's response to the "children" was not well-crafted. He suggested that the climate emergency would be the biggest issue that would come before the Board.

Nick Nickerson spoke about certain designated areas that were perceived as unsafe and, consequently, other people "blatantly and falsely" believed that the rest of Brattleboro was not safe. He said that although the Town was not perfect, the Selectboard, Police Department and residents worked to keep Brattleboro safe and they were largely successful. He suggested that those "smug signs" be removed.

### ***LIQUOR COMMISSIONERS***

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

Third Class Liquor License Renewals. Elwell said that the Board was asked to approve seasonal Third Class Liquor Licenses for four establishments: Arkham (16 Harmony Place), Echo Restaurant & Lounge (69-73 Main Street), Flamingo Diner (209 Canal Street), and New England House (254 Marlboro Road). He said that due to the recent passage of Act 73, Third Class Liquor Licenses must be approved by the Local Liquor Commissioners, as set forth in the memo from Town Clerk Hilary Francis, dated September 11, 2019. There was a brief discussion.

#### **MOTION BY DAVE SCHOALES TO APPROVE 2019 SEASONAL 3RD CLASS LIQUOR LICENSES FOR ARKHAM, ECHO RESTAURANT & LOUNGE, FLAMINGO DINER, AND NEW ENGLAND HOUSE, AS PRESENTED. MOTION CARRIED 5-0.**

First Class Liquor License – Best Vittles, Inc., d/b/a Pudge & T. Bones. Elwell said that the Board was asked to approve a First Class Liquor License for Best Vittles, Inc., d/b/a Pudge & T-Bones, located at 423 Marlboro Road, as set forth in the memo from Town Clerk Hilary Francis, dated September 9, 2019. Bruce Bonnette, from the restaurant, said that the business was changing its name and wanted to offer beer and wine for customers. There was a brief discussion.

#### **MOTION BY TIM WESSEL TO APPROVE A FIRST CLASS LIQUOR LICENSE TO BEST VITTLES, INC., D/B/A PUDGE & T-BONES. MOTION CARRIED 5-0.**

#### **MOTION BY DANIEL QUIPP TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.**

### ***WATER AND SEWER COMMISSIONERS***

#### **MOTION BY ELIZABETH McLOUGHLIN TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.**

Authorize Purchase of Replacement Generator – Department of Public Works. Elwell said that the Board was asked to approve the purchase of a Generac generator in the amount of \$19,365 to replace the inoperable generator at the Public Works facility, as set forth in the memo from Highway/Utilities Superintendent Dan Tyler, dated September 11, 2019. Quipp asked if the possibility of battery storage was investigated, rather than a diesel generator, and Schoales inquired whether natural gas had been

investigated. There was some discussion. The Board asked for additional information on alternative generators and to add this matter to a future agenda.

**NO ACTION WAS TAKEN AT THIS TIME.**

**MOTION BY DAVE SCHOALES TO ADJOURN AS WATER AND SEWER COMMISSIONERS.**

**MOTION CARRIED 5-0.**

**UNFINISHED BUSINESS**

Request for "Declaration of Climate Emergency". Starr said that a group of residents previously requested that the Board adopt a Declaration of Climate Emergency and the matter had been rescheduled to this meeting. Kurt Daims, Mark Tully, and Maia McNeill were present and spoke in favor of the Declaration. Tully summarized that the Declaration would declare a state of emergency and would serve to activate government processes to expedite procedures and processes. He noted that monthly meetings would be established as a public forum and would establish an apolitical space to discuss the matter apart from regular Selectboard meetings. McNeill encouraged the Board to declare a climate emergency and she reaffirmed that the Board was the proper body to make such a declaration. Daims spoke about the origin of the Declaration, including it being an international collaboration with climate activists from Climate Mobilization and Brattleboro Common Sense. He stated that the climate crisis was a matter of public health, that action needed to be taken, and the Declaration would allow for people to attend hearings to activate temporary ordinances (valid for 30 days), and enable Brattleboro to become incubator of climate remedies. Franz Reichsman asked what actions the Selectboard would be committed to take. Starr responded that items #11 and #12 were actionable items. Django Grace read a letter from Rio Daims (who was unable to attend the meeting) in support of the Declaration. He also spoke of his support of the Declaration and for giving youth a voice. Rikki Risatti spoke against the use of the word "war" and suggested making the Declaration a peace treaty instead. Michael Bosworth said that he supported certain portions of the Declaration and was opposed to others. He asked about the meaning of paragraph 12. Daims responded that utilizing a provision in the Charter to enact emergency ordinances would give a shorter procedural timeframe and provide an opportunity for the voters to speak. Tully added that monthly meetings was a tool for a range of processes.

The Board members each spoke about the proposed Declaration. Starr spoke in support of the youth effort behind the matter and their getting involved in the democratic process. She suggested that mentors who worked with young activists should make it clear how to navigate the system and that State level actionable items be taken to State with local actionable items taken to the Selectboard. Schoales thanked the organizers for participating in the process and spoke of his support of activism and citizenship. He said that actions were important. Wessel said that the Declaration was not written well and noted that the Selectboard was not empowered to enact many of the actions provided in the Declaration. He spoke of past and future actions that the Board was taking in support of renewable energy. He read a Climate Resolution that was passed by the Selectboard on September 19, 2017 in support of reducing greenhouse gases and of adopting renewable energy solutions. He suggested that the Sustainability Coordinator be included in such requests in the future. He also suggested that the use of the word "emergency" was polarizing and inappropriate. McLoughlin said that the Board members all agree that climate change was real. She spoke of objections she had with the war mongering attitude and anti-government message in the Declaration. She said it was too vague and was not factual, and that the Sustainability Coordinator and a revised Energy Committee be included in such a request. She said she would support reaffirming the statement signed by the Board two years ago. Quipp stated that he could agree that climate change was a crisis but not an emergency. He said that the Town had functions and mechanisms in place to propose remedies and those tools should not be circumvented by having monthly hearings in order to declare emergency ordinances. He said he would support a statement committing to end the municipality's reliance on fossil fuels by 2030 and to issue a broad statement acknowledging a climate crisis. He also suggested that the Sustainability Coordinator be empowered with engaging the community in this type of request.

**MOTION BY DAVE SCHOALES TO SUPPORT THE DELCARATION OF CLIMATE, AS PRESENTED. MOTION FAILED 2-3 (WESSEL, McLOUGHLIN AND QUIPP OPPOSED).**

**NEW BUSINESS**

Strategy to Support Municipal Self Governance in the 2020 Legislative Session – Discussion with Vermont League of Cities + Towns (VLCT) Legislative Advocacy Team. Elwell spoke about a self-governance pilot project that had been presented to the legislature by VLCT and adopted by the State Senate last session (S106), as well as its future path through the State House. Gwynn Zakov, from the Vermont League of Cities and Towns, and Windham County Representative Mollie Burke were present. Zakov spoke about the self-governance proposal which would provide towns with more local control and municipal authority. She said that S106 was favorably voted out of the Senate last session but now contained some highly restrictive language. She offered that the proposal would have a difficult path through the House during the upcoming session. Burke spoke of her support of the initiative and she offered to advocate for the proposal even though she was not on that committee. Franz Reichsman, Mark Tully, and Rikki Risatti provided their opinions and comments. There was much discussion by the Board.

**NO ACTION TAKEN.**

Investment in Local Renewable Energy Projects. Assistant Town Manager Patrick Moreland said that the Board was asked to authorize staff to solicit Letters of Interest from existing or imminent renewable energy projects for a Town contribution of \$16,333.12, as set forth in his memo dated September 10, 2019. Mark Tully offered his comments. There was much discussion by the Board.

**MOTION BY DANIEL QUIPP TO AUTHORIZE STAFF TO SOLICIT LETTERS OF INTEREST FROM EXISTING OR IMMINENT RENEWABLE ENERGY PROJECTS IN BRATTLEBORO FOR A TOWN CONTRIBUTION OF \$16,333.12. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).**

FY19 Year-End Financial Report – Final But Unaudited. Elwell said that the preliminary unaudited FY19 Year-End Financial Report was included in the Board's back-up materials. He spoke about some of the notable items in the report, as set forth in the memos from Finance Director John O'Connor, dated September 6, 2019, and in his memo dated September 11, 2019. There was some discussion by the Board.

**NO ACTION TAKEN.**

Monthly Financial Report – August 2019. Town Manager Elwell discussed the monthly financial report for August 2019, as set forth in the memo from Finance Director O'Connor, dated September 6, 2019. There was a brief discussion by the Board.

**NO ACTION TAKEN.**

Long Term Financial Plan – 2019 Update. Town Manager Elwell presented and discussed the updated Long Term Financial Plan (LTFP). He noted that the LTFP was a 5-year forecast that represented staff's estimates and expectations on the Town's General Fund revenue and expenditures, and that it was not a budget. He reviewed in detail the bulleted items set forth in his memo dated August 14, 2019. Franz Reichsman and Rikki Risatti provided their comments and opinions. There was much discussion.

**NO ACTION TAKEN.**

Proposed Schedule of Meetings for Consideration of FY21 Proposed Budget. Town Manager Elwell presented a proposed schedule for upcoming FY21 budget discussions, as set forth in his memo dated September 12, 2019. Franz Reichsman inquired about the Utility Fund budget discussions. Rikki Risatti suggested that food be provided at meetings. There was some discussion by the Board. The Board generally agreed to the schedule.

**NO ACTION TAKEN.**

VTrans' 2019 Bicycle and Pedestrian Grant Program – Western Avenue/High Street Bicycle Scoping Study, Accept and Appropriate. Elwell said that the Board was asked to accept and appropriate a grant in the amount of \$32,000 from the Vermont Agency of Transportation (VTrans) for a scoping study for a bicycle lane along Route 9 from the intersection of Main and High Streets to the Exit 2 interchange, as set forth in the memo from Grants Manager Kim Ellison, dated September 3, 2019. He said there would be robust public discussions about the project in the future. There was a brief discussion by the Board.

**MOTION BY DAVE SCHOALES TO ACCEPT AND APPROPRIATE A GRANT IN THE AMOUNT OF \$32,000 FROM THE VERMONT AGENCY OF TRANSPORTATION FOR A SCOPING STUDY FOR A BICYCLE LANE ALONG ROUTE 9 FROM THE INTERSECTION OF MAIN AND HIGH STREETS TO THE EXIT 2 INTERCHANGE. MOTION CARRIED 5-0.**

Re-Appointment of Deputy Town Health Officer – Zoning Administrator Brian Bannon. Elwell said that the Board was asked to recommend to the Vermont Department of Health the re-appointment of Zoning Administrator Brian Bannon as a Deputy Health Officer. Rikki Risatti provided comments. There was no discussion by the Board.

**MOTION BY ELIZABETH McLOUGHLIN TO RECOMMEND TO THE VERMONT DEPARTMENT OF HEALTH THE RE-APPOINTMENT OF ZONING ADMINISTRATOR BRIAN BANNON AS A DEPUTY HEALTH OFFICER. MOTION CARRIED 5-0.**

Committee Appointments. Starr said that the Board was asked to appoint new members to the Arts Committee and Energy Committee.

**TIM WESSELL NOMINATED THE FOLLOWING PEOPLE:  
ARTS COMMITTEE – KATE RICHARDSON  
ENERGY COMMITTEE – RICK FOLEY FOR A TWO-YEAR TERM AND TONY DUNCAN FOR A ONE-YEAR TERM. NOMINATIONS CARRIED 5-0.**

There was no further business.

**MOTION BY ELIZABETH McLOUGHLIN TO ADJOURN AT 9:45PM. MOTION CARRIED 5-0.**

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Elizabeth McLoughlin, Clerk