

**BRATTLEBORO SELECTBOARD  
TUESDAY, MARCH 18, 2014  
EXECUTIVE SESSION – 5:30PM  
COMMITTEE INTERVIEWS – 6:00PM  
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, Fire Chief Mike Bucossi, Assistant Fire Chief Peter Lynch, Public Works Director Steve Barrett, Highway/Utilities Superintendent Hannah O'Connell, Grants Manager Kim Ellison, and Executive Secretary Jan Anderson.

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

Others present: Leon C. Boyd, Jr., Susan Rockwell, Nancy Braus, Keith Arnold, Bob Bady, 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 5:33pm in the Selectboard meeting room. He confirmed that the meeting was officially warned.

**MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS LITIGATION AND PERSONNEL MATTERS, AND POTENTIAL CONTRACT MATTERS, WHERE THE SELECTBOARD HAS DETERMINED THAT PREMATURE PUBLIC DISCLOSURE AND KNOWLEDGE WOULD PUT THE TOWN AT A SUBSTANTIAL DISADVANTAGE. THE INTERIM TOWN MANAGER AND THE TOWN ATTORNEY WERE INVITED TO ATTEND. MOTION CARRIED 5-0.**

Chair Gartenstein reconvened the meeting at 6:12pm to conduct interviews for the Connecticut River Transit (CRT) Board of Directors position. Leon Boyd was present and discussed his reasons for applying for the CRT position and the Town Service Officer position. Gartenstein noted that John Wilmerding also had applied for the CRT position and that he called prior to the interview to report that due to a scheduling conflict he could not be at the interview. There was some discussion by the Board with Mr. Boyd. When the interview was complete, Gartenstein said that appointments for the positions would be made later during the regular meeting.

Chair Gartenstein reconvened the regular meeting at 6:20pm.

***APPROVE MINUTES***

**MOTION BY JOHN ALLEN TO APPROVE THE MINUTES FROM MARCH 4, 2014 AS PRESENTED. MOTION CARRIED 5-0.**

***CHAIR'S REMARKS***

Chair Gartenstein thanked the public and Town Meeting Members for their participation in the Informational Town Meeting held last week. He also reminded the Members and public that Representative Town Meeting was scheduled on Saturday, March 22, and he encouraged everyone to attend. He then noted that the terms for three members of the Board would expire after Representative Town Meeting and he thanked them for their participation on the Board the past year. He also noted that all of them were re-elected and said that he looked forward with working with them in the upcoming year. Gartenstein announced that the Board members would be going to Montpelier next week to meet with the Governor, Speaker of the House, Senate Pro Tem, Senators, and various agency representatives to discuss economic challenges for the Town, regional economic development, and some road maintenance issues. He said that the Board would report on the trip at a later time.

## **MANAGER'S COMMENTS**

None.

## **SELECTBOARD COMMENTS AND COMMITTEE REPORTS**

Allen thanked Gartenstein for his leadership on the Selectboard during the past year, and said he was looking forward to another good year with the same Board. He then noted that it was Kate O'Connor's 50th birthday. He read her birth certificate and wished her a happy birthday. The other Board members also wished her a happy birthday.

Schoales announced that the Brattleboro Energy Committee won the Vermont Home Energy Challenge Competition which came with a \$10,000 recognition. He said that the investment in energy conservation in this town was more than any other town in the state. He also thanked Senator Galbraith for his work in his committee on an amendment to a net metering bill. He said that Senator Galbraith was instrumental in lifting a roadblock that would now enable as much as 5 mw solar panels on the capped landfill property.

Macomber voiced her appreciation to Gartenstein for his leadership during the past year and said that his knowledge and style allowed each person to bring her/his best offerings to the table. She also stated that the Arts Committee met recently and would make a presentation to Board at its April 15 meeting around accessibility and diversity through the arts. She said that the Arts Committee had been invited to meet with the Community Equity Collaborative to discuss joining forces with a look at ending oppression, racism, and sexism in this community through creativity and the arts.

## **PUBLIC PARTICIPATION**

Susan Rockwell, innkeeper at 19 Elm Street, spoke about problems she had been having at her guesthouse, including complaints against the police department, her disagreement with the Town Attorney, outrageous behavior by the Town and her guests, and her unfair treatment.

## **LIQUOR COMMISSIONERS**

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

Liquor & Tobacco License Renewals – Annual Renewals. Moreland said that the Board was asked to approve the annual renewal of liquor and tobacco licenses on a list submitted by the Town Clerk. Gartenstein read the names of businesses on the list. There was a brief discussion.

### **MOTION BY DAVID SCHOALES TO APPROVE RENEWALS OF LIQUOR AND TOBACCO LICENSES FOR THE BUSINESSES ON THE LIST. MOTION CARRIED 5-0.**

### **MOTION BY DONNA MACOMBER TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.**

## **UNFINISHED BUSINESS**

Connecticut River Transit - Memorandum of Understanding. Randy Schoonmaker, from Deerfield Valley Transit Authority in association with Connecticut River Transit (CRT), was present and asked that the Board approve the Memorandum of Understanding for continuation of operations and funding for CRT to continue providing bus service in and around town. There was some discussion by the Board about the memorandum, funding, policy changes, the recent public hearing, and other matters concerning the bus service.

### **MOTION BY DAVID SCHOALES TO APPROVE THE MEMORANDUM OF UNDERSTANDING WITH CONNECTICUT RIVER TRANSIT AND TO AUTHORIZE THE TOWN MANAGER TO SIGN THE MEMORANDUM. MOTION CARRIED 5-0.**

## **NEW BUSINESS**

At this time, the Board agreed to adjust the agenda and move up the discussion about Staffing Level Review.

Staffing Level Review – Fire Department. Gartenstein said that a firefighter had resigned his position and as part of the Board's ongoing due diligence around the budget, it would review staffing levels in the relevant department and staffing levels as a whole when a position became available. Moreland said that Firefighter Gregory Seymour submitted his resignation and Moreland thanked Seymour for his years of service. He reviewed the position and spoke about normal staffing within the Fire Department. Fire Chief Bucossi said that Seymour had worked for the Town for nearly ten years and had accepted a job as a firefighter and paramedic in Keene. Chief Bucossi spoke about the staffing levels within the department, meeting NFPA standards, maintaining platoon structure, and about safety concerns. He said that being understaffed affected efficiency and safety of other firefighters, staff, and the public, and that covering the shift with current staff members would cost additional money in overtime pay. Leon Boyd spoke about the purpose of maintaining recommended staffing levels. There was discussion by the Board about the department's organizational structure, safety factors, national firefighter standards, and acquiring more information on accepted staffing levels.

**NO ACTION TAKEN.**

Finance Report – Monthly Report, Finance Department. Finance Director O'Connor was present and discussed the monthly financial report for February. There was some discussion by the Board about the report and a transfer of \$510,000 to the Capital Fund.

**NO ACTION TAKEN.**

Farm Tax Stabilization - Approve Agreements. Moreland said that the Board was asked to approve five Farm Tax Stabilization Agreements. He said that the Board recently approved modifications to the Farm Tax Stabilization Guidelines, and subsequently five farms had applied to be accepted into the program. He said that a required component of the program was that the farmers must derive at least two-thirds of their income from farming and each farm was required to submit tax returns as proof of income. Gartenstein said that the program was established to provide support for farmers in Town and that under the program each farm would be exempt from payment of municipal taxes. He said that the five farms that applied were the Robb Farm, Hamilton Farm, Thurber Farm, Bailey Farm and Chamberlin Farm. There was no discussion by the Board.

**MOTION BY DONNA MACOMBER TO APPROVE THE FARM TAX STABILIZATION AGREEMENTS AS PRESENTED. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).**

Ordinance Amendment – Utility Rates, Chapter 18, Article II, Division 5, Section 18-137, and Chapter 18, Article III, Division 2, Section 18-163, Second Reading and Public Hearing. Gartenstein said that the Board was asked to have a second reading and hold a public hearing on the proposed amendments to water and sewer rates in Chapter 18.

Gartenstein convened the public hearing. He said that Sections 18-137 and 18-163 of Chapter 18 were being amended. There was no public comment. Gartenstein closed the public hearing.

**MOTION BY JOHN ALLEN TO APPROVE THE AMENDMENTS TO CHAPTER 18 OF THE TOWN ORDINANCE AS PRESENTED. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT).**

Accept and Appropriate Grant– Google/VDOL Videoconferencing Grant, Brooks Memorial Library. Moreland said that the Board was asked to accept and appropriate a supplementary grant in the amount of \$366 from the Vermont Department of Libraries to support video conferencing. There was a brief discussion.

**MOTION BY KATE O'CONNOR TO ACCEPT AND APPROPRIATE A SUPPLEMENTARY GRANT IN THE AMOUNT OF \$366 FROM THE VERMONT DEPARTMENT OF LIBRARIES AS PART OF THE GOOGLE VIDEO CONFERENCING GRANT. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT).**

Approve SBAP Loan – *Adventure Restaurant Group, d/b/a Duo Restaurant. Finance Department.* Keith Arnold, principle of Adventure Group Inc., said that he and his wife were planning to open the Duo Restaurant in the Brooks House and was seeking approval for a \$40,000 loan from the Town through the Small Business Assistance Program (SBAP). He spoke about the farm-to-table type restaurant and plans to utilize local growers, distributors, and businesses. He said that a gap in funding would require that they find another funding source to complete the financing. Kim Ellison, Grants Manager for the Town, spoke about the SBAP program and how it related to the present application. She said that the SBAP Loan Committee reviewed and approved the application. Leon Boyd inquired about parking in the area. There was a brief discussion by the Board.

**MOTION BY DAVID GARTENSTEIN TO APPROVE A \$40,000 SMALL BUSINESS ASSISTANCE PROGRAM LOAN FOR ADVENTURE GROUP, INC. FOR DUO RESTAURANT AT 136 MAIN STREET, IN THE BROOKS HOUSE, WITH THE FOLLOWING TERMS: 10 YEARS/120 MONTHLY PAYMENTS; 3% INTEREST RATE COMPOUNDED MONTHLY; THE MONTHLY PAYMENT BEING \$386.24, DUE ON THE FIRST OF EACH MONTH, FOLLOWING 60 DAYS FROM THE DATE OF DISBURSEMENT. THE LOAN IS CONTINGENT ON THE FOLLOWING CONDITIONS: A LOAN FROM MESABI, INC. FOR LEASEHOLDER IMPROVEMENTS, NOT TO EXCEED \$310,000.00; A LOAN AND SECURITY AGREEMENT; A CORPORATE PROMISSORY NOTE AND UCC FINANCING STATEMENT WITH ADVENTURE RESTAURANT GROUP INC.; PERSONAL GUARANTEES FROM STEPHANIE BONNIN AND KEITH ARNOLD; AND, TERM LIFE INSURANCE POLICIES FOR STEPHANIE BONNIN AND KEITH ARNOLD ASSIGNED TO THE TOWN IN AN AMOUNT COVERING THE NOTE. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT).**

Additional Sidewalk Plowing – *East Side of Cedar Street to Myrtle Street, Traffic Safety Committee, Department of Public Works.* Gartenstein said that the Traffic Safety Committee voted at its last meeting to expand the sidewalk plowing route to include the sidewalk on the east side of Cedar Street from Western Avenue to Myrtle Street. He said that the Committee's recommendation was now before the Selectboard. Public Works Director Barrett and Highway/Utilities Superintendent O'Connell spoke about the request and the history of sidewalk plowing. O'Connell said that the request would add an additional 650 feet to the sidewalk plowing route and she discussed the impact to equipment, materials, and staff. She said that the sidewalk in that area was narrow and would be difficult to maintain efficiently and safely. Barrett said that over the years due to budget considerations the sidewalk plowing route, staff, and equipment had been reduced. He said that the current request was in response to an incident reported to the Traffic Safety Committee by a School Crossing Guard about a student that had slipped into the roadway off of the snow mounds along Cedar Street. Moreland discussed the cost, expense, and amount of time needed to plow sidewalks around town after a snow event. Gartenstein spoke of general concerns about the sidewalk plowing program and the icy and snowy condition of many sidewalks after the snowfall this winter. He also suggested that the Town and School District work together to clear sidewalks near schools. He said that the School District should be approached in order to discuss access to possible funding sources it may have as part of the Safe Routes to School Program.

Leon Boyd spoke of his inability to clear sidewalks near his house due to health concerns. He complimented Department of Public Works for their work in maintaining the streets and repairing potholes. He also spoke about his concerns of people climbing over the fence at St. Michael's Cemetery. Nancy Braus spoke about the icy sidewalk by Lawton Dry Cleaners on the corner of Elliot and Church Streets, and she inquired about fining the business for failure to clear the sidewalk. Moreland said that he would review the condition of that sidewalk.

There was much discussion by the Board about sidewalks along Cedar Street, the overall sidewalk plowing route, budget impacts, and reviewing the broader sidewalk plan to determine whether improvements could be made. The Board instructed Moreland to contact the School District Administration to begin a dialog about coordinating efforts, and to add the matter to a Selectboard agenda in the next month or two.

**NO ACTION TAKEN.**

Committee/Board Appointments - *Connecticut River Transit (CRT) Board of Directors, Town Service Officer.* Gartenstein said that the Board was asked to make appointments to the CRT Board and as Town Service Officer. He noted that interviews were conducted earlier in the evening and reviewed the nomination and voting procedure. He opened nominations for the Town Service Officer. O'Connor nominated Leon Boyd for the position.

**LEON BOYD WAS ELECTED AS TOWN SERVICE OFFICER BY A VOTE OF 4-0 (SCHOALES WAS NOT PRESENT).**

Gartenstein opened nominations for the Connecticut River Transit Board of Directors. Macomber nominated John Wilmerding.

**JOHN WILMERDING WAS ELECTED AS THE BRATTLEBORO REPRESENTATIVE ON THE CONNECTICUT RIVER TRANSIT BOARD OF DIRECTORS BY A VOTE OF 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).**

Holidays Observed - *Town Manager.* Gartenstein said that Nancy Braus submitted a request that the Town observe Martin Luther King (MLK) Day. Nancy Braus, a business owner in Town, was present and asked that the Town acknowledge MLK Day as a Town holiday. She said that annually she had to explain to out-of-state customers that the Town did not recognize it as a holiday, and she suggested that a progressive town such as Brattleboro should recognize the holiday and also recognize the non-White population in Town. She said she understood that the Board would not add another holiday for employees and proposed substituting Columbus Day, the day after Thanksgiving, or President's Day for MLK Day. Moreland spoke about the practical matter of administering the municipality with 160 employees, the diversity of operations of some departments that work around the clock, union contracts, and non-union employees. He also said that the holiday schedule was already weighted between November and February, adding a day in January would add to the imbalance, and the staff that he queried was opposed to changing the holiday schedule.

There was discussion by the Board about the importance of recognizing Martin Luther King, the complications of adding a holiday or substituting holidays, the importance of celebrating the meaning of the particular holiday, the need to negotiate a revised holiday schedule with union personnel, and finding a compromise. Executive Secretary Anderson suggested a compromise to include celebration of Martin Luther King and the many other people working for civil rights, women rights, equality, diversity, and inclusion by using an existing holiday and renaming it something similar to Inclusion Day or Diversity Day to celebrate all of the people working for human rights.

It was agreed by the Board to discuss the matter again in six to eight weeks, and suggested that Moreland make a recommendation to the Board in that timeframe to determine an appropriate way to transition.

**NO ACTION TAKEN.**

Warrants - *Assign Quarterly Responsibility.* Gartenstein said that Board members share the responsibility to sign warrants weekly. He suggested assigning each member a ten or eleven week rotation. Macomber agreed to take the first ten weeks, followed in order by Schoales, Allen, Gartenstein and O'Connor.

**NO ACTION TAKEN.**

Assignment of Motions – *Representative Town Meeting.* After a brief discussion, the Board agreed on the assignment of motions to be read at Representative Town Meeting on Saturday.

**NO ACTION TAKEN.**

Schedule Special Meeting – *Organizational Meeting, March 24, at \_\_\_\_pm.* Gartenstein said that new Board members needed to be sworn in at the Organizational Meeting on Monday, March 24. There was

a brief discussion about setting the time of the meeting. It was decided that the meeting would be scheduled at either 8:00am or 5:00pm, and the Board members would contact Executive Secretary Anderson with their schedules.

**NO ACTION TAKEN.**

Selectboard Goals – Schedule Meeting. The Board agreed to pass on this matter and schedule a special meeting in the future to discuss it.

**NO ACTION TAKEN.**

***CORRESPONDENCE AND MEETINGS***

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

There was no further business.

**MOTION BY JOHN ALLEN TO ADJOURN AT 8:25PM. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT).**

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David Schoales, Clerk