

**BRATTLEBORO SELECTBOARD
TUESDAY, FEBRUARY 18, 2014
EXECUTIVE SESSION – 5:45PM
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, Public Works Director Steve Barrett, Highway/Utilities Superintendent Hannah O'Connell, Fire Chief Mike Bucossi, and Executive Secretary Jan Anderson.

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

Others present: Peg Lopata, Simon Walsh, Susan Rockwell, John Wilmerding, Randy Schoonmaker, 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 5:45pm in the Selectboard meeting room. He confirmed that the meeting was officially warned.

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER WHERE THE SELECTBOARD HAS DETERMINED THAT PREMATURE PUBLIC KNOWLEDGE AND DISCLOSURE WOULD PUT THE MUNICIPALITY AT A SUBSTANTIAL DISADVANTAGE. MOTION CARRIED 5-0.

Chair Gartenstein reconvened the meeting at 6:15pm.

APPROVE MINUTES

MOTION BY DONNA MACOMBER TO APPROVE THE MINUTES FROM FEBRUARY 4 AND FEBRUARY 10, 2014 AS PRESENTED. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair Gartenstein thanked and congratulated everyone who participated in the Harris Hill Ski Jump last weekend and for making it a success. He then addressed the challenges that the winter weather had caused, including difficult road conditions and potholes. He thanked Public Works Department for their round-the-clock work to keep the roads clear during the significant snow storm last Thursday and Friday. He said there were concerns heard about the lack of snow removal downtown over the weekend and the blinking traffic lights. He said that snow would be removed tonight and given the timing of the storm and other events the snow removal schedule was entirely appropriate. He thanked the Town of Guilford for the use of a grader while Brattleboro's grader was being repaired. He said that the Board may have to consider purchasing a new grader in future budget discussions.

Gartenstein announced that the Board would soon list and advertise for the Town Manager position. He said that the preliminary timeframe, although it may be optimistic, was to receive applications by the end of March, conduct first round interviews by the third week in April, conduct second round interviews by the middle of May, and make a decision by early- to mid-June. He said that the Board would work with VLCT to coordinate the search process.

Gartenstein said that it was likely that the current Board members would be re-elected at Town Meeting on March 4 because there were no uncontested seats. He said that the Board would hold its next regularly scheduled meeting on March 4, and discuss last year's goals and next year's goals. He encouraged the public to vote on March 4.

MANAGER'S COMMENTS

Interim Town Manager Moreland said that he wanted to bring to the attention of the Board and public that with the large snow events and winter weather, many line items in the budget were being impacted especially around road maintenance and damage to equipment.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Allen said that the Police-Fire Committee met recently and had a discussion, led by Program Manager Steve Horton, about possible alternative sites for the Police-Fire facilities. He also said that the Committee would hold a meeting on February 27, where the design plans would be on display for public viewing starting at 5:30pm. Moreland said that after the public viewing of the plans, the Committee would reconvene at approximately 6:00pm, have a presentation by the Project Manager and Architect, and take public comment on the proposed plans. Gartenstein said that the public was encouraged to attend.

Macomber said that the Arts Committee met last week and was continuing discussions on the intersection of arts, the Arts Committee, and community life. She said that the Committee wanted to approach the Selectboard in the near future to update the Board on how arts continue to enhance and enrich lives and making arts accessible to the general public. Gartenstein asked that when the Committee meets with the Board, a report also be presented on the Core Arts Project and NEA grant that was recently awarded.

Schoales mentioned the work of the Public Works Department during the recent snow storm, and noted the thoughtful and considerate movement by drivers and pedestrians in spite of the amount of snow and additional holiday traffic in Town over the weekend.

PUBLIC PARTICIPATION

John Wilmerding, member of the Finance Committee, said that a resignation on Finance Committee was expected and he encouraged anyone interested in serving on the Committee to express their interest to the Moderator at Representative Town Meeting. He also said that the Committee would hold a meeting on Monday, February 24 at 5:15pm with a guest speaker, Vermont State Treasurer Beth Pearce, who would discuss issues around pensions, borrowing and other municipal expenditures. In addition he said that the Committee would hold a regular meeting on Tuesday, February 25 at 4:00pm

Susan Rockwell, innkeeper at Elm Street Guest House, spoke of incidents at her guest house, her recent arrest for unlawful trespass in her guest house, and complaints against the Police Department. Gartenstein asked Rockwell to bring her concerns to the Police Chief, CPCC (Citizen Police Communications Committee), and/or the Town Manager.

WATER AND SEWER COMMISSIONERS

MOTION BY DAVID SCHOALES TO CONVENE AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.

FY15 Utility Budget, Rates, and Capital Plan - Department of Public Works. Moreland said that the Board held a special meeting on Monday, February 10 at 7:30am to discuss the proposed FY15 Utility Budget in detail and that the Board was now asked to approve the budget. Finance Director O'Connor said that he since made a minor change to the sewer rents because sewage disposal was included twice, and the revised budget was before the Board. He discussed the budget and said that the rate model he used projected cash flow out for five years and he recommended lowering the proposed increase in water rates from 3% to 2% per year, but that wastewater rates be established to increase at 6% per year to keep the fund solvent. He discussed the revenue and general budget models. Public Works Director Barrett then reviewed the capital plan and operating budgets, and he discussed specific line items in each. Moreland said that Ordinances would have to be amended to include the 6% and 2% annual rate increases which could be brought before the Board at the next meeting. There was discussion by the Board about the services, increase in rates, and purpose of maintaining rolling funds from year to year.

MOTION BY DAVID SCHOALES TO APPROVE A FY15 UTILITY FUND BUDGET OF \$5,759,325, WITH REVENUE OF \$5,011,276, AND A UTILITY CAPITAL PLAN OF \$526,000. MOTION CARRIED 5-0.

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

NEW BUSINESS

Financial Report – Monthly Report. Finance Director John O'Connor discussed the monthly financial report for January, 2014. John Wilmerding inquired about expenditures for the Police-Fire Facilities Project. There was a brief discussion by the Board.

NO ACTION TAKEN.

Connecticut River Transit (CRT) – Rates and Route Changes. Randy Schoonmaker, from Deerfield Valley Transit Authority (DVTA), was present and said that DVTA has a one year management agreement from September, 2013 to September, 2014 to operate CRT. He said that DVTA has been reaching out to towns with relationships with CRT and DVTA, and he spoke about the operating plan, statistics and ridership. He thanked the Town for its past support and said that CRT was requesting the same funding as last year with no increase in funding requests. He spoke about anticipated changes to token sales, bus schedule, bus stops, bus shelters, signage, marketing, and public outreach. He said that a public hearing was scheduled on Friday, February 21, at 1:30pm in the Selectboard meeting room. John Wilmerding thanked CRT for its service, spoke about his son's usage of the bus, and encouraged the Selectboard's support. He also inquired whether a Town representative had been appointed to the CRT Board. Gartenstein said that no one had been appointed and he asked that interested persons apply through the Town Manager's Office. There was a brief discussion by the Board. It was determined that ridership information and other information, including a memorandum of understanding, had not been provided to the Board, and the Board agreed to take up the matter at its next meeting.

NO ACTION TAKEN.

Laying Out Public Road – New England Drive, Town Manager. Gartenstein said that the Board was asked to begin the process under Chapter 7 of Title 19 of the Vermont Statutes to begin laying out a public road at the end of New England Drive. He said that New England Drive had been in existence for more than fifty years, and that for many years a turnaround at the end of the road was utilized by plows, maintenance equipment, emergency vehicles and other vehicles. He said that due to the position of residents along the road, there was no longer an accessible public turnaround at the top of road, and that created an unsafe situation. He said that after months of negotiations, which turned out to be unsuccessful, the Board was asked to issue a public notice to lay out the road, conduct a site review and hold a public hearing on the matter. Peg Lopata, owner of the property at the end of New England Drive, suggested that several other places could be laid out for a turnaround, and she asked that the site visit parameters consider all of the options and locations for a turnaround. She requested that the site visit be scheduled after May 15 when the snow had melted and to give her time to retain an attorney. There was a brief discussion by the Board.

MOTION BY DAVID GARTENSTEIN THAT THE TOWN OF BRATTLEBORO LAY OUT AND ESTABLISH AN EXTENSION OF NEW ENGLAND DRIVE FROM THE SOUTHERN BOUNDARY LINE OF LOPATA TO A POINT AT THE SOUTHERN POINT OF THE ISLAND IN THE CIRCULAR DRIVEWAY ON LANDS OF LOPATA AND ALSO TO LAY OUT AND ESTABLISH A TURNAROUND IN THE SHAPE OF A "T" OR "HAMMERHEAD" WITH THE TOP OF THE "T" HAVING A DIMENSION OF 70'X30' FOR VEHICLES ADJACENT TO THE ROADWAY. HE FURTHER MOVED THAT THE BOARD HOLD A SITE VISIT AND HEARING ON APRIL 1, 2014 (AFTER PROVIDING THE NECESSARY 30+ DAYS NOTICE TO ABUTTERS). HE ALSO FURTHER MOVE THAT A PUBLIC NOTICE IN THE FORM THAT HAS BEEN PRESENTED BE APPROVED AND EXECUTED BY THE SELECTBOARD PROVIDING FOR THAT SITE VISIT AND PUBLIC HEARING ON APRIL 1, 2014. MOTION CARRIED 5-0.

Award Bid – *Western Avenue and Union Hill, Department of Public Works.* Public Works Director Barrett and Highway/Utilities Superintendent O’Connell were present and discussed the grant from Vermont Department of Transportation (VTrans), through the Local Transportation Facilities (LTF) program. Barrett said that the intersection had been reviewed several years ago, that safety improvements were researched, and now a funding source had been located through VTrans. He said that the Town was awarded a \$70,000 VTrans grant which included a 10% match by Town for engineering and construction, and that the LTF program contained rigorous requirements and conditions. O’Connell discussed the grant and its many conditions, which included provisions for public input. She said that two bids were received and after going through the required grading process, it was recommended that the bid be awarded to Holden Engineering in the amount of \$28,656.40. John Wilmerding inquired whether the project included a sidewalk for pedestrians on Union Street. O’Connell said that the grant was strictly for the intersection. There was some discussion by the Board about the grant process and conditions, dangers at the intersection and on Union Street, timeframe before construction, and public input.

MOTION BY KATE O’CONNOR TO AWARD A CONTRACT IN THE AMOUNT OF \$28,656.40 TO HOLDEN ENGINEERING FOR ENGINEERING SERVICES FOR A RE-DESIGN OF WESTERN AVENUE AND UNION HILL. MOTION CARRIED 5-0.

Grant Amendment – *Ames Hill Hazard Mitigation Grant, Department of Public Works.*

Moreland said that the next two agenda items were similar and he spoke about both items together. He said that following Tropical Storm Irene, two areas were identified that frequently sustained storm damage and the Town applied for and received FEMA mitigation funds through the Vermont Department of Public Safety, to improve those areas so as to mitigate future damage. He said the areas identified were Ames Hill and Barrows Road, and he discussed the improvements that were made to each area. He said that the improvements sustained cost overruns and the Board was asked to approve amendments to the original grants. He said that the Board was asked to accept and appropriate \$3,899 for the Ames Hill drainage upgrade project, and \$10,392 for the Barrows Road drainage upgrade. Public Works Director spoke about the circumstances and costs of the projects, the original grants, and cost overruns. There was a brief discussion by the Board.

MOTION BY DONNA MACOMBER TO ACCEPT AN AMENDMENT TO THE AMES HILL HAZARD MITIGATION GRANT AND APPROPRIATE \$3,899 FROM THE VERMONT DEPARTMENT OF PUBLIC SAFETY FOR AMES HILL DRAINAGE IMPROVEMENTS. MOTION CARRIED 5-0.

Grant Amendment – *Barrows Road Hazard Mitigation Grant, Department of Public Works.* The discussion on this matter was included in the previous agenda item.

MOTION BY JOHN ALLEN TO ACCEPT AN AMENDMENT TO THE BARROWS ROAD MITIGATION GRANT AND APPROPRIATE \$10,392 FROM THE VERMONT DEPARTMENT OF PUBLIC SAFETY FOR AMES HILL DRAINAGE IMPROVEMENTS.

Gartenstein said that the motion incorrectly referred to Ames Hill and offered a friendly amendment to correct the reference to Barrows Road. Allen accepted the friendly amendment.

AMENDED MOTION BY JOHN ALLEN TO ACCEPT AN AMENDMENT TO THE BARROWS ROAD MITIGATION GRANT AND APPROPRIATE \$10,392 FROM THE VERMONT DEPARTMENT OF PUBLIC SAFETY FOR BARROWS ROAD DRAINAGE IMPROVEMENTS. MOTION CARRIED 5-0.

Accept and Appropriate Grant – *VDEMHS Rapid Deployment Craft Grant, Brattleboro Fire Department.* Fire Chief Bucossi said that he applied a for technical rescue grant in September, 2013 which contained funds for a rapid deployment craft. The craft component was since removed from the grant by the State because it was considered equipment and needed Federal approval. The craft was now approved and he asked that the Board accept and appropriate a grant in the amount of \$5,600 from the VT Department of Emergency Management and Homeland Security (VDEMHS) for the purchase of a Rapid Deployment Craft. There was no discussion by the Board.

MOTION BY DAVID SCHOALES TO ACCEPT AND APPROPRIATE A GRANT IN THE AMOUNT OF \$5,600 FROM THE VERMONT DEPARTMENT OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY FOR THE PURCHASE OF A RAPID DEPLOYMENT CRAFT. MOTION CARRIED 5-0.

Grant Application – *HSGP Vermont Communications Grant, Brattleboro Police.*

Moreland said that the next two agenda items were similar and he spoke about both items together. He said that the Police Department was asking to apply for two grants from differing sources in the same amounts for the same equipment. He said that the grants were both in the amount of \$134,476.57, for a voting radio repeater system which would bring the quality of the Police Department's radio system to that of the Fire Department's and provide enhanced security for officers and the public. One grant was offered through the Vermont Department of Homeland Security Grant Program (HSGP) and the other was offered through Vermont Department of Emergency Management and Homeland Security (VDEMHS). He said that applying for both grants improved the chances of being awarded one, and if both grants were awarded only one grant would be accepted. There was a brief discussion by the Board.

MOTION BY DONNA MACOMBER TO APPROVE A GRANT APPLICATION IN THE AMOUNT OF \$134,476.57 TO THE VERMONT DEPARTMENT OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, FROM THE VCOMM GRANT PROGRAM TO PAY FOR THE PURCHASE AND INSTALLATION OF A VOTING REPEATER SYSTEM. MOTION CARRIED 5-0.

Grant Application – *VDEMHS Municipal Working Group Grant, Brattleboro Police.* The discussion on this matter was included in the previous agenda item.

MOTION BY JOHN ALLEN TO APPROVE A GRANT APPLICATION IN THE AMOUNT OF \$134,476.57 TO THE VERMONT DEPARTMENT OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, FROM THE MUNICIPAL WORKING GROUP GRANT PROGRAM TO PAY FOR THE PURCHASE AND INSTALLATION OF A VOTING REPEATER SYSTEM. MOTION CARRIED 5-0.

Accept and Appropriate – *Local Bypass Mitigation Grant, Town Manager* Moreland said that the Board was asked to accept and appropriate a grant in the amount of \$7,663 for costs associated with the increased road traffic on Upper Dummerston Road arising from the bridge replacement project on I-91. He said that the grant would be used to offset increases in chloride on the gravel road surface, and additional police presence during times when Route 30 was closed. There was a brief discussion by the Board.

MOTION BY KATE O'CONNOR TO ACCEPT AND APPROPRIATE A GRANT IN THE AMOUNT OF \$7,663 FROM THE VERMONT AGENCY OF TRANSPORTATION TO OFFSET THE COSTS OF INCREASED MAINTENANCE AND POLICE PATROL OF UPPER DUMMERSTON ROAD. MOTION CARRIED 5-0.

Committee Appointments – *Small Business Assistance Program (SBAP) Loan Committee, BDCC.* Moreland said that the Board was asked to appoint Pat Moulton Powden, from Brattleboro Development Credit Corporation (BDCC), to the Small Business Assistance Program Loan Review Committee. He said that Jeff Lewis recently retired from BDCC and resigned from the SBAP. There was a brief discussion.

MOTION BY DAVID GARTENSTEIN TO APPOINT PAT MOULTON POWDEN TO THE SMALL BUSINESS ASSISTANCE PROGRAM LOAN COMMITTEE. MOTION CARRIED 5-0.

Confirm Informational Meeting Times – *Public Gathering 6:00pm, Caucuses 6:30pm, Meeting 7:00pm.* Gartenstein said that the Board was asked to confirm the schedule for the Informational Town Meeting. There was a brief discussion. Gartenstein said that Informational Town Meeting was scheduled on March 12 at Academy School, that the doors would open for a public gathering at 6:00pm, the caucuses would start at 6:30pm., and the meeting would start at 7:00pm.

NO ACTION TAKEN.

Hiring Pause (now Staffing Level Review) – Gartenstein recapped previous discussions held by the Board regarding Selectboard involvement in reviewing staffing levels in connection with employee vacancies. He suggested that the Board review staffing levels on a six month trial basis. Moreland spoke to the issue citing previous concerns voiced by some Department Heads about the balance of power and responsibility, budgetary authority of the Board, and Town Manager’s authority to hire and fire employees after consultation with the relevant Department Heads. He suggested that with regard to staffing levels, there be a more comprehensive review rather than seeking opportunity arising from natural attrition. He said that of more concern to him was the critical juncture that the Town and residents were at due to the difficult economy. He suggested that the Board hold a higher level of discussion to look at the larger picture and engage public conversation as to the types of services that the Town should continue to operate, and include in the discussion such things as restructuring departments, reduction in force, across the board cuts in each department, and a focus on elected services.

John Wilmerding spoke about management discussions regarding staffing issues and overall budget concerns. He also said that his District needed Town Meeting members and encouraged volunteers interested in running for Town Meeting Member to come to the caucuses scheduled on March 12 at the Academy School at 6:30pm and the Informational Town Meeting at 7:00pm.

There was substantial discussion by the Board and each Board member spoke about his/her views and concerns. The Board generally agreed that it had budgetary responsibilities, needed a better understanding of staff functions and staffing levels, and recognized that there may be different ways to conduct business effectively and affordably. There was also discussion about possibly holding staffing level discussions in executive session before discussing it at a public meeting due to the confidential nature of personnel matters. Gartenstein clarified that his motion would call for a review process and not seek to replace authority of the Town Manager or Department Heads. He said that the process would entail meeting in a timely manner with the Town Manager and the relevant Department Head to discuss staffing levels in the department and how they relate to the position that would be vacated. Schoales suggested reviewing the Matrix Report issued in 2004 and review suggestions and recommendations made in the report. Macomber voiced reservations about the Board being overinvolved in staffing issues and said she needed additional time to review information about a broad spectrum of possibilities.

MOTION BY DAVID GARTENSTEIN THAT FOR THE SIX MONTH PERIOD ENDING SEPTEMBER 15, 2014 THAT THE SELECTBOARD CONDUCT STAFFING LEVEL REVIEWS AS TO ALL FULL-TIME VACANCIES OCCURRING ON OR AFTER MARCH 15, 2014. MOTION CARRIED 4-0 (MACOMBER ABSTAINED).

CORRESPONDENCE AND MEETINGS

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

MOTION BY DAVID SCHOALES TO ADJOURN AT 8:43PM. MOTION CARRIED 5-0.

David Schoales, Clerk