

**BRATTLEBORO SELECTBOARD
TUESDAY, JANUARY 21, 2014
EXECUTIVE SESSION – 5:00PM
REGULAR MEETING – 6:15PM
MINUTES**

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

Staff present: Interim Town Manager Patrick Moreland, Finance Director John O'Connor, and Executive Secretary Jan Anderson.

Media present: Tim Johnson representing WTSA and Howard Weiss-Tisman representing the Brattleboro Reformer.

Others present: David Ingerman, Mike Onorato, Laura Sibilia, Paul Cameron, Adrasteia Andrews, Kurt Daims, Benjamin Knapp, Tad Montgomery, Allura Jacobs, Lester Humphreys, Michael Bosworth, Patricia Moulton Powden, Charles Clerici, Tom Costello, ASL Interpreters Elizabeth Bjerke and Janet Dickinson, BCTV staff and volunteers, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 5:00pm in the Selectboard meeting room. He confirmed that the meeting was officially warned.

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS AND CONTRACT MATTERS, AND POSSIBLY A LITIGATION MATTER, WHERE THE SELECTBOARD HAS DETERMINED THAT PREMATURE PUBLIC KNOWLEDGE AND DISCLOSURE WOULD PUT THE MUNICIPALITY AT A SUBSTANTIAL DISADVANTAGE. THE INTERIM TOWN MANAGER MAY BE INVITED TO ATTEND A PORTION OF THE SESSION IF THE BOARD DISCUSSED THE LITIGATION MATTER. MOTION CARRIED 5-0.

Chair Gartenstein reconvened the meeting at 6:15pm.

APPROVE MINUTES

MOTION BY KATE O'CONNOR TO APPROVE THE MINUTES FROM JANUARY 3 AND JANUARY 7, 2014 AS PRESENTED. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair Gartenstein noted that the recent January thaw had a substantial impact on the condition of roads and that the potholes were being patched. He then spoke about Roxanna Daim's request presented to the Board at the last meeting during public participation to change the Town Charter to lower the voting age to 16. He said that the Board decided not to add an Article to the Representative Town Meeting Warning for several reasons, including the need for more information, clarification, time to review the legality of the request, and discussing it with the Town Attorney. He said that it was an interesting issue and encouraged future discussion, but that changing the Town Charter was a substantial issue that required more dialog and investigation.

MANAGER'S COMMENTS

Interim Town Manager Moreland spoke about the road conditions on Western Avenue. He said there was shared jurisdiction of the road between the Town and State, and that the Town had been patching the road regularly during the winter weather. He also said that the Town reached out to the State to discuss rebuilding the road, and he thanked Representative Mollie Burke for her assistance in this matter.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

John Allen said that the Police-Fire Committee met recently and discussed a variety of matters, including test borings and soil analyses at the Dunnell building site. He said that the project seemed to be moving along as scheduled and within budget. Schoales and Allen agreed that the conceptual drawings presented by the architects at the meeting were done very professionally.

PUBLIC PARTICIPATION

Adrasteia Andrews provided the Board with a handout and spoke in favor of the “youth vote” in the Town meeting process and encouraged further discussions and participation.

Ben Knapp said that he was a youth interested in promoting the “youth vote” initiative. He said it would be a good way to get youth involved in their local community and to keep the younger population in the State. He said that he looked forward to working on the initiative in the future.

Paul Cameron, Town Energy Coordinator, said that in 2011 the Town entered the Energy Leadership Challenge sponsored by Efficiency Vermont, with a goal of reducing its electric use by 7.5% in two years. Cameron said that the Town achieved its goal, due in large part to the wastewater treatment plant upgrades and the street light conversion project. In recognition of the achievement, Cameron presented the Town with an award on behalf of Efficiency Vermont, and he congratulated and thanked the Town for its dedication to reducing electric use.

LIQUOR COMMISSIONERS

MOTION BY JOHN ALLEN TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.

Approve First Class Liquor License – Delta Pie Brattleboro LLC, d/b/a Ramuntos Brick Oven Pizza of Brattleboro. Gartenstein said that the Board was asked to approve a first class liquor license for Delta Pie Brattleboro, LLC, d/b/a Ramuntos Brick Oven Pizza of Brattleboro, located at 1111 Putney Road. Moreland spoke about the administrative process of the application. David Ingerman, Manager of Delta Pie, and Michael Onorato, General Manager of the restaurant, were present and spoke about renovations to the building and the business plans for the restaurant. There was a brief discussion by the Board.

MOTION BY KATE O’CONNOR TO APPROVE A FIRST CLASS LIQUOR LICENSE FOR DELTA PIE BRATTLEBORO, LLC, DOING BUSINESS AS RAMUNTOS BRICK OVEN PIZZA OF BRATTLEBORO, LOCATED AT 1111 PUTNEY ROAD. MOTION CARRIED 5-0.

MOTION BY DAVID SCHOALES TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.

NEW BUSINESS

Financial Report – Monthly Report. Finance Director O’ Connor reviewed and discussed the monthly financial report for December, 2013. There was a brief discussion by the Board.

NO ACTION TAKEN.

Approve Disbursement of Funds – Southeastern Vermont Economic Development Strategies (SeVEDS). Representatives from Brattleboro Development Credit Corporation (BDCC), Patricia Moulton Powden, Executive Director, and Laura Sibilila, Director of Economic Development, were present and discussed its affiliation with SeVEDS, whose mission was to reverse the economic decline of the Windham region. They updated the Board on SeVEDS’ activities around the region, its addition of a Director of Workforce Development, and last year’s challenge grants. They also discussed in detail the Comprehensive Economic Development Strategy (CEDS), an economic development strategies document which was close to being approved by the Federal Economic Development Administration (EDA). They also discussed many financial benefits of having CEDS. Moreland said that having CEDS provided access to federal grants and other economic resources that would not be available without such an economic development plan. He also suggested that the proposed agreement between the State and Vermont Yankee (VY) around VY’s closure was directly attributable to the having CEDS. Moulton Powden said that the Board was being asked to approve a contribution by the Town of \$36,147 (\$3.00 per person based on a Town population of 12,049) from its Vermont Community Development Program (VCDP) Income Fund to assist with implementation of regional economic development strategies. There was much discussion by the Board about SeVEDS, CEDS, effects of VY’s closure, the intended use of the requested funds, and the economic realities and outlook of the Town and region.

MOTION BY DAVID GARTENSTEIN TO APPROVE USING \$36,147 FROM BRATTLEBORO'S VERMONT COMMUNITY DEVELOPMENT PROGRAM INCOME TO ASSIST SOUTHEASTERN VERMONT ECONOMIC DEVELOPMENT STRATEGIES IN THE IMPLEMENTATION OF THE REGIONAL ECONOMIC DEVELOPMENT STRATEGIES. MOTION CARRIED 5-0.

Adopt Resolution – *Windham & Windsor Housing Trust*. Moreland said that the Board was asked to designate the Windham & Windsor Housing Trust as a non-profit community development organization. He said that the resolution was a requirement of the Vermont Community Development Program (VCDP) for sub-grant recipients engaged in the management of community loan funds. There was a brief discussion by the Board.

MOTION BY DAVID SCHOALES TO ADOPT THE RESOLUTION AS PRESENTED DESIGNATING WINDHAM & WINDSOR HOUSING TRUST A NON-PROFIT COMMUNITY DEVELOPMENT ORGANIZATION. MOTION CARRIED 5-0.

Annual Appointments – *Town Clerk, Town Treasurer, Town Attorney*. Moreland said that the Board was asked to make annual appointments of Town Clerk, Town Treasurer, and Town Attorney, which appointments would then be ratified at Representative Town Meeting in March. He asked the Board to appoint Annette Cappy as Town Clerk, John O'Connor as Treasurer, and Fisher & Fisher as Town Attorneys. There was a brief discussion.

MOTION BY KATE O'CONNOR TO APPOINT ANNETTE CAPPY AS TOWN CLERK, JOHN O'CONNOR AS TREASURER, AND FISHER & FISHER AS TOWN ATTORNEY FOR A TERM BEGINNING MARCH 23, 2014 THROUGH MARCH 21, 2015. MOTION CARRIED 5-0.

At this time, the Board agreed to adjust the agenda and move the Representative Town Meeting Article (American Legion Little League Field) to the end of the meeting when the representative speaking on the matter would be available.

Town Meeting Article – *Adoption of Local Option Sales Tax, Non-Binding Australian Ballot to Voters*. Gartenstein said that at a Special Representative Town Meeting last year, companion articles were proposed seeking authority to bond for the Police-Fire Facilities renovations and to adopt a local option sales tax to provide a funding source for the renovations. He said that Representative Town Meeting approved the Police-Fire Facilities bond, but the tax was defeated. He said that with the current budget concerns, the Board discussed reintroducing the tax, being the last potential revenue source authorized by the State, as an appropriate approach to bridge the funding gap. Gartenstein said that the Board was asked to consider a two-step approach: Step 1 being placement of a non-binding article by Australian ballot for advisory votes on the March 4 Town Meeting Warnings to read as follows:

“Should the Town of Brattleboro provide property tax relief and help defray the cost of Police-Fire Facility renovations by adopting a 1% local option sales tax.”

Gartenstein said that the general vote would be non-binding and that Representative Town Meeting would have to approve adoption of the article. He said that Step 2 would be to add an article, also by Australia ballot, to the Warnings for Representative Town Meeting on March 22, He said that the Town Meeting Members would know the results of the general vote by that time.

There was discussion by the Board, including general objections to the tax, pros and cons of the tax, importance of providing voters with an opportunity to be heard, whether to include sunset language in the article, authority by Town Meeting to rescind the tax at a later date, financial impact on tax rates, items excluded from the tax, and providing information about the tax to voters and Town Meeting Members.

MOTION BY DAVID GARTENSTEIN TO ADD THE FOLLOWING ARTICLE TO THE TOWN MEETING WARNING FOR A NON-BINDING ADVISORY VOTE BY AUSTRALIAN BALLOT ON MARCH 4, 2014, “SHOULD THE TOWN OF BRATTLEBORO PROVIDE PROPERTY TAX RELIEF AND HELP DEFRAY THE COST OF POLICE-FIRE FACILITY RENOVATIONS BY ADOPTING A 1% LOCAL OPTION SALES TAX.” MOTION CARRIED 5-0.

Representative Town Meeting Article – Adoption of Local Option Sales Tax, Australian Ballot to Representative Town Meeting Members. Gartenstein said that a companion article to the previous matter would be included on the Warning for Representative Town Meeting on March 22. There was a brief discussion by the Board.

MOTION BY DAVID SCHOALES TO ADD THE FOLLOWING ARTICLE TO THE WARNING FOR REPRESENTATIVE TOWN MEETING IN MARCH, 2014, “TO SEE IF THE TOWN WILL ASSESS A ONE PERCENT (1%) LOCAL OPTION SALES TAX IN ACCORDANCE WITH 24 V.S.A. SECTION 138”. MOTION CARRIED 5-0.

Representative Town Meeting Article – Transfer Skating Rink Funds. Gartenstein said that the Board was asked to add an article to the Representative Town Meeting Warning to transfer funds previously allocated for repairs to the skating rink from the Capital Fund to the General Fund. He said that last year Representative Town Meeting authorized approximately \$355,000 for repairs to the skating rink, but that the repairs cost approximately \$45,000. Finance Director O'Connor spoke about the mechanics of transferring the funds by making an internal fund transfer from the Capital Fund (as an expense) to the General Fund (as a revenue source). There was a brief discussion by the Board.

MOTION BY JOHN ALLEN TO ADD THE FOLLOWING ARTICLE TO THE WARNING FOR REPRESENTATIVE TOWN MEETING IN MARCH, 2014, “TO SEE IF THE TOWN WILL VOTE TO TRANSFER \$310,540 FROM THE CAPITAL FUND (BEING THE UNSPENT FUNDS ALLOCATED TO REPAIRS AT THE NELSON WITHINGTON SKATING RINK) TO THE GENERAL FUND.” MOTION CARRIED 5-0.

Representative Town Meeting Article – Appropriate Unassigned Fund Balance to Reduce the Tax Levy. Gartenstein said that the Board was asked to add an article to the Representative Town Meeting Warning to utilize a portion of the unassigned fund balance to be applied to the FY15 budget. He said that the Town had a policy of retaining approximately 10% of its expenditures for a reserve fund for use in unanticipated emergencies. Allen said that he asked the Board to consider this matter and he thanked the Board for doing so. He said that the Unassigned Fund Balance was approximately \$1,712,000 and he spoke in favor of utilizing \$300,000 of the fund balance to lower tax rates, saying that the 10% figure was only a guideline, that the reserve was made up from taxpayers' money, and that many taxpayers were finding it difficult to afford higher taxes. He said that the money was in reserve for emergencies and that he believed the increase in taxes was an emergency. Gartenstein spoke against the matter. He said that Representative Town Meeting will be asked to approve a \$95,000 expenditure from the Unassigned Fund Balance for repairs to Elm Street and the Elm Street Bridge, \$55,000 for expenses in relocating the communications tower, and transferring out \$310,000 in skating rink funds. He said that it was necessary to maintain a reserve fund for unforeseen emergencies. There was discussion by the Board about Allen's request, the importance of maintaining a reserve fund for emergency purposes, and the budget increase anticipated next fiscal year because of the Police-Fire bond.

MOTION BY JOHN ALLEN TO ADD THE FOLLOWING ARTICLE TO THE WARNING FOR REPRESENTATIVE TOWN MEETING IN MARCH, 2014, “TO SEE IF THE TOWN WILL APPROPRIATE THE SUM OF \$300,000 FROM UNASSIGNED FUND BALANCE AS OF JUNE 30, 2013 TO REDUCE THE TAX LEVY.

Macomber said that she would be more comfortable with expending \$200,000 of the Unassigned Fund Balance and offered a friendly amendment to the motion. Allen accepted the friendly amendment. There was a brief discussion.

AMENDED MOTION BY JOHN ALLEN TO ADD THE FOLLOWING ARTICLE TO THE WARNING FOR REPRESENTATIVE TOWN MEETING IN MARCH, 2014, “TO SEE IF THE TOWN WILL APPROPRIATE THE SUM OF \$200,000 FROM UNASSIGNED FUND BALANCE AS OF JUNE 30, 2013 TO REDUCE THE TAX LEVY FOR FY15. MOTION CARRIED 4-1 (GARTENSTEIN OPPOSED).

Representative Town Meeting Article – Reconsider Article (Agricultural Land Protection Fund). Gartenstein said that the Board previously adopted an article to repurpose the funds in the Agricultural Protection Fund for property tax relief. He said that the Fund was established in 1985 and only utilized

twice. He said that with the budgetary pressures and the changing needs and priorities, he asked the Board to reconsider that article and instead use the funds to establish an Energy Efficiency Fund in the amount of \$50,000 and to use the balance of the Agricultural Protection Funds for property tax relief. There was a brief discussion by the Board about the Agricultural Funds, other funds available to farmers, and the need for energy efficiencies.

MOTION BY DAVID GARTENSTEIN TO RECONSIDER THE FOLLOWING ARTICLE ADDED TO REPRESENTATIVE TOWN MEETING ON 12/3/13, WHICH WAS “TO SEE IF THE TOWN WILL APPROVE THE REPURPOSING OF THE AGRICULTURAL PROTECTION FUND FOR FISCAL 2015 TAX RELIEF.” MOTION CARRIED 5-0.

Gartenstein asked the Board to approve a replacement article be added to the Representative Town Meeting Warning. There was no discussion.

MOTION BY DAVID GARTENSTEIN TO ADD THE FOLLOWING ARTICLE TO THE WARNING FOR REPRESENTATIVE TOWN MEETING IN MARCH, 2014, “TO SEE IF THE TOWN WILL APPROVE THE REPURPOSING OF THE FUNDS FROM THE AGRICULTURAL LAND PROTECTION FUND TO ESTABLISH AN ENERGY EFFICIENCY FUND WITH THE PRINCIPAL AMOUNT OF \$50,000 AND TO APPROPRIATE THE REMAINDER IN THE FUND, BEING THE ACCRUED INTEREST IN THE AGRICULTURAL PROTECTION FUND, TO REDUCE THE FISCAL YEAR 2015 TAX LEVY.” MOTION CARRIED 5-0.

FY15 Budget – *Approve*. Gartenstein said that the Board was asked to approve the FY15 budget for presentation to Representative Town Meeting. There was some discussion about the work that had gone into the budget discussions over the past months, the anticipated increase of the education taxes, increases in the grand list, and the impact on property taxes.

MOTION BY DAVID GARTENSTEIN TO APPROVE FOR PLACEMENT ON THE WARNING AND PRESENTATION AT REPRESENTATIVE TOWN MEETING, THE FISCAL YEAR 2015 GENERAL FUND BUDGET WITH REVENUE AND EXPENDITURES IN THE AMOUNT OF \$16,284,625 AND TO APPROVE THE FISCAL YEAR 2015 CAPITAL PLAN WITH EXPENDITURES OF \$1,380,475 AND REVENUE OF \$828,858.90 (\$440,858.90 BEING FROM GRANTS, \$100,000 FROM DONATIONS, \$288,000 FROM LOANS, AND A TRANSFER FROM THE GENERAL FUND OF \$551,616.10). MOTION CARRIED 5-0.

At this time, the agenda item that was previously passed was taken up by the Board.

Representative Town Meeting Article – *American Legion Little League Field*. Tom Costello, representative of the American Legion Little League Field, was present and asked the Board to consider including an article on the Representative Town Meeting Warning exempting the American Legion Little League Field from the municipal portion of their property tax. He reviewed the history and use of the Little League Field, and said that the field was owned by the American Legion but used exclusively for Little League activities. There was a brief discussion by the Board.

MOTION BY JOHN ALLEN TO ADD THE FOLLOWING ARTICLE TO THE WARNING FOR REPRESENTATIVE TOWN MEETING IN MARCH, 2014, “TO SEE IF THE TOWN WILL VOTE TO EXEMPT AMERICAN LEGION LITTLE LEAGUE FIELD FROM ITS MUNICIPAL PORTION OF TAXES ON ITS LAND AND BUILDINGS AT 12 OAK GROVE AVENUE, BRATTLEBORO, VERMONT, FOR A PERIOD OF THREE YEARS FROM APRIL 1, 2014.” MOTION CARRIED 5-0.

CORRESPONDENCE AND MEETINGS

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

MOTION BY KATE O’CONNOR TO ADJOURN AT 8:00PM. MOTION CARRIED 5-0.

David Schoales, Clerk