

**BRATTLEBORO SELECTBOARD
TUESDAY, MAY 20, 2014
EXECUTIVE SESSION – 6:00PM
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, Fire Chief Mike Bucossi, Assistant Fire Chief Peter Lynch, Police Chief Gene Wrinn, Police Captain Mike Fitzgerald, Recreation & Parks Director Carol Lolatte, Town Clerk Annette Cappy, Public Works Director Steve Barrett, Grants Manager Kim Ellison, Town Attorney Robert Fisher, and other people who did not sign the attendance sheet, and Executive Secretary Jan Anderson.

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

Others present: Kelli Corbeil, Steve Cormier, Paul Cameron, Terry A. Carter, Kurt Daims, Jason Cooper, Allara Jacobs, Adrasteia Andrews, Kim Ellison, Dora Bouboulis, Stephanie Larson, Leslie Shaw, 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 6:00pm 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, CONTRACT, AND LITIGATION MATTERS WHERE THE SELECTBOARD HAS CONCLUDED THAT PREMATURE PUBLIC KNOWLEDGE AND DISCLOSURE WOULD PUT THE MUNICIPALITY AT A SUBSTANTIAL DISADVANTAGE. THE INTERIM TOWN MANAGER, PUBLIC WORKS DIRECTOR, AND TOWN ATTORNEY WERE INVITED TO ATTEND VARIOUS PORTIONS OF THE SESSION. MOTION CARRIED 5-0.

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

APPROVE MINUTES

MOTION BY DAVID SCHOALES TO APPROVE THE MINUTES FROM MAY 1, MAY 5, AND MAY 6, 2014 AS PRESENTED. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair Gartenstein said that it has been a vibrant time in the political and municipal life in Brattleboro, and he thanked the citizens for the many discussions and deliberations over the past few weeks relating to the budget and other priorities addressed by the Board. He said that a revised budget would be presented to Special Representative Town Meeting on June 2. He announced that an Informational Meeting about the budget had been scheduled on Tuesday, May 27, at 6:30pm at Academy School. He said that the revised budget and a list of changes to the previous budget would be made available at the informational meeting. Gartenstein provided an update to the Town Manager search and said that the Board interviewed six candidates last week, all with a wide range of experience. He said that two finalists were selected and second round interviews with the Board, a citizen committee, and staff members were scheduled later this week. He expected to announce a decision in two or three weeks.

MANAGER'S COMMENTS

None.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

Schoales said that it was recently announced in Montpelier that \$2.5 million was available in clean energy grants through the Energy Development Fund. He also said that the Windham Solid Waste Management District had applied for funds to build an anaerobic digester, and that money may be available to towns through the Fund and the Department of Agriculture to fund heat pump retrofits. He also announced that Vermont was number 1 in the country per capita in solar employment.

PUBLIC PARTICIPATION

Terry Carter endorsed Patrick Moreland for the position of Town Manager, and she provided a written statement.

Dick DeGray appealed for contributions for flower and other beautification projects around town, including flowers at Exit One, the Citizens' Bridge, downtown, and other areas. He thanked the Public Works Department and Recreation & Parks Department for their support.

Kurt Daims spoke of the Police-Fire renovation project and suggested that the oversight committee consider solutions to some of the safety concerns from sources other than architects and engineers.

LIQUOR COMMISSIONERS

MOTION BY DONNA MACOMBER TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.

Special Event Permit – *Vermont Distiller's Inc., Strolling of the Heifers Friday Night Event, June 6.*

Gartenstein said that the Board was asked to approve a special event permit for Vermont Distillers Inc. Moreland said that the special event was part of the annual Strolling of the Heifers Friday Night Event to be held on June 6 at the Robert H. Gibson River Garden between the hours of 5:00pm and 9:00 pm. There was a brief discussion by the Board.

MOTION BY KATE O'CONNOR TO APPROVE A SPECIAL EVENT PERMIT FOR VERMONT DISTILLERS, INC., FOR FRIDAY, JUNE 6, AT THE ROBERT H. GIBSON RIVER GARDEN, BETWEEN THE HOURS OF 5:00PM AND 9:00PM. MOTION CARRIED 5-0.

Special Event Permit – *Saxtons River Distillery LLC, Strolling of the Heifers Friday Night Event, June 6.*

Gartenstein said that the Board was asked to approve a special event permit for Saxtons River Distillery LLC. Moreland said that the special event was part of the annual Strolling of the Heifers Friday Night Event to be held on June 6 at the Robert H. Gibson River Garden between the hours of 5:00pm and 9:00 pm. There was some discussion by the Board, including the amount of permits that had been approved for the same event.

MOTION BY DONNA MACOMBER TO APPROVE A SPECIAL EVENT PERMIT FOR SAXTONS RIVER DISTILLERY, LLC, FOR FRIDAY, JUNE 6, AT THE ROBERT H. GIBSON RIVER GARDEN, BETWEEN THE HOURS OF 5:00PM AND 9:00PM. MOTION CARRIED 5-0.

Festival Permit – *Four Seasons Media, Inc. d/b/a Brattleboro Brewers Festival.* Gartenstein said that the Board was asked to approve a festival permit for Four Seasons Media, Inc. d/b/a Brattleboro Brewers Festival. Kate O'Connor said that her employer, Brattleboro Area Chamber of Commerce, was working with WTSA on the event so she recused herself from the discussion and removed herself from the Board table. Kelli Corbeil, Steve Cormier, and Stephanie Larson, all from WTSA, were present and discussed the event. Corbeil said that the annual Brewer's Festival was scheduled on June 21 at the Vermont Agricultural Business Education Center on Old Guilford Road between the hours of 12:30 and 4:30pm. There was some discussion by the Board.

MOTION BY JOHN ALLEN TO APPROVE A FESTIVAL PERMIT FOR FOUR SEASONS MEDIA, D/B/A BRATTLEBORO BREWERS FESTIVAL, FOR SATURDAY, JUNE 21, AT THE VERMONT AGRICULTURAL BUSINESS EDUCATION CENTER ON OLD GUILFORD ROAD BETWEEN THE HOURS OF 12:30 AND 4:30PM. MOTION CARRIED 4-0 (O'CONNOR RECUSED HERSELF).

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

NEW BUSINESS

Financial Report – Monthly Financial Report. Finance Director John O'Connor discussed the financial report for the month of April that had been provided to the Board. He said that he included a new report, entitled General Fund Fiscal Year 2014 Year-end Forecast as of 5-15-2014, and he discussed the report. There was some discussion by the Board about the financial report, the general fund projection report, and the overall budget.

NO ACTION TAKEN.

FY15 Budget – Approve. Gartenstein said that the Board was asked to approve the FY15 budget for presentation to Representative Town Meeting on June 2. He said that as a result of a series of meetings over the past weeks, many changes and reductions had been made to the proposed budget and that the proposed municipal tax increase would decrease from \$0.085 to about \$0.05. There was public comment on the matter. There was much discussion by the Board. Allen restated his ongoing opinion that funds from the unassigned fund balance should be applied to the general fund in order to defray expenses. There was substantial further discussion by the Board. Schoales said that the Town Meeting Representatives should now take responsibility for the budget, so he would abstain from further discussions about amending the budget.

MOTION BY JOHN ALLEN TO REFLECT IN THE FINAL BUDGET THE APPLICATION OF \$200,000 FROM THE UNASSIGNED FUND BALANCE TO DEFRAY EXPENSES IN FY15. MOTION CARRIED 4-0 (SCHOALES ABSTAINED).

There was no further discussion about the budget. Gartenstein said that the budget would be reviewed at the Informational Meeting on May 27 and voted on at Representative Town Meeting on June 2.

MOTION BY DAVID GARTENSTEIN TO APPROVE THE FY15 BUDGET AS PRESENTED AND AMENDED. MOTION CARRIED 5-0.

Pay As You Throw (PAYT) Advisory Committee – Town Manager. Moreland said that the Board previously suggested forming an advisory committee/working group in order to develop and implement a plan to bring the solid waste collection in compliance with Act 148 by July 1, 2015. He presented a suggested charge of the advisory committee/working group to the Board. Gartenstein read the proposed charge, being "The Pay-As-You-Throw (PAYT) advisory committee/working group will be composed of five members, Peter Gaskill (from TTT Trucking), Bob Spencer (from Windham Solid Waste Management District), Moss Kahler (consultant), and two other members of the public chosen by the Selectboard. The committee will be staffed by the Finance Director and the Town Manager, or his designee. Together they will develop a plan for implementation of a unit based pricing for solid waste that conforms to the requirements of Act 148." O'Connor suggested adding a timeline for the committee to report back to the Selectboard. Gartenstein suggested that the committee report to the Selectboard at least every 60 days. Dora Bouboulis suggested creating a true citizen committee with consultation by experts, and not creating such a hand-chosen committee. There were suggestions by Moreland and discussion by the Board. The Board directed that the committee opening be posted and applications for the committee to be received by May 29, with interviews, if required, on June 2 preceding the regular Selectboard meeting.

MOTION BY DAVID GARTENSTEIN TO CREATE THE ADVISORY COMMITTEE/WORKING GROUP AS PROPOSED AND TO REPORT BACK TO THE SELECTBOARD AT LEAST EVERY 60 DAYS. MOTION CARRIED 5-0.

Rental Housing Improvement Program (RHIP) Loan - Leslie Shaw. Gartenstein said that the Board was asked to approve a \$25,000 Rental Housing Improvement Program (RHIP) loan for Leslie Shaw. Grants Manager Kim Ellison and loan applicant Leslie Shaw were present and discussed the RHIP loan program and the purpose of the loan. There was some discussion by the Board.

MOTION BY DONNA MACOMBER TO APPROVE A \$25,000 RENTAL HOUSING IMPROVEMENT PROGRAM LOAN FOR LESLIE SHAW OF 749 UPPER DUMMERSTON ROAD, WITH THE FOLLOWING TERMS: 10 YEARS/120 MONTHLY PAYMENTS; 3% INTEREST RATE COMPOUNDED MONTHLY; THE MONTHLY PAYMENT BEING \$241.40, 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 AND SECURITY AGREEMENT; AN INDIVIDUAL PROMISSORY NOTE, A PERSONAL GUARANTEE, AND A MORTGAGE DEED ON THE SUBJECT PROPERTY. MOTION CARRIED 5-0.

Accept and Appropriate Grant – LSTA Resources Sharing Supplemental Grant, Brooks Memorial Library. Moreland said that the Board was asked to accept and appropriate a Library Services Technical Assistance (LSTA) Resources Sharing Supplemental Grant in the amount of \$2,212 from the Vermont Department of Libraries. He said that the funds would be used to support resource sharing activities, including digital collection development. There was no discussion.

MOTION BY DAVID SCHOALES TO ACCEPT AND APPROPRIATE A GRANT IN THE AMOUNT OF \$2,212 FROM THE VERMONT DEPARTMENT OF LIBRARIES TO SUPPORT RESOURCE SHARING ACTIVITIES INCLUDING DIGITAL COLLECTION DEVELOPMENT. MOTION CARRIED 5-0.

Accept and Appropriate Grant Electric Vehicle Charging Station Grant, Planning Services. Gartenstein said that the Board was asked to accept and appropriate a VT Downtown Program Grant in the amount of \$10,500 from the Agency of Commerce & Community Development. Paul Cameron, Town Energy Coordinator, and Jason Cooper, member of the Energy Committee, were present and discussed the grant and electric vehicle charging stations. Moreland added that discussions were taking place about a method to collect for electricity usage. There was some discussion by the Board.

MOTION BY DAVID SCHOALES TO ACCEPT AND APPROPRIATE A GRANT IN THE AMOUNT OF \$10,500 FROM THE VERMONT DOWNTOWN PROGRAM TO SUPPORT THE INSTALLATION OF TWO ELECTRIC VEHICLE CHARGING STATIONS AT THE BRATTLEBORO TRANSPORTATION CENTER. MOTION CARRIED 5-0.

CORRESPONDENCE AND MEETINGS

Gartenstein read the dates and times of Town committee meetings and other upcoming events. He announced that the Board would enter into executive session to discuss personnel and litigation matters, and that it would not take up any further business after the session.

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL AND LITIGATION MATTERS WHERE THE SELECTBOARD HAS CONCLUDED THAT PREMATURE PUBLIC KNOWLEDGE AND DISCLOSURE WOULD PUT THE MUNICIPALITY AT A SUBSTANTIAL DISADVANTAGE. THE INTERIM TOWN MANAGER WAS INVITED TO ATTEND A PORTION OF THE SESSION. MOTION CARRIED 5-0.

Gartenstein reconvened the meeting at 8:15pm. There was no further business.

MOTION BY JOHN ALLEN TO ADJOURN AT 8:15PM. MOTION CARRIED 5-0.

David Schoales, Clerk