

ANNUAL REPRESENTATIVE
TOWN AND TOWN SCHOOL DISTRICT MEETING

March 24, 2012

Pursuant to the Warning for the Annual Town and Town School District Meeting recorded in the Town Records Volume 20, page 179, the legal voters qualified to vote, met at the Brattleboro Senior High School Gymnasium on March 24, 2012 at 8:30 A.M.

At 8:32 A.M. Moderator Timothy J. O'Connor, Jr. called the meeting to order.

Checklist attendant and Assistant Town Clerk Jane Fletcher reported that 114 Town Meeting Members were present. Moderator O'Connor stated that 73 members constitute a quorum. A total of 133 members were present at various times of the day.

Rev. Richard O'Donnell, Pastor of St. Michael's Roman Catholic Church and Chaplain of The Brattleboro Fire Department and Police Department offered the invocation.

Boy Scout Troop 405 led members in the Pledge of Allegiance. Scouts present were: Nelson Congleton, Gareth Roy, Slayton Peale and Clark Hamm.

Town Clerk Annette Cappy read the opening and closing paragraphs of the Warning for the record.

ANNOUNCEMENTS: The Moderator announced procedural rules of the meeting. He stated that the meeting was being broadcast by Brattleboro Community Television (BCTV) – Channels 8 and 10, with audio coverage by First Choice Communication; and interpretation for the deaf and hard of hearing was being provided by Cory Brunner and Elizabeth Bjerke.

The Moderator reminded members that refreshments were available and provided by the B.U.H.S. Costa Rican Exchange Group.

FINANCE COMMITTEE Spoon Agave, Chair of the Finance Committee, gave a brief report and urged those interested in becoming members of the committee to contact him.

PRELIMINARY MOTIONS: Selectboard Chair Richard DeGray moved: That the following persons be authorized to sit in the reserved section with the Selectboard and School Directors: Town Manager Barbara Sondag, Assistant Town Manager Patrick Moreland, Town Attorney Robert Fisher, School Superintendent Ron Stahley and Business Administrator James Kane.

The motion was seconded and, on a standing-voice vote, unanimously carried.

Dora Bouboulis moved: That the electronic media be permitted to remain in the reserved section.

The motion was seconded and, on a standing-voice vote, unanimously carried.

RESOLUTION – SENATOR ROBERT GANNETT: In honor of State Senator Robert Gannett's 95th birthday, State Representative (Windham 3-2) Mollie Burke shared the following legislative resolution that was presented by all members of the House and Senate and passed in the House of Representatives on March 22, 2012.

Whereas, Robert (Bob) Gannett's presence graced the General Assembly during his four terms in the House of Representatives as the member from Brattleboro (1953-1960) and later for ten terms as the senator from Windham County (1973-1992), and

Whereas, when the newly elected Representative Bob Gannett arrived in Montpelier in January 1953, his legal expertise as a respected attorney was acknowledged with his assignment to the Committee on Judiciary, and

Whereas, in 1955, Representative Bob Gannett was appointed to the Committee on Appropriations, and his rapid mastery of budgetary minutiae was a prelude to his service as committee chair during the 1957 and 1959 biennia, and

Whereas, a keen observer of the parliamentary process, in 1957 he served as Speaker Pro Tempore while presiding over the House's deliberations, and

Whereas, near the close of the 1960 Adjourned Session, Representative Bob Gannett's final year in the House of Representatives, his colleagues voted him President of the House of 1959, an organization the members formed for the purpose of holding reunions, and

Whereas, in 1972, the voters of Windham County elected Robert Gannett as their new senator, and he became one of the Senate's most esteemed members, and

Whereas, in his initial senatorial biennium, Senator Bob Gannett sat on the Finance, General and Military, and Highway Traffic committees, and

Whereas, in 1975, he resumed his role as a legislative budget scrutinizer with his appointment as Vice Chair of the Committee on Appropriations, and he subsequently earned the rare distinction of chairing this all-important committee in both the House and the Senate, and

Whereas, the Committee on General and Military Affairs also benefited from his astute leadership as vice chair and chair, and while serving as Chair of the Committee on Institutions, Senator Bob Gannett was a strong advocate, as was his late wife Sarah Alden (Aldie) Derby Gannett, of state financial assistance for the establishment of a permanent corridor for the Long Trail, helping to create a legacy that will endure for generations to come, and

Whereas, during his senatorial career, his committee assignments also included Senate Government Operations, Senate Transportation, and Joint Fiscal, and his wise parliamentary

counsel proved invaluable on both the committees on Senate Rules and Joint Rules, and

Whereas, on the morning of Sunday, April 26, 1992, Senator Bob Gannett concluded his long and illustrious legislative service when he offered the final motion of the 1992 Adjourned Session directing that the President of the Senate appoint a committee to inform the Governor that the Senate was ready to adjourn sine die, and

Whereas, his wealth of common sense, wise judgment, and concern for the well-being of Vermonters was always drawn upon in his decision-making process, and his service in the General Assembly, as an attorney, and in the community at large epitomized the work of a genuine statesman, now therefore be it

Resolved by the Senate and House of Representatives: That the General Assembly honors former Representative and Senator Robert T. Gannett on his 95th birthday and extends to him best wishes on this special occasion.

Representative Burke stated that the drafters of the resolution had not been aware that one of Senator Gannett's great contributions to our town was to sponsor, in 1959, an act that allowed the formation of Brattleboro's Representative Town Meeting. She stated that she was honored to address the legislators, informing them of this important achievement.

She also stated that others spoke of Senator Gannett's accomplishments, one being Representative David Deen of Westminster, who spoke of Mr. Gannett's assistance at a time when the Federal Government removed funding for one of Vermont's community action agency and how important the Senator was, recognizing the needs of our state's most vulnerable population, to assist in the reversal of this decision.

She quoted the following comments of Representative Tom Koch of Barre City, who had served with Mr. Gannett when he was a representative.

"I would like to add a few words concerning the resolution we just adopted honoring former Representative and former Senator Bob Gannett. There are very few members of this House now who were privileged to serve with Bob Gannett, but those of us who had that privilege know him as the consummate Vermont gentleman. He had a comprehensive knowledge of the workings of Vermont government, and he was always willing to listen to those who had questions or suggestions regarding pending legislation, always in a non-partisan manner. In my view, he sets the ideal of how those of us who work in this building ought to go about serving the people of Vermont."

Town Meeting member Charles Cummings offered the following resolution on behalf of the town of Brattleboro:

Whereas Robert T. Gannett, while serving as Town Representative of Brattleboro, sponsored an act to authorize Representative town meetings in the Town of Brattleboro, which act permitted the town to divide the Town into districts to permit citizens from each district to elect citizens as their town meeting representatives and

Whereas, this unique form of government in Brattleboro with its built in safeguards for all citizens, has served the Town and Town School District for 50 years. The first such meeting in Brattleboro was held on March 18, 1961 and Bob Gannett has been elected each year and has been an active participant in these annual meetings as a member, moderator pro-tem and chair of the Rules Committee until his retirement on March 6, 2012.

Now therefore, we the Town Meeting Representatives, on behalf of all the citizens of Brattleboro, do hereby thank Bob Gannett for his founding of our unique form of government and his active participation in its operation for the past 50 years and we

Further Resolve good wishes and good luck to him on his 95th birthday and that we all stand and sing Happy Birthday to him.

The meeting did stand to honor Robert Gannett in song and a lengthy standing ovation.

On a standing-voice vote, Mr. Cummings' resolution was unanimously adopted.

MODERATOR PRO-TEM Moderator O'Connor announced that due to health issues he felt the body would be better served for him to step aside for the day and a Moderator Pro-tem be elected.

The following were nominated from the floor:

Lawrin Crispe – nominated by Selectboard Chair Richard DeGray

Douglas Cox – nominated by John Wilmerding

Marshall Wheelock – nominated by Spoon Agave

Mr. Wheelock declined the nomination and the remaining two presented brief statements of interest. On a standing-voice vote, Lawrin Crispe was overwhelmingly elected.

Moderator O'Connor passed the gavel and, amid a lengthy ovation, took a seat among the members.

ARTICLES: Prior to any action, the Moderator read each article and asked the pleasure of the meeting.

AUDITORS' REPORT: Under **Article 1** Selectboard member Christopher Chapman moved: That the auditors' report be accepted as printed.

The motion was seconded. There was no discussion and, on a standing-voice vote, the article as presented, was unanimously adopted.

LIBRARY TRUSTEES: Under **Article 2**, Selectboard member Ken Schneck moved: That the following people be elected to serve on the Board of Trustees for the Brooks Memorial Library for a period of three years: Kenneth Vitale, Adam Franklin-Lyons and Thomas Murray and the following be elected to serve, each for a one year term: Pam Becker and Jane Southworth.

The motion was seconded. There was no discussion and, on a standing-voice vote, the nominees were unanimously elected.

CAPITAL GRANT REVIEW BOARD: Under **Article 3**, David Gartenstein moved: That Bob Fagelson and Arden Fagelson be elected to serve on the

Capital Grant Review Board for a term of one year from March 24, 2012.

On a standing-voice vote, both were unanimously elected to the Capital Grant Review Board for a term of one year.

EMPLOY CPA: Under **Article 4**, Selectboard member Richard DeGray moved: That the Town and Town School District be authorized to employ a certified public accountant or public accountants.

The motion was seconded. There was no discussion, and the article, on a standing-voice vote, was unanimously adopted.

TOWN CLERK: Under **Article 5**, Selectboard member Dora Bouboulis moved: That the appointment of Annette L. Cappy as Town and Town School District Clerk for a term of one year from March 24, 2012, be ratified, approved and confirmed.

The motion was seconded. Marshall Wheelock made inquiry regarding language of the appointment of a Town and Town School District Clerk in the proposed Brattleboro Town Charter as passed by the House of the Vermont Legislature that states as follows: "*The town clerk and town treasurer shall be nonvoting ex-officio members if appointed by the town manager*". Town Manager Barbara Sondag explained that since the town clerk and town treasurer are currently appointed by the town selectboard and ratified by Representative Town Meeting, the proposed language would have no effect on the voting rights of the town clerk and town treasurer.

Town School Director Peter Yost inquired as to what the procedure would be if Town Meeting failed to ratify an appointment of the Selectboard. Town Attorney Robert Fisher explained that the Selectboard would then need to appoint a new clerk and a special town meeting would be called for ratification of that appointment. The process would continue until a town clerk was appointed and ratified.

On a standing-voice vote, the appointment was unanimously adopted.

TOWN TREASURER: Under **Article 6**, Selectboard Member Christopher Chapman moved: That the appointment of John O'Connor as Town and Town School District Treasurer for a term of one year from March 24, 2012 be ratified, approved and confirmed.

The motion was seconded. There was no discussion and on a standing-voice vote, the appointment was unanimously adopted.

TOWN ATTORNEY: Under **Article 7**, Christopher Chapman moved: That the appointment of Fisher and Fisher as Town Attorneys for a term of one year from March 24, 2012, be ratified, approved and confirmed.

The motion was seconded. There was no discussion and on a standing-voice vote, the appointment was unanimously adopted.

SELECTBOARD SALARIES: Under **Article 8**, David Gartenstein moved: That the salaries of the Selectboard be set at \$2,000 each; that the salary of the Chairperson be set at \$3,000, and that the Selectboard be authorized to fix the salaries of all other town officers for the 2012-2013 fiscal year.

The motion was seconded and Dart Everett moved that the salaries be increased to \$4,000 each and that the salary of the Chairperson be set at \$6,000.

Mr. Everett's motion was seconded and a lengthy discussion ensued. Members expressed concerned about raising the stipend of the Board during such a weak economy. Others felt that the amount paid to the Board was not sufficient

enough to even cover expenses and if the amount were increased, more might be encouraged and to take interest in the position. While it was noted that candidates do not seek the role as a means of income, knowing that more expenses associated with the job could be covered, would perhaps attract more candidates. It was also noted that the board's current compensation was set in 1996.

Paul Rounds moved to cease debate. A two-thirds majority was not achieved and debate continued.

Stanley Borofsky moved to amend Mr. Everett's motion by decreasing the amounts proposed to \$3,000 for the Board and \$5,000 for the Chair. Mr. Everett accepted Mr. Borofsky's proposal as a friendly amendment. The member who had seconded Mr. Everett's motion concurred.

Following a brief discussion, Eric Annis moved to cease debate. A two-thirds majority was achieved and debate ceased.

On a standing-voice vote, Mr. Everett's amendment as amended by Mr. Borofsky was overwhelmingly adopted.

There was no further discussion on Article 8. On a standing-voice vote, the article as amended by Mr. Everett and Mr. Borofsky was overwhelmingly adopted.

TOWN APPROPRIATION: Under **Article 9**, Selectboard Chairperson Richard DeGray moved: That the Selectboard be authorized to raise, appropriate and expend the sum not to exceed Fourteen Million, Four Hundred Eight Thousand, Two Hundred Sixty-Four Dollars (\$14,408,264) in order to defray to that extent all general fund expenses for the period of July 1, 2012 through June 30, 2013, including all highway and Windham County taxes, and the Selectboard be authorized to expend, in addition, any sum authorized for special purposes under any article contained in the warning for this or any other special meeting; and interest at a rate of one percent (1%) per month, be charged from the due date of payment on any overdue payment of the Town tax, installment or portion thereof; and that the Town taxes assessed on the Grand List as of April 1, 2012, shall be due and payable in four (4) equal installments payable to the Town Treasurer until overdue, then to the Collector of Taxes; and that such payment of the installments shall be made on or before 5:00 pm on August 15, 2012 and November 15, 2012, and February 15, 2013 and May 15, 2013.

The motion was seconded and Selectboard Chair DeGray addressed the meeting. He told members that Fiscal Year 2011 ended in the black with approximately \$317,000 unspent and commended the administration on its commitment.

He touched on the following highlights of the proposed budget:

- Of the \$14.6 million budget, \$13.2 million was to be generated in property taxes, which represented a 1% increase in the tax rate.
- Increased expenses were due primarily to a 21% increase in bonds and notes; 21% increase in risk management; 1% increase in employee salaries.
- While the Grand List continued to experience only modest growth, expenses continued to increase.

He also explained that in order to continue balancing the budget in future years, discretionary expenses must be reduced or the tax rate increased. For the FY 13 budget, capital expenditures had been greatly reduced; such as a cruiser for the Police Department and a grader for Public Works Department. He noted that the

reductions in Capitol expenses could not continue to be permanent solutions.

Mr. DeGray stated that, as the Finance Committee recommended in its report, the issue of initiating a 1% sales tax should at some point be revisited in the near future.

Mr. DeGray yielded the floor to Town Finance Director and Town Treasurer John O'Connor who explained that the \$13.2 million of taxes raised for expenditures represented 90% of the revenue stream. Of that, \$2.7 million was allocated to employee benefits, \$2.3 million for police expenses, \$1.7 million for the Fire Department, \$1.4 million for Public Works Department and \$1 million for recycling and solid waste disposal.

Mr. O'Connor also stated that Capital expenditures of \$474,000 (funded from cash in the general fund), are included in the proposed budget. Last year's capital expenditures were \$1.1 million. He stressed that Capital expenditures could not be put off indefinitely. At some point, the expenditures would need to be made.

Kevin Maloney moved to amend the proposed budget by reallocating \$75,000 from the street paving line item in the Public Works Department to intersection improvements within the same department. Mr. Maloney's motion was ruled out of order and the moderator explained that State Statute does not allow for line item amendments. However, amendments could be made to the overall budget amount with the anticipation that the Selectboard would honor the intent of the request.

Mr. Maloney, then moved to amend the proposed budget by including an additional \$75,000, with the hope that the amount would be used for intersection upgrades.

The motion was seconded and Mr. Maloney spoke to the motion.

He stated that from the Interstate 91 exit on Western Avenue to the downtown, the area is a dense pedestrian zone and should be designated as such as many walk along that area traveling back and forth into town. He continued that Green Street School is in the proximity as well as the Crowell Playground, which increased significantly the number of children pedestrians in the area. Mr. Maloney cited many differences between Brattleboro and other pedestrian friendly towns not far from Brattleboro. In conclusion, he stated that he was in hopes that his proposed amendment would be used for improvements to intersections for pedestrian enhancement.

In light of numerous pedestrian/vehicle accidents in recent months, a lengthy discussion of causes and remedies ensued with primary concern for the major highway routes that flow through the downtown area.

Many spoke in favor of the motion citing possible uses of the funds:

- Pavement crosswalk painting
- Bump-outs
- Pedestrian/driver education
- Traffic slowing devices
- Signage
- Infrastructure improvements
- Ticketing jaywalkers
- Ticketing drivers not stopping for pedestrians in crosswalks
- Additional crosswalks in pedestrian dense areas
- Efforts to change driver/pedestrian culture

Many spoke in opposition to the amendment, stating that while they approved in sentiment with the motion and all the comments expressed, until a plan was in

place in terms of how to actually spend the money, the motion should be defeated.

Selectboard member David Gartenstein stated that in recent months the Selectboard had been focusing on measures that could be taken to improve safety within the community. Recent Traffic Safety Committee meetings which involve a selectboard member, town manager and various department heads, had already begun considering a series of steps that could be taken over the coming months and year to address pedestrian safety.

He continued that they have been seeking alternate funding sources and programs to address both pedestrian and driver education safety. In addition, an inventory of crosswalks within town and appropriate lighting needs was in progress in order to address maximum safety and visibility needs of pedestrians.

Other steps being taken include consideration of painting crosswalks more frequently, researching whether current crosswalk locations are adequate, if there are sufficient number of crosswalks and even if different types of painting is needed. He did not believe that at the present time there was a perceived need from the administration for additional cash to make the above things happen. He noted that the committee was still in the process of inventorying what steps could and should be taken. But to simply accept \$75,000, before specific projects had been determined would not adequately address the issues confronting the community with respect to pedestrian safety. He stated that, at this time, he was opposed to the amendment and felt that if additional funds were needed, the board would return to the members for a request.

State Representative of Windham 3-2 Mollie Burke stated that as a member of the House Transportation Committee she was actively pursuing State funding for Brattleboro's safety and pedestrian issues.

Following additional discussion, Harold Dompier moved to cease debate. The motion was seconded and with more than a two-thirds majority in favor, debate ceased.

On a standing-voice vote, Mr. Maloney's motion to amend was defeated.

Robert Fagelson then moved to cease debate on the main motion. The motion was seconded and with more than a two-thirds majority in favor, debate ceased.

On a standing-voice vote, Mr. DeGray's motion, as originally presented, was unanimously adopted.

BORROWING IN ANTICIPATION OF TAXES: Under **Article 10**, Dora Bouboulis moved: That the Selectboard be authorized to borrow money on its notes in anticipation of taxes and grants and other revenue.

The motion was seconded. There was no discussion and, on a standing-voice vote, the article was unanimously adopted.

DOWNTOWN IMPROVEMENT DISTRICT: Under **Article 11**, Christopher Chapman moved: That the Town raise and appropriate the sum of \$78,000 through special assessments on properties within the Downtown Improvement District (as approved by Town Meeting March 19, 2005 and as delineated in the town ordinance entitled "Municipal Act to Establish and Regulate the Downtown Improvement District") to be used for capital and operating costs of projects of the Town's duly designated downtown organization.

The motion was seconded and on a standing-voice vote, the article was unanimously adopted.

MOUNTAIN HOME PARK SPECIAL BENEFIT ASSESSMENT TAX DISTRICT:

Under **Article 12**, Ken Schneck moved: That the Town vote to raise and appropriate the sum of \$223,276.47 through special assessments on property within the "Mountain Home Park Special Benefit Assessment Tax District" (as approved by Town Meeting, March 24, 2007 and as delineated in the Town Ordinance entitled, "Municipal Act to Establish and Regulate the Mountain Home Park Special Benefit Assessment Tax District") for the purpose of paying debt service on the capital improvements to the water and sewer lines serving the Mountain Home and Deepwood Mobile Home Parks.

The motion was seconded. There was no discussion and on a standing-voice vote, was overwhelmingly adopted.

TROPICAL STORM IRENE REPAIRS: Under **Article 13** David Gartenstein moved: that the Town appropriate up to \$170,000 from the Unassigned Fund Balance to defray the Town's portion of costs associated with repairs due to Tropical Storm Irene.

The motion was seconded. With very little discussion, on a standing-voice vote, the article was overwhelmingly adopted.

AMERICAN LEGION LITTLE LEAGUE FIELD TAX EXEMPTION: Under **Article 14**, Richard DeGray moved: That the Town vote to exempt American Legion Little League Field from its municipal portion of taxes on its lands and buildings at 12 Oak Grove Avenue, Brattleboro, Vermont, for a period of four years from April 1, 2012. (4/1/2011 assessed value - \$99,040; municipal portion of taxes - \$1,106; education portion of taxes - \$1,394).

The motion was seconded. Thomas Costello, representative of the American Legion and Richard Guthrie, Commander of Post 5 American Legion addressed the meeting giving a brief history of the ownership of the field. Mr. Guthrie was interrogated about opening up the field to uses other than Little League teams. He stated that it would be difficult to open the field for full-time use citing lack of personnel to oversee its usage and also concerns for vandalism.

Following a lengthy debate Stuart Copans moved to amend the motion by shortening the length of the exemption from four years to two years. The motion was seconded and Mr. Webster spoke to the proposed amendment. He suggested that perhaps representatives of the town and those of the Legion might take the opportunity to meet and discuss additional usage of the ball field for other purposes and come back to this body with a resolution.

On a division of the meeting, with 63 in favor of the amendment and 60 opposed, Mr. Copan's amendment was adopted.

Hyam Siegel moved to cease debate. On a standing-voice vote, Mr. Siegel's motion was overwhelmingly adopted.

On a standing-voice vote, the main motion, as amended by Mr. Copans, was overwhelmingly adopted.

RECESS: The Moderator noted that it was 12:45 P.M. and declared a recess until 1:45 P.M.

At 1:53 P.M, after confirming the presence of a quorum, the Moderator reconvened the meeting.

CAMP WAUBANONG, INC. TAX EXEMPTION: Under **Article 15**, Dora Bouboulis moved: That the Town exempt Camp Waubanong, Inc. from its municipal portion of taxes on its lands and buildings at 83 Waubanong Road, Brattleboro, Vermont, for a period of four years from April 1, 2012. (4/1/2011

assessed value - \$351,890; municipal portion of taxes - \$3,931; education portion of taxes - \$4,953).

The motion was seconded and Eric Annis spoke to the motion. He stated that for many years in the past the camp had been used as a 4-H camp and tax exempt by the State of Vermont. And while it had not been a 4-H camp for some time, it was only recently that the State questioned its exempt status which had led the camp to seek assistance from the Town. The camp did not operate last year and it was hoped that the camp would be financially able to open this year. He explained, however, that just as they were getting back on their feet a bit, tropical storm Irene washed out the road leading to the camp resulting in a \$12,000 unanticipated expense. Therefore, Mr. Annis was requesting tax-exempt status for the municipal portion of town taxes.

A brief discussion ensued, which included members requesting that the Finance Committee evaluate requests for Town tax-exemptions and establish uniform criteria for non-profit tax exempt status.

On a standing-voice vote, the article was overwhelmingly adopted.

FAMILY GARDEN, INC. TAX EXEMPTION: Under **Article 16**, Christopher Chapman moved: That the Town exempt from its municipal portion of taxes on its lands and buildings at 861 Western Avenue, Brattleboro, Vermont, for a period of four years from April 1, 2012. (4/1/2011 assessed value - \$261,900; municipal portion of taxes - \$2,933; education portion of taxes - \$3,687).

Steve Phillips moved to amend the motion to include not only the municipal portion of the exemption but the education portion as well.

The motion was seconded and Mr. Phillips yielded the floor to Thayer Tomlinson, volunteer Chair of the Board of Directors and parent of a student of Family Garden. Ms. Tomlinson stated that Family Garden is a not-for-profit child care center and in a unique position in that it owns the building the school is housed in. It is not affiliated to any other school, church or entity that could help offset tax property exemptions as are many other child care facilities. Additionally they do not receive any State funding to help with other programs. Over 50% of families using their service are receiving some type of State benefit. As a result, it often happens that parents stop using their services and have an unpaid balance that is not collectible. She shared that average salaries for the four staff employees who were teachers was between \$9.25 and \$9.50 hourly and lead teachers earn between \$11.00 and \$12.00 hourly. The Director earned approximately \$25,000 annually and was a teacher in the school, as well.

Following a moderate discussion, Mr. Phillips motion to amend, was, on standing-voice vote adopted.

There was no discussion, and on a standing-voice vote, the article, as presented, was unanimously adopted.

With no further discussion, the main motion, as amended by Mr. Phillips was overwhelmingly adopted.

HUMAN SERVICES PROGRAM: Under **Article 17**, Ken Schneck moved: that the Town raise and appropriate the sum of \$131,860 to support human service programs and facilities for the residents of Brattleboro to be allocated among service providers in the following manner:

AIDS Project of Southern Vermont - \$1,800;
American Red Cross, Green Mountain Chapter - \$3,000;
Boys & Girls Club of Brattleboro - \$8,000;
Brattleboro Area Drop-in Center - \$8,750;
Brattleboro Area Hospice - \$1,700;
Brattleboro Housing Authority/Summer Food Program - \$4,500;

Brattleboro Senior Meals - \$6,500;
Clark/Canal Street Community Association - \$4,550;
Connecticut River Transit - \$3,000;
Council on Aging for Southeastern Vermont/Senior Solutions - \$1,200;
Family Garden - \$1,000;
Gathering Place - \$2,700;
Health Care & Rehabilitation Services (HCRS) - \$4,500;
KidsPLAYce - \$2,500;
Maple Leaf Farm - \$600;
Morningside House Emergency Shelter - \$7,500;
Phoenix House of New England RISE - \$3,000;
Prevent Child Abuse Vermont - \$1,000;
RSVP - Green Mountain - \$980;
Southeastern Vermont Community Action (SEVCA) - \$7,500;
Turning Point of Windham County - \$3,500;
Vermont Adult Learning - \$1,500;
Vermont Association for the Blind & Visually Impaired - \$680;
Vermont Center for the Deaf & Hard of Hearing - \$2,000;
Vermont Center for Independent Living - \$1,200;
Visiting Nurse Association & Hospice of Vermont & New Hampshire - \$36,000;
Windham Child Care Association - \$4,200;
Youth Services/Big Brothers Big Sisters - \$8,500.

The members of the meeting acknowledged the Human Services Committee for their commitment in accomplishing the arduous task of reviewing applications and allocating funds in a commendable manner.

Human Resources Committee member Ann Darling addressed the meeting. She stated that the amount requested was a level-funded amount, and while it was always difficult to limit allocations to the agencies seeking assistance, priority had been given to those whose primary function was to provide food, shelter and other urgent needs. Consideration was also given to their financial health, fund raising capacities and any alternate sources of funding. Ms. Darling noted that this year additional consideration had been given to those agencies who were asked to step up and provide assistance for those affected by tropical storm Irene.

Following a lengthy discussion with members advocating for specific agencies, Eric Annis moved to cease debate. With a two-thirds majority easily attained, discussion ceased.

On a standing-voice vote, the main motion as presented, was unanimously adopted.

CITIES FOR CLIMATE PROTECTION: Under **Article 18**, David Gartenstein moved: That the Town raise and appropriate \$10,000 to assist in funding Brattleboro's Cities for Climate Protection campaign for Fiscal Year 2012. (July 1, 2012 – June 30, 2013)

The motion was seconded and a lengthy discussion ensued. Dora Bouboulis moved to amend the article to include membership to the International Council for Local Environmental Initiatives. The motion was seconded and Ms. Bouboulis stated that at one time the membership was paid from the Cities for Climate Protection allocation but that last year's membership had been paid from the Planning Services budget.

On a standing-voice vote, the motion as presented by Ms. Bouboulis was overwhelmingly adopted.

Following the vote on the Bouboulis amendment, members of the meeting felt it had not been clear in the amendment whether the motion was to include the \$600 membership within the allocated \$10,000 or in addition to the amount,

making the amount \$10,600.

Sharry Manning moved to further amend the article by increasing the amount to \$10,600 to include membership fee for the International Council for Local Environmental Initiatives.

Following a brief discussion, John Allen moved to cease debate. With a two-third's majority reached, debate ceased.

On a standing-voice vote, Ms. Manning's motion was defeated.

With no further discussion, the main motion as presented by Mr. Gartenstein was overwhelmingly adopted,

SCHOOL DIRECTORS' SALARIES: Under **Article 19**, Town School Director Peter Yost moved: That the legal voters of the Town of Brattleboro School District authorize its Board of School Directors to pay the following amounts for the ensuing fiscal year: to its school directors the sum of \$2,000 each, except that the chairperson shall be paid the sum of \$3,000.

The motion was seconded and Dart Everett moved that the salaries be increased to \$3,000 each and that the salary of the Chairperson be set at \$5,000. Mr. Everett's motion was seconded. A lengthy discussion ensued. Many believed that both the Town Selectboard and Town School District be treated equally but many also believed that the nature and intensity of the School Directors was not the caliber of that of the selectboard.

On a standing-voice vote, Mr. Everett's motion was defeated.

With no further discussion, on a standing-voice vote, the article was overwhelmingly adopted.

AUTHORIZATION TO BORROW: Under **Article 20**, Town School Director David Schoales moved: That the legal voters of the Town of Brattleboro School District authorize its Board of School Directors to borrow money pending the receipt of taxes, and not in excess of anticipated revenue for the school year, by the issuance of its notes or orders payable not later than one year from the date thereof.

The motion was seconded. There was no discussion and, on a standing-voice vote, the article was unanimously adopted.

FEDERAL AND STATE GRANTS: Under **Article 21**, David Schoales moved: That the legal voters of the Town of Brattleboro School District authorize its Board of School Directors to accept and expend categorical grants and aid received from the State of Vermont and the United States Government.

The motion was seconded. There was no discussion and, on a standing-voice vote, the article was unanimously adopted.

RESERVE FUND: Under **Article 22**, Mark Truhan moved that the legal voters of the Town of Brattleboro School District deposit into the Education Reserve Fund established in March 2011, the audited, unreserved, undesignated fund balance in the amount of \$383,617 for the year ended June 30, 2012 for the purpose of operating the school. He then continued with the following motion to amend to correct a printing error:

I move that the legal voters of the Town of Brattleboro School District will deposit into the Education Reserve Fund established in March 2011, the audited, unreserved, undesignated fund balance in the amount of \$383,617 for the year ended June 30, 2011 for the purpose of operating the school.

The motion was seconded and on a standing-voice vote, the motion to amend was unanimously adopted.

On a standing voice-vote, Mr. Truhan's motion as amended was unanimously adopted.

APPROPRIATE FROM UNRESERVED UNDESIGNATED FUND BALANCE: Under **Article 23**, Jill Stahl Tyler moved: That the Town of Brattleboro School District appropriate out of the audited unreserved undesignated fund balance, the sum of \$300,000 for the purpose of reducing the tax rate.

The motion was seconded and following a very brief discussion was, on a standing-voice vote, overwhelmingly adopted.

TOWN SCHOOL DISTRICT APPROPRIATION: Under **Article 24**, Margaret Atkinson moved: That the legal voters of the Town of Brattleboro School District vote to raise and appropriate the sum of Nine Hundred Seventy-Three Thousand, Eight Hundred Twenty-Six and 00/100 Dollars (\$973,826.00) as its share of salaries and expenses of the Windham Southeast Supervisory Union; the sum of Two Hundred Fifty-Nine Thousand, Twenty Two and 00/100 Dollars (\$259,022.00) as its share of bonded indebtedness; and Thirteen Million, Six Hundred Thirty Thousand, Nine Hundred Seventy-Five and 00/100 Dollars (\$13,630,975.00) for current and other expenses for the support of the schools within the district, making in all the sum of Fourteen Million, Eight Hundred Sixty-Three Thousand, Eight Hundred Twenty-Three and 00/100 Dollars (\$14,863,823.00). If adopted, the portion of this total sum to be raised by taxes to be only that portion not received from revenues from other sources; and that interest at the rate of one (1%) percentum per month be charged on overdue taxes from the due date of payment of town tax, school tax, installment portion thereof; and the town and town school district taxes assessed on the Grand List as of April 1, 2012 shall be due and payable in four (4) equal installments, payable to the Town Treasurer, until overdue, then the Collector of Taxes; and that such payment of installments shall be made on or before 5:00 o'clock on the afternoons of August 15 and November 15, 2012 and February 15 and May 15, 2013.

The motion was seconded and Ms. Atkinson explained that the proposed budget reflected an increase of \$230,207 (1.57%) and included all funds for operations, debt service and pre-school. Major items included increases to the foreign language program, after school enrichment program, building maintenance and the Internet Access Fiber Connect Program. She added that overall, the board had done an outstanding job of trying to offer a reasonable budget that was going to continue to give students a quality experience.

With minimal discussion, Ms. Atkinson's motion was, on a standing-voice vote, unanimously adopted.

OTHER BUSINESS: Under **Article 25**, the following items were brought before the assembly:

THANK YOU Dart Everett thanked Moderator Pro Tem Lawrin Crispe for his diligent work. The meeting concurred with a lengthy applause.

ENERGY EFFICIENCIES George Harvey made the following resolution: That the Selectboard be directed to initiate a study of work on energy efficiencies and renewable power currently in use in Europe by referring the matter to appropriate committees for study and include it in the town plan. The motion was seconded and Mr. Harvey spoke to his resolution.

Mr. Harvey sited research he had done regarding renewable energy in the

countries of Germany and Austria. He stated that there were numerous cities well on their way to 100% reliance on renewable power.

With the Selectboard's time and energy at a premium, Selectboard Chair DeGray suggested that perhaps the Board would have a discussion as to how to proceed and what the cost factor might be and possibly bring back a report to next year's annual meeting. He stated that the Town currently does have some of the resources at hand, such as the Energy Committee and Paul Cameron of Cities for Climate Control on staff.

Dora Bouboulis stated that the motion suggested that the matter be referred to an appropriate committee and that it seemed feasible to refer the matter to the Energy Committee and Town Planning Services.

Anne Moore O'Dell, a founding member of the Energy Committee added that as a member of that committee who also worked on the energy chapter of the Town Plan, she supported the motion with the exception of inclusion in the Town Plan.

Dart Everett moved to make a friendly amendment to the resolution by changing the language from "direct the Selectboard" to "request". Mr. Harvey was not in favor of the amendment and the original motion remained unchanged. It was noted, however, that the resolution was advisory only.

A lengthy discussion followed.

Ken Schneck move to cease debate. On a standing-voice, the motion was adopted and debate ceased.

On a standing-voice vote, the resolution, as presented by Mr. Harvey was overwhelmingly adopted.

ASSESSORS COMMITTEE REPORT – CHARTER CHANGE Town Attorney Robert Fisher reminded the meeting that at last year's annual meeting an Assessor's Committee was formed to develop recommendations for Town Meeting Member's amendment to the Town Charter concerning the reappraisal of property and the creation of a Department of Assessment. The committee had accomplished their goals and in order for those changes to become a part of the Town Charter, a resolution was required to be approved by the Town Meeting body in order to begin the Charter change procedure.

Therefore, Katherine Dowd, member of the Assessor's Committee presented the following resolution:

Whereas, at the 2011 Annual Representative Town Meeting a committee was appointed to make recommendations concerning Charter changes to the reappraisal process; and

Whereas, the Committee met on multiple occasions to discuss the recommendations; and

Whereas, the Committee reached agreement on its recommendations;

Whereas, pursuant to Article VII(c) of the Brattleboro Town Charter, the proposed amendment may be introduced "by resolution of the town meeting containing the full text of the proposed amendment, followed by at least one (1) public meeting warned for that purpose, and approved by the next annual town meeting or a special town meeting held not less than sixty (60) days following such public meeting, and subject to approval of the legislature"; and

Whereas, the Committee makes the following recommendations and requests the Annual Representative Town Meeting to make the resolutions to amend the Charter;

Now, Therefore, Be It Resolved that the Brattleboro Town Charter be amended as follows:

Article VI, Finances:

Section 4. Office of Assessment

Taxable property within the Town may be reappraised from time to time as may be deemed expedient by the Representative Town Meeting pursuant to a duly warned Article.

- A. There shall be an Office of Assessment headed by a professionally qualified assessor or equivalent hereafter known as the Town Assessor, who shall be appointed by the Town Manager.
- B. Except for the duties set forth in Article VII, Section 4(D), of this Charter, the Town Assessor shall have the authority and shall exercise all powers and shall be responsible to fulfill all duties assigned to the Listers in the Vermont Statutes and case law, including, but not limited to, appraisal of all real and business property for the purpose of establishing the Grand List, as set forth in Title 32, Section 3431. Appraisals shall be reviewed periodically and kept up to date.
- C. Neither the Town Assessor, nor any employee of the Department of Assessment staff, nor any independent contractor directly or indirectly providing services for the tax assessing function of the Town, may simultaneously serve as a Lister for this Town.
- D. The Board of Listers, elected at large under the authority of Article II, Section 1E of this by-law, having no appraisal power, shall function as a Board of Appeals with the authority to hear and adjudicate all appeals by citizens disputing Office of Assessment appraisals, and perform other advisory and educational functions for the office of assessment.

The resolution was seconded, and on a standing-voice vote was unanimously adopted.

PROPOSED CHARTER CHANGES - (TOWN CLERK AND TREASURER VOTING RIGHTS. PETITIONS)

Stephen Phillips presented the following resolution:

Resolved: That the Representative Town Meeting request that the Selectboard, in consultation with the Town Attorney, promptly notify the Vermont Senate, or applicable committee thereof, to delete the underlined sentences proposed to be added to the Brattleboro Town Charter by the suggestion of the Vermont House Government Operations Committee in order to reduce ambiguity and to more clearly reflect the wishes of the Representative Town meeting.

Article II, Section 2.4 Representative Town Meeting

B. The town clerk and town treasurer shall be nonvoting ex-officio members if appointed by the town manager.

Article III, Section 2 Initiative,

A.2, _Neither body shall deny the petition or refuse to place it on the warning on grounds that the body considers the matters raised in the petition frivolous or not to be business of the Town, unless it is deemed illegal or unconstitutional by the body, in consultation with the town attorney.

The motion was seconded and Mr. Phillips explained that the language proposed by the Government Operations Committee be omitted from consideration in approving Brattleboro's Town Charter, which was now before the Senate. He felt that the language was not representative of the sentiment of Brattleboro's Town Meeting body.

Following a brief discussion, Mr. Phillips resolution was overwhelmingly adopted.

ONE PERCENT SALES TAX Judith Davidson stated that the adoption of a 1% sales tax in Brattleboro was a recommendation in the Finance Committee's report and asked if the topic might come before the meeting in the near future.

Selectboard Chair DeGray responded that if the Selectboard voted in favor of instituting a sales tax in Brattleboro, he foresaw that the body might have the opportunity to discuss the issue perhaps later this year in conjunction with a special meeting that may be called in relation to the police/fire facility project.

RENEWABLE ENERGY SOURCES Kurt Daims presented the following resolution:

Whereas the voters of Brattleboro have resolved that Vermont Yankee shall be closed;

Whereas many supporters of Vermont Yankee have been concerned for an adequate supply of electric power;

*Whereas people in Brattleboro and across the nation are urgently concerned to develop alternatives to nuclear power; and
Whereas the Central Vermont Public Service Corporation (CVPS) maintains a program called Cow Power for developing investments in renewable energy that can replace nuclear power;*

We Representatives of the Town of Brattleboro resolve by this writing, to be known as the Nuclear Divestment Resolution, that electric power purchased by the Town shall be generated from renewable sources like Cow Power, and we recommend further that people of Brattleboro also should choose this for their homes and that other people choose it for their communities.

The resolution was seconded and Mr. Daims spoke briefly.

With little discussion, on a standing-voice vote, Mr. Daims' resolution was defeated.

ROUTE 5 (PUTNEY ROAD) SIDEWALK John Wilmerding presented the following resolution: That the Town Selectboard and other officials expedite in whatever ways possible the installation of a sidewalk and other public safety amenities in the section of Vermont Route 5 (Putney Road) between the West River bridge and the nearest sidewalk further north.

The motion was seconded and Mr. Wilmerding spoke briefly. He stated that he understood that the section in question was property of the State of Vermont and not the responsibility of the Town but he encouraged the Town to contact the State to urge their consideration.

Richard DeGray commented that the project was slated to be on the State's agenda for 2018.

On a division of the body, the resolution was adopted with 42 in favor and 31 opposed.

ACKNOWLEDGEMENTS

On behalf of the meeting thanks were expressed to the following:

Ken Schneck acknowledged those attending representative town meeting for the first time and also thanked Marshall Wheelock for his participation in the early morning instructional meeting for first time town meeting members and those interested.

SPEED LIMITS AND ADJOURNMENT Peter Abell suggested that speed limits on Putney Road be reduced from 40 m.p.h. to 25 m.p.h. until such time as sidewalks were installed, making the area more pedestrian friendly. He then moved to adjourn.

There being no other business to come before the meeting, the meeting adjourned at 5:02 P.M.

Attest:

Annette L. Cappy

Richard DeGray
Selectboard Chair

Timothy J. O'Connor Jr.
Moderator

Lawrin Crispe
Moderator Pro Tem