

**BRATTLEBORO SELECTBOARD
TUESDAY, NOVEMBER 12, 2019
EXECUTIVE SESSION – 5:30PM
SPECIAL MEETING – 6:15PM
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER
MINUTES**

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

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Public Works Director Steve Barrett, Highway/Utilities Superintendent Dan Tyler, Recreation & Parks Director Carol Lolatte, Fire Chief Mike Bucossi, Assistant Fire Chief Leonard Howard, Town Clerk Hilary Francis, and Executive Secretary Jan Anderson.

Media present: Chris Mays representing the Brattleboro Reformer, Kevin O'Connor representing VT Digger, and BCTV staff and volunteers.

Others present: Anne E. Howes, Bob Everingham, Alex Fischer, Curtiss Reed, Jr., HB Lozito, Kate O'Connor, Stephanie Bonin, Peter May, Erin Skaggs, Franz Reichsman, ASL interpreters Janet Dickinson and Elizabeth Fox, and others who did not sign the attendance sheet.

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

MOTION BY BRANDIE STARR TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PENDING OR PROBABLE CIVIL LITIGATION OR A PROSECUTION TO WHICH THE PUBLIC BODY IS OR MAY BE A PARTY 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. INVITED INTO THE SESSION WERE THE TOWN MANAGER AND ASSISTANT TOWN MANAGER. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).

Chair Starr reconvened the meeting at 6:20pm.

CHAIR'S REMARKS

None.

MANAGER'S COMMENTS

Town Manager Elwell reminded voters about the special election on Tuesday, November 19, regarding amendments to the articles for the newly consolidated Regional School District. He said that more information would be available from the School District and that early voting was currently taking place at the Town Clerk's Office. He said that the polls would be open from 10:00am to 7:00pm on Tuesday, November 19.

Although an article in the Brattleboro Reformer identified that the federal grant for the Hinsdale Bridge Project that was recently awarded was in a lesser amount than the original request, Elwell clarified that the construction schedule for the Hinsdale Bridge Project would not be negatively impacted. He said that construction was expected to take place in 2020 and the opening of the bridge in 2023.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Wessel reported that the Traffic Safety Committee held a number of discussions about pedestrian and bicycle safety on Putney Road. He announced that VTrans recently agreed to make three improvements on Putney Road in advance of the Putney Road Improvement Project, including (1) adding a crosswalk and pedestrian crossing cycle at the Hannaford intersection, (2) adding a crosswalk and a RRFB (rectangular rapid flashing beacon) near Town Crier Drive, and (3) installing bike lanes through the corridor.

Schoales added that ballots for the special school vote were now available at the Town Clerk's office and stressed the importance of the vote. He said that three items on the ballot were designed to remove obstacles that were regularly encountered, and another ballot item would create a structure of leadership councils in each school building. He said that the councils would include parents, students (when appropriate), board members, principals, and teachers so each sector would be represented and become part of the deliberative body, and would provide a voice to the whole community.

McLoughlin announced that Secretary of State Jim Condos would be in the Selectboard Meeting Room tomorrow at 6:00pm to talk about election security.

Quipp congratulated the Brattleboro High School Colonels for winning the State football championship.

PUBLIC PARTICIPATION

Elizabeth "Libby" Howes spoke of her disappointment at the demolition of the building at 54 Main Street. She spoke of her appreciation of preserving old buildings. She also spoke about a project she envisioned to refurbish the old Sportsman's Lounge on Canal Street for the purpose of lodging the "non-money people" returning to town in order to provide them with a bunkhouse and a place of belonging.

UNFINISHED AND NEW BUSINESS

Authorization for Town to Join in Multi-Jurisdictional Opioids Litigation and Ratification of Attorneys' Retainer Agreement. Starr announced that the Board would not take action on this item at this meeting but would provide an opportunity for the Board and the community to discuss it. She said that the Board expected to take action at the November 19 Selectboard meeting, when the Town Attorney would be available, on whether to enter into one or two national lawsuits regarding the opioid crisis. She spoke of two possible lawsuits that would provide the Town with opportunities to name a number of defendants who were believed to have been involved in creating and fostering the opioid epidemic. She spoke of "whistle blower" requirements to report unusual or suspicious incidents or behavior and "willful blindness." She said that pharmacies had obligations in reporting unusual behaviors in the distribution of medications by doctors or the use by clients. Elwell spoke of the two lawsuits being considered by the Board. He said the first suit had been discussed over the past two meetings and would be similar to a suit filed by Bennington (175 page suit posted on the Town's website). He said it was a national scale suit where attorneys would represent individual entities/communities and the suit would be individually tailored to the specific impacts on Brattleboro. He said the second suit was a national class action suit that had recently been announced by the Vermont Attorney General where all municipal governments would be included unless individual towns opted out by November 22. He said that suit would have a broader impact but with less of a voice by each municipality. He said that the Board could enter into one or both suits. Franz Reichsman

spoke of his opinion that drugs should be legalized as in Portugal. He referenced the unsuccessful alcohol prohibition early in the last century and its unintended consequences, including the rise of the mafia. He said that opioids could be successfully managed and were less harmful than tobacco and alcohol. HB Lozito asked about the difference between discovery and filing a suit. There was much discussion by the Board, including whether to name local pharmacies as defendants in the first suit, the burdens that the epidemic had placed on municipalities' staff and budgets, and the importance of stopping the harmful practices. Quipp noted that he had specific references about the first suit on his Selectboard Facebook page and suggested that the public read the suit and visit his Facebook page.

NO ACTION TAKEN.

FY21 Proposed Budget –

- (i) *Town Manager's Overview*
- (ii) *Revenues*
- (iii) *Public Works Department*
- (iv) *Recreation & Parks Department*

Town Manager Elwell provided an overview of staff's proposed FY21 budget which contained a 3.3 cents increase in the property tax rate. He invited the public to follow the budget documents that were posted on the homepage of the Town's website. He discussed in detail his "Budget Message," dated November 5, 2019. He noted that the State had imposed additional stormwater management regulations so minimal funds were added to the budget and a stormwater utility fund would be considered at a later time. He briefly discussed revenues, expenses, and capital equipment and projects that were anticipated in the upcoming fiscal year as noted in his Budget Message. Board members and members of the audience asked several questions.

Chair Starr called for a short recess at 8:02pm. She reconvened the meeting at 8:13pm.

Town Manager Elwell discussed in depth the anticipated Revenues as set forth on pages 1-4 of the Operating Budget. He spoke specifically about the items that had increased or decreased since last year's budget. Board members asked several questions.

Public Works Director Steve Barrett and Highway/Utilities Superintendent Dan Tyler presented and discussed the proposed FY21 budget for the Department of Public Works (pages 14-16 of the Operating Budget). They reviewed several line items in the proposed budget. Board members asked several questions.

Recreation & Parks Director Carol Lolatte provided an overview of responsibilities and programs in the Recreation and Parks Department, including the various facilities, maintenance, operations, and events. She said that her department's proposed FY21 budget contained an overall increase of less than 1% and she discussed portions of it (pages 17-19). Board members asked several questions.

NO ACTION TAKEN.

Resolutions for New Bank Account – Community Bank for Health Reimbursement Arrangement (HRA) Payments. Elwell said that the Town was changing the administrator of its Health

Reimbursement Arrangement account (HRA) from Choice Strategies to Healthy Dollars. He said that the bank required the Board to adopt the resolutions contained in the Corporate Authorization Resolution with Community Bank NA, as set forth in the memo dated November 6, 2019 from Finance Director John O'Connor. There was a brief discussion by the Board.

MOTION BY DAVE SCHOALES TO ADOPT THE COMMUNITY BANK AUTHORIZATION RESOLUTIONS, AS PRESENTED. MOTION CARRIED 5-0.

Brattleboro Community Marketing Initiative – Downtown Brattleboro Alliance and Brattleboro Area Chamber of Commerce. Stephanie Bonin (Executive Director of Downtown Brattleboro Alliance (DBA)) and Kate O'Connor (Executive Director of Brattleboro Area Chamber of Commerce (BACC)) were present. Bonin explained that the two organizations issued a second Request for Proposals (RFP) seeking a marketing professional with the ability to develop and execute a strategic and tactical marketing plan to attract visitors to Brattleboro. She discussed the process to publish and review the RFPs and the project teams formed to decide on the proposal. O'Connor announced that the project team selected the proposal submitted by Penniless Project, of South Newfane, Vermont. She said that the theme of the project was "Love Brattleboro" with a secondary mini-campaign directed at LGBTQ community visitors, as set forth in the proposal in the Board's back-up materials. She spoke about the proposal for the Community Marketing Initiative (CMI). She said that the DBA and BACC would have oversight of the project and a steering committee had been organized to guide and manage the CMI. Franz Reichsman inquired about the project budget. Peter May spoke in favor of the project and about the collaboration between DBA and BACC. There was much discussion by the Board about the CMI and the specific proposal.

MOTION BY ELIZABETH McLOUGHLIN TO ACCEPT THE BRATTLEBORO COMMUNITY MARKETING INITIATIVE PLAN, AS PRESENTED. MOTION CARRIED 5-0.

Downtown Brattleboro Alliance (DBA) – Annual Work Plan, Budget, and Town Meeting Article. Stephanie Bonin, Peter May, and Erin Skaggs, from the Downtown Brattleboro Alliance (DBA), were present. Bonin spoke about DBA's accomplishments over the past year and about its proposed FY21 Budget and Annual Work Plan, as set forth in the documents in the Board's notebooks. May spoke about the positive efforts of Bonin and the DBA Board. There was much discussion by the Board. Elwell said that the funding request would be a separate article on the Representative Town Meeting Warning and did not need approval at this time by the Selectboard. The Board generally agreed to the plan as presented. Bonin also noted that two members in the audience were the owners of a new café, Dosa Kitchen Café, that would open soon in the storefront at 34 Elliot Street. One of the owners provided information about the menu and hours.

NO MOTION OFFERED.

There was no further business.

MOTION BY DAVE SCHOALES TO ADJOURN AT 10:05PM. MOTION CARRIED 5-0.

Elizabeth McLoughlin, Clerk