

**BRATTLEBORO SELECTBOARD  
TUESDAY, APRIL 1, 2014  
EXECUTIVE SESSION – 5:30PM  
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, Town Attorney Robert Fisher, Highway/Utilities Superintendent Hannah O'Connell, Wastewater Treatment Plant Operator Bruce Lawrence, Recreation & Parks Director Carol Lolatte, Planning Services Director Rod Francis, and Executive Secretary Jan Anderson.

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

Others present: Betsy Gentile, Marty Fitzgerald, Patty Fitzgerald, Elizabeth McLoughlin, Melissa Clark, Jeffrey P. Clark, Lester Humphreys, Michael Bosworth, Tad Montgomery, John Wilmerding, Paul Cameron, Ralph Meima, Lynn Russell, George Harvey, ASL Interpreters Janet Dickinson and Elizabeth Bjerke, BCTV staff and volunteers, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 5:32pm 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 CONTRACT MATTERS WHERE THE SELECTBOARD HAS CONCLUDED THAT PREMATURE PUBLIC KNOWLEDGE AND DISCLOSURE WOULD PUT THE MUNICIPALITY AT A SUBSTANTIAL DISADVANTAGE. INTERIM TOWN MANAGER PATRICK MORELAND, TOWN ATTORNEY BOB FISHER, HIGHWAY/UTILITIES SUPERINTENDENT HANNAH O'CONNELL, AND WASTEWATER TREATMENT PLANT OPERATOR BRUCE LAWRENCE WERE INVITED TO ATTEND. MOTION CARRIED 4-0 (O'CONNOR WAS NOT PRESENT).**

Chair Gartenstein reconvened the regular meeting at 6:18pm. The Board agreed to move Item I on the agenda (Representative Town Meeting Follow-Up) to the first item in the meeting after public participation.

***APPROVE MINUTES***

Gartenstein said that prior to the meeting Kate O'Connor requested changes to the March 26 minutes and the revisions were presented to the Board. He asked if other changes were requested.

**MOTION BY DAVID SCHOALES TO APPROVE THE MINUTES FROM MARCH 18, MARCH 24, AND REVISED MINUTES FROM MARCH 26, 2014. MOTION CARRIED 5-0.**

***CHAIR'S REMARKS***

Chair Gartenstein said that Board members traveled to Montpelier on March 26 and met with the Governor, President Pro Tem of the Senate, Speaker of the House, and representatives from the Agency of Commerce about funding and revenue, as well as issues and challenges faced by the Town because it is a regional economic hub. He said that they also discussed how the Town and surrounding communities may benefit from any Vermont Yankee settlement funds and be a party in the discussions about how the funds may be spent to further economic development in this region. He said that use of the VY settlement funds in the region was generally accepted by the State officials, but it appeared that further economic assistance from the State was not likely and discussions with other communities in similar situations to build coalitions for effective economic change would be another step.

Gartenstein announced that a petition had been filed earlier in the day seeking a referendum on the budget article from Representative Town Meeting, and the referendum would be discussed later in the meeting.

### **MANAGER'S COMMENTS**

None.

### **SELECTBOARD COMMENTS AND COMMITTEE REPORTS**

Gartenstein said that the Traffic Safety Committee met on Tuesday and the Committee considered a parking ban on Speno Court but voted it down. He said that sidewalk snowplowing and mandatory sidewalk snow removal for homeowners was discussed and those matters would be taken up by the Committee at a later date.

David Schoales said that a study of local economic hubs and tax issues was discussed at the Montpelier meeting, that the issue had been studied before, and that a local option sales tax was not accepted as a remedy for this town or for other towns along the river. He also thanked Senator Peter Galbraith for his efforts in connection with passage of a bill making it possible for multiple municipalities to use the landfill to install solar arrays.

### **PUBLIC PARTICIPATION**

Lynn Russell said that she supported the petition on the budget referendum and spoke at length about wanting to protect her children and grandchildren from poverty, runaway spending and rising taxes, and to keep the Town an affordable place to live. She said that the wealth in this town was centered around creativity, intelligence, and services.

John Wilmerding said that he signed the petition for the referendum because, although he was in support of the budget, the referendum acted as a political check and balance. He said that the current representative form of government was imperfect and he advocated for a Charter change to change the political structure toward a more democratic form of government. He also spoke about the move to a single payer health care system and his concerns around health care funding and the need for a trust to be established to keep administration of the funds in check.

At this time, the Board agreed to take up Item I on the agenda (Representative Town Meeting Follow-up).

Representative Town Meeting Follow Up – Discussion. Gartenstein said that today was the deadline for the filing of a petition for a referendum regarding decisions made at Representative Town Meeting. He said that 56 Town Meeting Members signed a petition for a referendum concerning the budget article (Article 19). He reviewed portions of the Charter governing filing of a petition, how a referendum would take place, and the scheduling of a special Town Meeting. He said that the Board would take the matter up at its special Selectboard meeting on Monday, 4/7 to call the special meeting, schedule a vote, and set an informational town meeting to educate the public prior to the vote. He said that preliminarily the Board was considering scheduling the informational town meeting on April 9, and a ballot vote on April 17. Moreland suggested that the polls be set up in the Selectboard meeting room. Gartenstein also said that at the Board's Organizational meeting on March 24, the Board briefly discussed concerns voiced at Representative Town Meeting about the cost of the Police-Fire Facilities project, and that the Board asked the Police-Fire Facility Building Committee to consider review of the project and look at ways to cut costs. Ralph Meima said that the week of April 14 was school break and asked that vote be scheduled at another time. John Wilmerding suggested that the Finance Committee be present at the Informational Town Meeting. It was noted that the Finance Committee had not been reconstituted at Representative Town Meeting.

### **NO ACTION TAKEN.**

### **HEALTH COMMISSIONERS**

Health Order – Susan Rockwell, 19 Elm Street. Gartenstein said that this matter had been removed from the agenda as the condition at the site had improved and was no longer in violation. The Board passed on the matter.

**NO ACTION TAKEN.**

***LIQUOR COMMISSIONERS***

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

Liquor & Tobacco Licenses – Annual Renewals. Gartenstein said that the Board was asked to approve another round of annual renewals of liquor and tobacco licenses. He read the list of businesses on the list. There was a brief discussion.

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

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

***NEW BUSINESS***

Skatepark Site Selection Committee – Update. Recreation & Parks Director Lolatte said that the Skatepark Site Selection Committee had been meeting regularly, working very diligently, and taking public comments and feedback about potential sites for a skatepark. She introduced members of the committee - Betsy Gentile, Chair, and Elizabeth McLoughlin, Vice Chair. Gentile said that the first task of the Committee was to define a list of criteria. She said that the Committee considered all site recommendations that could accommodate a 6500 square foot site, discussed all e-mails, and kept detailed records of all site decisions. She said that the Committee narrowed the list of potential sites from over fifty to a list of ten, which was given to the Board in their packets. Gentile said that the Committee would visit each site and weigh them against the criteria. She said that the Committee expected to report its findings to the Recreation & Parks Board on May 12 and then report to the Selectboard. She asked that the deadline to report to the Selectboard be extended from May to June 1. Jeff Clark, Chair of BASIC, said that he attended all of the Skatepark Site Selection Committee's meetings and complimented the Committee on their work. He asked that members of the public provide their input at this time, rather than after a decision had been made. John Wilmerding inquired about the list of the ten remaining sites. McLoughlin read the locations of the remaining sites. There was a brief discussion by the Board.

**MOTION BY DONNA MACOMBER TO EXTEND THE DATE FOR THE SKATEPARK SITE SELECTION COMMITTEE TO REPORT BACK TO THE SELECTBOARD TO JUNE 1. MOTION CARRIED 5-0.**

Cell Tower Application to the Public Service Board – Planning Services. Planning Director Francis said that the Board was asked to review and comment on an application from American Towers, working with Verizon Wireless, to the Public Service Board for a certificate of public good for a 100' cell tower on property with a street address of 416 Meadowbrook Road (not 426 as mentioned in the memo). He said that the Planning Commission had met to discuss the application and chose to write to the Public Service Board seeking a visual impact analysis because the proposed site fell within an identified Scenic Viewshed. He said that the Selectboard may also write to the Public Service Board requesting a visual impact analysis. There was a brief discussion by the Board.

**MOTION BY DAVID GARTENSTEIN THAT THE SELECTBOARD SUBMIT A LETTER SECONDING THE REQUEST OF THE PLANNING COMMISSION IN ASKING FOR A VISUAL IMPACT ANALYSIS OF THE SITE BASED ON THE IDENTIFICATION OF THE PROJECT AS LYING IN A SCENIC VIEWSHED. MOTION CARRIED 5-0.**

Award Bid – Cemetery Maintenance, Recreation & Parks. Recreation & Parks Director Lolatte said that an Invitation to Bid was recently issued for seasonal maintenance at Prospect Hill Cemetery and Morningside Cemetery. She said that three bids were received and she recommended that a contract be awarded to the low bidder, Turner & Renaud, for \$17,800. There was a brief discussion.

**MOTION BY KATE O’CONNOR TO AWARD A CONTRACT IN THE AMOUNT OF \$17,800 TO TURNER & RENAUD FOR SEASONAL MAINTENANCE OF PROSPECT HILL CEMETERY AND MORNINGSIDE CEMETERY. MOTION CARRIED 5-0.**

*Award Bid - West River Park Sewer Project, Recreation & Parks Department.* Recreation & Parks Director Lolatte said that a RFP was issued for the installation of a septic tank and pump station at West River Park. She said that ten bids were received and she recommended awarding the bid to the low bidder, A.S. Clark & Sons, for \$14,287. There was a brief discussion.

**MOTION BY DONNA MACOMBER TO APPROVE A CONTRACT IN THE AMOUNT OF \$14,287 TO A.S. CLARK & SONS FOR THE INSTALLATION OF A SEPTIC TANK AND PUMP STATION AT WEST RIVER PARK. MOTION CARRIED 5-0.**

*Additional Solar Energy Project – Energy Committee Request.* Paul Cameron, Energy Coordinator, and Lester Humphreys, Chair of Energy Committee, were present. Cameron provided an update to the net metering project previously approved by the Selectboard about a year ago. He said that the Town currently had billing capacity to accept a number of energy credits from additional 500 KW of solar generated electricity and he asked that the Town issue a RFP for one or more additional solar projects. He said that the Energy Committee received two proposals, and he reviewed proposed terms to be included in the RFP. Humphreys said that issuing a RFP would be a fact finding proposal to see what may be available in the present environment, and he reviewed current cost and political conditions around solar energy. George Harvey spoke in support of the project and moving away from fossil fuels. John Wilmerding spoke in favor of solar power and renewable energy sources. There was discussion by the Board about the previously approved project, current conditions, energy savings, and cost savings.

**MOTION BY DAVID SCHOALES THAT THE TOWN ISSUE A RFP FOR ONE OR MORE ADDITIONAL SOLAR ELECTRIC PROJECTS WITH THE ASSISTANCE OF THE ENERGY COMMITTEE BASED ON THE SPECIFICS PRESENTED BY THE ENERGY COMMITTEE.**

Gartenstein offered a friendly amendment to include that the RFP be in coordination with the Town Manager’s Office. Schoales accepted the friendly amendment.

**AMENDED MOTION BY DAVID SCHOALES THAT THE TOWN ISSUE A RFP FOR ONE OR MORE ADDITIONAL SOLAR ELECTRIC PROJECTS WITH THE ASSISTANCE OF THE ENERGY COMMITTEE BASED ON THE SPECIFICS PRESENTED BY THE ENERGY COMMITTEE AND IN COORDINATION WITH THE TOWN MANAGER’S OFFICE. MOTION CARRIED 5-0.**

*Annual Selectboard Assignments – Committees and Boards.* Gartenstein said that the Board was asked to make annual appointments of Selectboard members to several committees and boards. The following were nominated:

- Capital Grant Review Board – Kate O’Connor and David Gartenstein
- Police-Fire Facility Building Committee – John Allen as the Selectboard liaison
- Rental Housing Improvement Program (RHIP) – Donna Macomber
- Small Business Assistance Program Loan Committee (SBAP) – David Schoales
- Traffic Safety Committee – David Gartenstein
- Windham Solid Waste Management District (WSWMD) – David Schoales as Representative and John Allen as Alternate
- Windham Regional Commission – Rod Francis and Elizabeth McLoughlin

**GARTENSTEIN READ THE NOMINEES FOR EACH COMMITTEE/BOARD POSITION. THE NOMINEES WERE APPOINTED BY A VOTE OF 5-0.**

*Rules for Conduct of Meetings & Hearings – Discussion.* Gartenstein said that the Board was asked to determine its Rules for Conduct of Meetings and Hearings (Rules) for the upcoming year. There was a brief discussion and it was agreed to adopt the same Rules as were approved on April 2, 2013. He noted that the Rules include regular meeting times for the Selectboard on the first and third Tuesday of each month at 6:15pm. Moreland suggested that Item H, Criteria for Awarding Liquor License, be deleted

from the Rules because liquor criteria were now in the Code of Ordinances. There was a brief discussion.

**MOTION BY DAVID GARTENSTEIN TO APPROVE AND ADOPT THE RULES FOR CONDUCT OF MEETINGS AND HEARINGS IN A FORM IDENTICAL TO WHAT WAS APPROVED ON APRIL 2, 2013 WITH THE EXCEPTION OF STRIKING ALL OF SECTION H (CRITERIA FOR AWARDED A LIQUOR LICENSE). MOTION CARRIED 5-0.**

Selectboard Goals – Schedule Special Meeting. Gartenstein suggested that Board members provide their schedules for next week to Executive Secretary Anderson to schedule a special meeting to discuss goals.

**NO ACTION TAKEN.**

***CORRESPONDENCE AND MEETINGS***

Allen 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 7:55PM. MOTION CARRIED 5-0.**

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David Schoales, Clerk