

**BRATTLEBORO SELECTBOARD
TUESDAY, JANUARY 6, 2015
REGULAR MEETING – 6:15PM
MINUTES**

Selectboard members present: David Gartenstein, Kate O'Connor, David Schoales, John Allen, and Donna Macomber.

Staff present: Interim Town Manager Patrick Moreland, Finance Director John O'Connor, Town Clerk Annette Cappy, Police Chief Mike Fitzgerald, Public Works Director Steve Barrett, Highway/Utilities Superintendent Hannah O'Connell, Fire Chief Mike Bucossi, Assistant Fire Chief Peter Lynch, Police Captain Mark Carignan, Town Assessor Russell Rice, Executive Secretary Jan Anderson, and others who did not sign the attendance sheet.

Media present: Tim Johnson representing WTSA, Howard Weiss-Tisman representing the Brattleboro Reformer, and Olga Peters representing The Commons.

Others present: Cheryl Franklin, Tim Franklin, Ivan Bruneau, Judy Davidson, Beverly Behrmann, Christina Mansfield, George Reed-Savory, Kurt Daims, Bob Spencer, Lou Brusco, Dale Joy, Dick DeGray, Spoon Agave, ASL Interpreters Janet Dickinson and Virginia Clark, BCTV staff and volunteers, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 6:15pm in the Selectboard meeting room. He confirmed that the meeting was officially warned.

APPROVE MINUTES

MOTION BY JOHN ALLEN TO APPROVE THE MINUTES FROM DECEMBER 16, 2014 AS PRESENTED. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair Gartenstein noted that this meeting would be the last meeting that Patrick Moreland would participate as the Interim Town Manager because the new Town Manager would be in place and attending the next meeting on January 20. He thanked Moreland for his hard work and efforts over the past 18 months. There was a round of applause for Moreland by those in attendance. Gartenstein then spoke about the agenda for the evening and said that it reflected continuing discussions that had taken place over the past months regarding of a series of matters. He thanked the public in attendance and wished everyone happy new year.

MANAGER'S COMMENTS

Interim Town Manager Moreland expressed his appreciation to the staff, Department Heads, public and Selectboard for the opportunity to serve as Interim Town Manager over the past 18 months, and said that he was looking forward to working with the new Town Manager. He then announced that the Public Works Department would be clearing the snow and ice from the downtown streets overnight and encouraged property owners to clear the sidewalks.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Schoales commended the Public Works Department for their work in clearing the roads over the past days since the last storm.

Gartenstein said that at the Traffic Safety Committee meeting on 12/23, the Committee discussed a proposal presented to the Town by Local Motion to improve bicycle and pedestrian safety in Town. He said that Local Motion entered into a contract with the State to develop bike/pedestrian safety plans for five municipalities in the State and Brattleboro was one of the Towns chosen. He said that the Town had undertaken various efforts over the past years and developed a Traffic Calming Plan to improve safety, but there was a need to coordinate efforts and prioritize traffic safety work to identify and focus on "hot spots" needing safety improvements. He announced that VTTrans would be holding an interactive public

meeting on Wednesday and encouraged all people interested in attending to contact the Town Manager's office.

PUBLIC PARTICIPATION

Dale Joy asked that the Transportation Center be opened during the cold weather at times when buses were in operation.

Dick DeGray noted that three street lights had been out for a few months on lower South Main Street by the Brattleboro Food Co-Op. He said that he believed the lights were the responsibility of the Co-Op and asked the Town to communicate with the Co-Op to get the lights operable. He also said that the Christmas Stocking had not yet met its annual goal and he appealed to the public to make a contribution to the worthy cause. He also thanked Moreland for his work as Interim Town Manager over the past 18 months.

WATER AND SEWER COMMISSIONERS

MOTION BY JOHN ALLEN TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.

Reimbursement Resolution – Black Mountain Gravity Line, Finance Department. Finance Director O'Connor said that the Board was asked to approve the reimbursement resolution for the Black Mountain gravity line. He said that it would allow the Town to be reimbursed for expenditures paid up-front while the project moves forward and before the loan funds become available. There was no discussion by the Board.

MOTION BY DAVID SCHOALES TO ADOPT THE DECLARATION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF INDEBTEDNESS AS PRESENTED. MOTION CARRIED 5-0.

Wastewater Treatment Plant (WWTP) - Update, Department of Public Works. Public Works Director Barrett provided an update on the wastewater treatment plant and three associated pump stations. He said that work at the plant and two of the pump stations was complete and work at the Black Mountain gravity feed sewer line was scheduled for the spring. He said that the original cost estimate was \$36,000,000 but the cost had been lowered from that amount. He said that the voters approved a \$32,800,000 bond, that to-date \$31,352,125 had been expended, and the sum of \$960,700 was set aside for completion of the Black Mountain gravity feed sewer line. He said that the project did not meet the completion date of February 5, 2013 and there had been months of negotiations between the engineers and contractors which were now settled. He commended the Wastewater Treatment Plant Upgrade Oversight Committee for their work throughout the project and for their assistance in containing costs. He also thanked the many people involved in the project, as well as past and present Selectboard members. Dick DeGray inquired about any surplus funds and Finance Director O'Connor responded. There was some discussion by the Board.

NO ACTION TAKEN.

MOTION BY DONNA MACOMBER TO ADJOURN AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.

NEW BUSINESS

FY16 Budget – Discussion. Gartenstein said that the Board was asked to discuss the FY16 budget which also included other items on the agenda, being the Police-Fire facilities project, use of the unassigned fund balance, and Municipal Center life safety improvements. He summarized past meetings and discussions about the budget, which included adding the first year's interest payment of \$140,000 on a \$4.7 million bond for renovations to both fire stations and purchase of real estate for a new police station, changes in revenue and expenses pertaining to trash/recycling pick-up and implementation of a pay-as-you-throw (PAYT) program, and discussions about required improvements to the Municipal Center by the Division of Fire Safety approximating \$470,000. He also said that capital expenses were also added,

including purchase of air packs for firefighters, \$42,000 for an additional police cruiser, \$100,000 to the capital paving line (for a total of \$300,000), and \$30,000 to replace windows at the Gibson Aiken Center. He said that the FY16 revenue and expenses budget currently being contemplated was \$15,721,494, which was slightly more than last year. He said that the Board would discuss it further and likely approve the budget and Town Meeting Warnings at a special Selectboard meeting on January 29. Dale Joy spoke about window replacement at the Gibson Aiken Center. Judy Davidson spoke in opposition of proceeding with the Police-Fire facilities project without a very public process and suggested holding a separate town meeting after several public meetings. Dick DeGray spoke about the past public process around the Police-Fire project and use of the unassigned fund balance. Beverly Behrmann spoke in opposition to increasing property taxes. George Reed-Savory spoke in favor of more public process and providing additional information about the Police-Fire renovation project. There was some discussion by the Board who agreed to continue budget discussions throughout the next few agenda items.

NO ACTION TAKEN.

Police-Fire Facilities Project – Discussion. The Board members discussed their individual opinions about whether and/or how to move the Police-Fire project forward, needing additional information around moving the Police station to a different location, health and safety needs of the emergency personnel, and the changes in circumstance since the project was originally approved.

NO ACTION TAKEN.

Unassigned Fund Balance – Discussion. The Board had a general discussion and members voiced personal opinions about using a portion of the unassigned fund balance to fund capital projects and/or lower the tax rate. DeGray spoke in favor of using the funds for specific capital projects. It was agreed that the discussion would continue at the January 20 Selectboard meeting.

NO ACTION TAKEN.

Municipal Center Life Safety Improvements – Town Manager’s Office. Gartenstein noted that the Selectboard binders contained a memo from Interim Town Manager Moreland, a report dated April 25, 2014 from the Division of Fire Safety with fire inspection results, and Municipal Building Life Safety Improvements Project Specifications prepared by GPI. He said that the matter was on the agenda to bring awareness to the public of the life safety violations in the building. The Board had a brief discussion and generally agreed that further information and discussion was required and that the matter would be added to the next agenda.

NO ACTION TAKEN.

Representative Town Meeting Article - Human Services Funding. Gartenstein said that the Human Services Funding Review Committee provided a spreadsheet with its recommendations to be presented to Representative Town Meeting, and that the Board was asked to add the matter to the Representative Town Meeting Warning. He thanked members of the Committee for their work. There was a brief discussion by the Board. There was also some discussion about a request by the Brattleboro Museum and Art Center (not included in the Human Services funding request) for \$7,000 in FY16. The Board asked Administration to provide further information about money allocated for the upkeep of the Museum and the separate funding request. Macomber stated that as an employee of the Women’s Freedom Center she would abstain from the voting on this matter.

MOTION BY DAVID GARTENSTEIN TO ADD THE FOLLOWING ARTICLE TO THE 2015 REPRESENTATIVE TOWN MEETING WARNING, “TO SEE IF THE TOWN WILL RAISE AND APPROPRIATE THE SUM OF \$120,000 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 - \$2,000; AMERICAN RED CROSS – VT AND NH UPPER VALLEY REGION - \$4,000; BOYS & GIRLS CLUB - \$13,220; BRATTLEBORO AREA ADULT DAY (GATHERING PLACE) - \$2,000; BRATTLEBORO AREA DROP-IN CENTER - \$9,600; BRATTLEBORO AREA HOSPICE - \$1,700; BRATTLEBORO SENIOR MEALS - \$7,000; FAMILY GARDEN - \$2,000; GREEN MOUNTAIN RSVP - \$700; HEALTH

CARE & REHABILITATION SERVICES (HCRS) - \$2,000; KIDSPRAYCE - \$3,500; MEETING WATERS- YMCA - \$5,000; MORNINGSIDE HOUSE - \$9,000; PHOENIX HOUSE RISE - \$3,000; PREVENT CHILD ABUSE VERMONT - \$1,000; SENIOR SOLUTIONS - \$2,800; SOUTHEASTERN VERMONT COMMUNITY ACTION, INC. (SEVCA) - \$9,000; TURNING POINT - \$6,500; VERMONT ADULT LEARNING - \$700; VERMONT ASSOCIATION FOR THE BLIND AND VISUALLY IMPAIRED - \$680; VERMONT CENTER FOR INDEPENDENT LIVING - \$1,600; VISITING NURSE & HOSPICE OF VT & NH - \$10,000; WINDHAM CHILD CARE ASSOCIATION - \$5,500; WINDHAM COUNTY SAFE PLACE CHILD ADVOCACY CENTER AND SOUTHEASTERN UNIT FOR SPECIAL INVESTIGATIONS - \$1,500; BRATTLEBORO TOWN SCHOOL DISTRICT (C/O WINDHAM SOUTHEAST SUPERVISORY UNION) SUMMER LUNCH PROGRAM - \$6,000; YOUTH SERVICES - BIG BROTHERS/BIG SISTERS - \$10,000.” MOTION CARRIED 4-0 (MACOMBER ABSTAINED).

Local Option Sales Tax – Discussion. Finance Director O’Connor spoke about the proposed local option sales tax as set forth in his memo provided to the Board in its packet. Gartenstein said that the matter was added to the agenda at a request of a citizen and a Board member to discuss whether it would be added to the Town Meeting and/or Representative Town Meeting Warning. Judy Davidson spoke in favor of adding it to the ballot and Representative Town Meeting in order to provide an opportunity for town residents to vote on it. Dick DeGray said that he had been a proponent of the tax for many years and was in favor of adding it “at least” to the ballot. He spoke about the benefit it would provide to the people of the town by providing additional revenue. There was some discussion by the Board about repeating the request, the revenue it would generate, and it being a parallel conversation with the Police-Fire project. It was generally agreed by the Board to add the matter to the next agenda for further discussion and vote.

NO ACTION TAKEN.

Windham Solid Waste Management District Budget – Discussion. Gartenstein said that the Board had preliminary discussions on this matter at its last meeting and he opened up the matter for questions and further discussion. Lou Brusco and Bob Spencer, from the Windham Solid Waste Management District (WSWMD), spoke about the history of recycling and billing procedures, recycling options for apartment houses of 5 or more units, changes in the system after implementation of Act 148, support for the FY16 budget, and the voting structure for the member towns. Brusco said that final vote on the WSWMD FY16 budget was scheduled for Thursday, and if the Town’s representative was instructed by the Board to vote against the budget that the representative could alternatively vote his conscience at the WSWMD meeting. Cheryl Franklin and Tim Franklin provided comments and inquiries of WSWMD’s procedures and billing practices. There was much discussion by the Board, including the proposed WSWMD budget, current billing system, changes anticipated after implementation of Act 148, and Brattleboro being double billed for recycling collection in the curbside program and the 24/7 boxes (roll-off recycling bins) located on Fairground Road.

MOTION BY KATE O’CONNOR THAT THE BOARD INSTRUCTS THE REPRESENTATIVE TO THE WINDHAM SOLID WASTE MANAGEMENT DISTRICT TO OPPOSE THE WINDHAM SOLID WASTE MANAGEMENT DISTRICT’S FY16 BUDGET. MOTION CARRIED 3-2 (SCHOALES AND MACOMBER OPPOSED).

Representative Town Meeting Article – Amendment to Charter, Addendum A, Acts of 1959, No. 302, Section 4a. Town Clerk Annette Cappy asked the Board to add an article to the warning for the 2015 Representative Town Meeting to amend the Charter. She said the change would eliminate the seven week deadline for incumbents and make the six week deadline coincide with new candidates and incumbents. Spoon Agave discussed his concerns about the proposed changes and the electoral system as a whole. There was a brief discussion by the Board.

MOTION BY JOHN ALLEN TO ADD THE FOLLOWING ARTICLE TO THE 2015 REPRESENTATIVE TOWN MEETING WARNING, “TO SEE IF THE TOWN SHALL PASS A RESOLUTION TO AMEND THE BRATTLEBORO TOWN CHARTER ADDENDUM A, ACTS OF 1959, NO. 302, SECTION 4a TO CHANGE THE DEADLINE FOR INCUMBENT TOWN MEETING MEMBERS TO SUBMIT THEIR

NOTICE OF INTENT TO HAVE THEIR NAME PLACED ON THE BALLOT AS PRESENTED". MOTION CARRIED 5-0.

Representative Town Meeting Article – Amendment to Charter, Article II, Section 3. Town Clerk Cappy asked the Board to add an article to the warning for the 2015 Representative Town Meeting to amend the Charter. She said the change would allow for mechanical tabulation of the ballots at the time that a citizen turns in an early ballot. There was a brief discussion by the Board.

MOTION BY DAVID SCHOALES TO ADD THE FOLLOWING ARTICLE TO THE 2015 REPRESENTATIVE TOWN MEETING WARNING, "TO SEE IF THE TOWN SHALL PASS A RESOLUTION TO AMEND THE BRATTLEBORO TOWN CHARTER ARTICLE II, SECTION 3 TO ALLOW MECHANICAL TABULATION OF BALLOTS FROM CITIZENS THAT USE EARLY VOTING AS PRESENTED." MOTION CARRIED 5-0.

Representative Town Meeting Article – Representative Town Meeting Ad Hoc Futures Committee. Spoon Agave, a member of the Representative Town Meeting Ad Hoc Futures Committee, requested that the Board add an article to the Warning for the 2015 Representative Town Meeting about formation of the Futures Committee. He said that after speaking with the Town Moderator, he amended his request from that previously provided to the Board, and he provided and discussed his amended request. He stressed that the Committee would be a committee of Representative Town Meeting, and not the Town. There was some discussion about the request and process to add an Article to the Town Meeting Warning.

MOTION BY JOHN ALLEN TO ADD THE FOLLOWING ARTICLE TO THE 2015 REPRESENTATIVE TOWN MEETING WARNING, "TO SEE IF THE TOWN WILL VOTE TO ESTABLISH A COMMITTEE OF REPRESENTATIVE TOWN MEETING TO BE KNOWN AS THE COMMITTEE OF THE FUTURE".

Gartenstein noted that Allen's motion did not address the amended request. There was discussion about the original and amended requests, the lack of clarity in the request, how committee members would be appointed, and general confusion about the purpose of the request. Town Clerk Cappy inquired whether formation of the committee would require a Charter amendment since it would be a Representative Town Meeting committee. Agave offered to speak with the Moderator again. There was discussion about tabling the motion in order to obtain clarity.

MOTION BY DAVID SCHOALES TO TABLE THE MOTION. MOTION CARRIED 5-0.

Committee and Board Vacancies – Announce Vacancies. Gartenstein announced vacancies on several Town committees and boards. He said that the deadline to submit applications to the Town Manager's office was January 29, and that appointments would be made at the February 3, 2015 Selectboard meeting. Agave discussed the need for members to the Development Review Board. There was no discussion by the Board.

NO ACTION TAKEN.

Appointment of Peter Elwell as Town Manager effective January 20, 2015. Gartenstein noted that the new Town Manager would be starting on January 20, 2015 and he suggested formal motions. There was no discussion by the Board.

MOTION BY DAVID GARTENSTEIN THAT EFFECTIVE AT 7:00AM ON JANUARY 20, 2015 THAT PETER ELWELL BE APPOINTED TOWN MANAGER WITH ALL THE DUTIES AND RESPONSIBILITIES OF THAT POSITION AS PROVIDED BY VERMONT STATE LAW. MOTION CARRIED 5-0.

MOTION BY DAVID GARTENSTEIN THAT EFFECTIVE AT 7:00AM ON JANUARY 20, 2015 THAT INTERIM TOWN MANAGER PATRICK MORELAND BE RELIEVED OF HIS DUTIES AS INTERIM TOWN MANAGER AND RESUME HIS DUTIES AS ASSISTANT TOWN MANAGER FROM THAT TIME FORWARD. MOTION CARRIED 5-0.

CORRESPONDENCE AND MEETINGS

Schoales read the dates and times of Town committee meetings and other upcoming events.

There was no further business.

MOTION BY DONNA MACOMBER TO ADJOURN AT 9:30PM. MOTION CARRIED 5-0.

David Schoales, Clerk