

**BRATTLEBORO SELECTBOARD
TUESDAY, MAY 19, 2015
EXECUTIVE SESSION – 5:30PM
REGULAR MEETING – 6:15PM
MINUTES**

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

Staff present: Town Manager Peter B. Elwell, Town Attorney Michael McGillion, Assistant Town Manager Patrick Moreland, Finance Director John O'Connor, Public Works Director Steve Barrett, and Executive Secretary Jan Anderson.

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

Others present: James Banslaben, John Wilmerding, Darah Kehnemuyi, Tyler Maas, David Manning, Ivan Bruneau, Tom Costello, Peter Cooper, Kate Anderson, Hugh Keelan, Scot Borofsky, Gayle Weitz, Nick Biddle, 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 5:45pm in the Selectboard meeting room in the Municipal Center. He confirmed that the meeting was officially warned.

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS CONTRACTS, LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, PENDING OR PROBABLE CIVIL LITIGATION OR PROSECUTION TO WHICH THE PUBLIC BODY MAY BE A PARTY, AND CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATIONS MADE FOR THE PURPOSE OF PROVIDING PROFESSIONAL LEGAL SERVICES TO THE TOWN, WITH A FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE SELECTBOARD, THE TOWN, AND OTHER PEOPLE INVOLVED AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER, TOWN ATTORNEY AND THE PLANNING SERVICES DIRECTOR WERE INVITED. MOTION CARRIED 5-0.

Chair Gartenstein reconvened the meeting at 6:15pm.

APPROVE MINUTES

MOTION BY DAVID SCHOALES TO APPROVE THE MINUTES FROM APRIL 28 AND MAY 5, 2015 AS PRESENTED. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair Gartenstein noted that the Public Works Department had been working on numerous improvement projects over the last few weeks and he spoke briefly about several projects.

MANAGER'S COMMENTS

Town Manager Elwell noted that the northbound and southbound on-ramps at Exit 3 would be closed over the Memorial Day weekend and he discussed the possible impact on the traffic. There was a brief discussion by the Board.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Macomber said that she attended the firefighters' awards ceremony over the weekend which was deeply moving, and she thanked the firefighters on behalf of the Selectboard and the townspeople for their hard and dedicated work.

Schoales noted that the Union Street/Western Avenue intersection project was progressing and beginning to take shape. He said that the Windham Solid Waste Management District Board (WSWMD)

met last week and he reported there would be no changes in operations as the WSWMD geared up for the change of solid waste laws effective July 1. He also said that WSWMD was now selling compost.

Gartenstein said that the Regional Economic Hub Study Committee met for the first time last week and had a broad discussion about the economic activity in Brattleboro. He said that he looked forward to the work of that committee.

PUBLIC PARTICIPATION

Tom Costello spoke about several scheduled events over the Memorial Day weekend sponsored by the American Legion, including a celebration of the end of the Civil War and Vermonters' participation in the Civil War on Sunday May 24, and other Memorial Day services and events on Monday, May 25.

John Wilmerding announced that the Representative Town Meeting Finance Committee would meet on May 20 at 4:30pm at the Municipal Center.

David Manning, owner of a fish and chips shop on Elliot Street, spoke against the closure of the tunnel into the Harmony parking lot.

WATER AND SEWER COMMISSIONERS

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

FY16 Utilities Budget – *Approve*. Gartenstein said that the Board was asked to formally approve the FY16 utilities budget that had been tentatively approved by the Board on May 12. He reviewed details in the budget and spoke about the 2% increase in the water and sewer rates as set by ordinance. Public Works Director Barrett spoke about some of the utilities projects being undertaken. There was some discussion by the Board.

**MOTION OF KATE O'CONNOR TO APPROVE THE FY16 UTILITIES BUDGET AS PRESENTED.
MOTION CARRIED 5-0.**

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

NEW BUSINESS

FY16 Budgets – *Approve*

(1) *Parking*

(2) *Solid Waste*.

Gartenstein said that the Board was asked to approve the FY16 parking budget and FY16 solid waste budget. Elwell said that the parking budget was an \$840,000 operation, and the FY16 budget was essentially level-funded in that it contained an increase of slightly less than 1%. He reviewed some of the aspects of the budget and capital parking projects, as well as the proposal to establish an operational fund in the FY17 budget for maintenance of the transportation center and other parking projects. Allen said that he heard several requests to eliminate parking collection in Town. There was some discussion by the Board.

**MOTION BY DONNA MACOMBER TO APPROVE THE FY16 PARKING BUDGET AS PRESENTED.
MOTION CARRIED 5-0.**

Elwell said that the Board discussed and tentatively approved the FY16 solid waste budget of \$941,500 at the May 12 Selectboard meeting. He briefly reviewed the proposed budget. Gartenstein reminded residents that in order to comply with the new State law, effective June 29 residents would have to purchase special trash bags in order to have their trash picked up curbside. There was some discussion by the Board.

**MOTION BY JOHN ALLEN TO APPROVE THE FY16 SOLID WASTE BUDGET AS PRESENTED.
MOTION CARRIED 5-0.**

Financial Report – Monthly Report for April, Finance Department. Finance Director John O'Connor reviewed and discussed the April 2015 financial report. There was some discussion by the Board.

NO ACTION TAKEN.

Rescue, Inc. – Approval of Annual Contract. Gartenstein said that the Board was asked to approve the contract with Rescue, Inc. Elwell said that FY16 contract for emergency services by Rescue, Inc., was in the amount of \$203,335.12. Darah Kehnemuyi spoke in favor of approving the budget. There was some discussion by the Board about the budget, the formula by which the amount was determined, and services provided by Rescue, Inc.

MOTION BY DONNA MACOMBER TO APPROVE (AND AUTHORIZE THE TOWN MANAGER TO SIGN) AN AGREEMENT WITH RESCUE INC., FOR FY16 IN THE AMOUNT OF \$203,335.12 FOR EMERGENCY MEDICAL SERVICES. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).

Brattleboro Area Affordable Housing – Apartments in Homes Program. Gartenstein said that the Board was asked to approve continued support for the Brattleboro Area Affordable Housing (BAAH) Apartments in Homes program (AIH). Representatives from BAAH, Tyler Maas, Darah Kehnemuyi, and Peter Cooper, were present and discussed the BAAH program. Maas said that the program provided assistance for technical and design support to homeowners in order to establish small apartments inside pre-existing homes. He said that a homeowner could receive a grant of up to \$4,000 (\$3,000 per unit from the Town and \$1,000 from BAAH) to assist with the cost of constructing a separate living unit within their home. He said that the AIH program created affordable rental units in Town, helped provide income for homeowners, and increased the value of the homes and consequently the Town's tax base. He said that historically the Town contributed \$27,000 from the Program Income to assist homeowners build nine units over a three-year period, and he requested \$27,000 for the next three years. Elwell said that the funds would come from the Town Program Income Fund. Kehnemuyi spoke about other services and programs provided by BAAH. John Wilmerding inquired whether funds could be used for rehabilitation. There was some discussion by the Board.

MOTION BY KATE O'CONNOR TO APPROVE A GRANT OF \$27,000 FROM PROGRAM INCOME TO BE PAID TO BRATTLEBORO AREA AFFORDABLE HOUSING BETWEEN JULY 1, 2015, AND JUNE 30, 2018, FOR CREATION OF NINE NEW APARTMENTS IN EXISTING SINGLE FAMILY HOMES.

Peter Cooper noted that the motion provided that funds would be transferred from the Town to BAAH, but the procedure was that upon completion of the apartment the homeowner would receive \$3,000 directly from the Town, not from BAAH. There was a brief discussion. Gartenstein suggested, and O'Connor accepted, a friendly amendment to the motion.

AMENDED MOTION BY KATE O'CONNOR TO APPROVE A TOTAL GRANT OF \$27,000 FROM PROGRAM INCOME TO BE PAID TO HOMEOWNERS IN CONNECTION WITH BRATTLEBORO AREA AFFORDABLE HOUSING'S NEW APARTMENTS IN HOMES PROGRAM BETWEEN JULY 1, 2015 AND JUNE 30, 2018. MOTION CARRIED 5-0.

Town Plan Amendment – First Public Hearing, Planning Department. Gartenstein said that the Board was asked to hold a first public hearing on an amendment to the Town Plan.

Gartenstein opened the public hearing. Planning Director Francis said that since the adoption of the Town Plan in 2013, the State legislature passed Act 59 which contained additional requirements to the Town Plan for downtown and village center designations. He said that maps showing the boundaries of the designated downtown area and West Brattleboro village center and some specific language regarding downtown and village center programs must be included in the Town Plan. He said that the village designation for West Brattleboro would expire in July, 2015, and the Town Plan must be amended to be consistent with State statute prior to renewing the village designation. There was a brief discussion by the Board about the proposed amendments and the process. There was no public comment.

Gartenstein closed the public hearing.

NO ACTION TAKEN.

VLCT 2015 PACIF Equipment Grant – Accept and Appropriate Grant. Elwell said that the Board was asked to accept and appropriate the sum of \$1,732.14 from the Vermont League of Cities and Towns 2015 PACIF Equipment Grant for safety equipment. There was no discussion by the Board.

MOTION BY DAVID SCHOALES TO ACCEPT AND APPROPRIATE THE SUM OF \$1,732.14 FROM THE VERMONT LEAGUE OF CITIES AND TOWNS 2015 PACIF EQUIPMENT GRANT FOR SAFETY EQUIPMENT. MOTION CARRIED 5-0.

Town Committees and Boards - Announce Vacancies. Gartenstein said that the Board was asked to announce vacancies on various Town committees and boards. Allen read the list of committees with vacancies. Gartenstein said that the list of vacancies would be published in the Reformer and provided to other media outlets. John Wilmerding appealed to the public to volunteer for the Arts Committee. Scot Borofsky provided his comment and opinion about the Arts Committee and the permit process to display public art. Kate Anderson spoke in support of the work of the Arts Committee. Executive Secretary Anderson asked that people interested in serving on any committee or board submit applications to the Town Manager's office soon because it was expected that the Selectboard would make committee/board appointments at the June 16 and July 7 Selectboard meetings.

NO ACTION TAKEN.

Our Town Grant - Discussion. Gartenstein said that the Board was asked to consider the current status of the National Endowment for the Arts (NEA) "Our Town Grant" and to provide direction and/or appropriate further action. He recognized the importance of art within the community and discussed the history of the Town Arts Committee, reviewed its mission statement, and discussed contributions made by the committee. He also discussed the NEA grant that had been awarded to the Town and the requirements of the grant, including three articulated tracts - mapping cultural assets, engaging in public dialog, and the culmination of an arts project(s). He said that several people and entities had been involved in the grant project. He said that due to a breakdown in process and disagreements among the parties on how to move forward with the final tract of the grant, the Board decided to hold a public discussion and possibly make a determination on how to proceed with the grant. He said that the grant deadline had been extended once and currently was set to expire on July 30, 2015, but no apparent progress had been made toward the culmination of the final art project. Macomber, the Selectboard liaison to the Arts Committee, read the vision statement of the Arts Committee and discussed past involvement by the Arts Committee. She said that the grant project provided inspiration but that several challenges, difficulties, and misunderstandings around the project had evolved. Gartenstein added that working through Tracts 1 and 2 of the grant had clear value, but said it was unclear whether Tract 3 could be completed on-time or at all. He asked for comment by anyone interested or involved in the project. Scott Borofsky, Hugh Keelan, John Wilmerding, Gayle Weitz, Kate Anderson, and Nick Biddle provided their in-depth comments, opinions and perspectives. There was much discussion by the Board about the grant, available funds, and obvious breakdowns and discourse among the parties. The Board agreed to add the matter to the June 2 Selectboard agenda and suggested that the individuals involved in the grant project find a shared vision and commitment on how to proceed, and then to bring a proposal to the Board for consideration at the June 2 meeting.

NO ACTION TAKEN.

There was no further business.

MOTION BY DAVID SCHOALES TO ADJOURN AT 9:45PM. MOTION CARRIED 5-0.

David Schoales, Clerk