

**BRATTLEBORO SELECTBOARD  
TUESDAY, JULY 1, 2014  
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, Town Assessor Russell Rice, Public Works Director Steve Barrett, Highway/Utilities Superintendent Hannah O'Connell, Planning Director Rod Francis, Recreation & Parks Director Carol Lolatte, Town Clerk Annette Cappy, and Executive Secretary Jan Anderson.

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

Others present: James Banslaben, Les Montgomery, Kate Anderson, Melissa Clark, Jeff Clark, Jim Esden, Adrasteia K. Andrews, Jane [signature unclear], Ken Vitale, Patricia Fitzgerald, Marty Fitzgerald, Ann Wright-Parsons, Bonnie E. Carr, Elizabeth Gentile, Tom Robertson, Simrin Socci, Cassandra Holloway, Dan Sontag, Claudia Fanto, Marge Guthrie, Scott Dixon, Bob Everingham, Anne Brinton, Tad Montgomery, Elizabeth McLoughlin, Jane Sontag, Fric Spruyt, Barry Lane, Steve Sontag, Jim Latchis, Wendy Creager, ASL Interpreters Elizabeth Bjerke and Janet Dickinson, BCTV staff and volunteers, and others who did not sign the attendance sheet.

Acting Chair Kate O'Connor called the meeting to order at 6:20pm in the Selectboard meeting room. She confirmed that the meeting was properly warned.

***APPROVE MINUTES***

**MOTION BY JOHN ALLEN TO APPROVE THE MINUTES FROM JUNE 17 AND JUNE 24, 2014.  
MOTION CARRIED 5-0.**

***CHAIR'S REMARKS***

Acting Chair O'Connor welcomed David Gartenstein back to the Board after his recent bicycle accident. She said that she would chair the meeting while he was recuperating.

***MANAGER'S COMMENTS***

Interim Town Manager Moreland expressed condolences to the family of Fran Duggan after her recent passing, including Fran's sister-in-law Cheryl Duggan from Parking Enforcement.

***SELECTBOARD COMMENTS AND COMMITTEE REPORTS***

John Allen expressed condolences to the family of Jesse Corum who recently passed away.

Dave Schoales said that he was grateful that Gartenstein was back and able to participate with the Board. Schoales also said that Windham Solid Waste Management District was one of four winners of a \$45,000 grant that was awarded to work with area schools on recycling and composting programs.

David Gartenstein said that he was grateful to be back after his bicycle accident, and he thanked everyone for their thoughts and kind words. He thanked Howard Weiss-Tisman who assisted him after the accident and was instrumental in his recovery.

***PUBLIC PARTICIPATION***

Cassandra Holloway, from Brattleboro Area Prevention Coalition, provided the Board and public with information about best practices for alcohol sales at community events and around the planning of events.

## **NEW BUSINESS**

Set Tax Rate – FY15 Property Taxes. Finance Director O'Connor and Town Assessor Rice were present. John O'Connor reviewed the information on a memo provided to the Board and said that the Board was asked to approve the municipal tax rate, the Tri-Park special assessment, and to ratify the education rates for homestead and non-residential properties. He said that the Downtown Improvement District (DID) grand list was not able to be reconciled at this time and asked that the Board schedule a special meeting next week in order to set the DID tax rate. Rice explained the difference between the homestead and non-residential rates. There was a brief discussion by the Board.

**MOTION BY DAVID GARTENSTEIN TO APPROVE A MUNICIPAL TAX RATE OF \$1.1655 PER \$100.00 OF ASSESSED VALUATION FOR GENERAL FUND OPERATIONS, AN ADDITIONAL \$6.8155 PER \$100.00 OF ASSESSED VALUATION FOR THE TRI-PARK SPECIAL ASSESSMENT, AND TO RATIFY THE STATE MANDATED EDUCATION RATES AT \$1.6501 PER \$100.00 OF ASSESSED VALUATION FOR HOMESTEAD PROPERTIES AND \$1.5070 PER \$100.00 OF ASSESSED VALUATION FOR NON-RESIDENTIAL PROPERTIES FOR THE 2015 FISCAL YEAR. MOTION CARRIED 5-0.**

Skatepark Site Selection – Recommendation from Recreation and Parks Board and Skatepark Site Selection Committee. Kate O'Connor reviewed the history of the Skatepark Site Selection Committee and said that it had been charged with identifying and evaluating possible sites for a skatepark. Recreation & Parks Director Lolatte said that the Committee made recommendations to the Recreation & Parks Board, that the Committee's recommendations were endorsed by the Recreation & Parks Board, and the Board and Committee were present to provide the recommendation to the Selectboard. Betsy Gentile and Elizabeth McLoughlin, Chair and Vice Chair of the Skatepark Site Selection Committee, were present. Gentile said that the "Executive Summary" and "pros and cons of the top four locations" were provided to the Selectboard in its packet. They discussed the Committee's recommendations, the process used by the Committee in making its recommendations, and sites included and excluded from consideration. Jane Sontag, Jeff Clark, Anne Brinton, Scott [no last name provided], Ann Wright-Parsons, Dan Sontag (member of the Skatepark Site Selection Committee), Les Montgomery, Fric Spruyt, Barry Lane, Steve Sontag, Jim Latchis, and Wendy Creager shared their opinions on the matter. There was a very lengthy discussion. It was agreed that the Selectboard would view all four suggested sites, get additional information about the impact on the parking system, and hold another meeting with public comment prior to making a decision.

## **NO ACTION TAKEN.**

Emerald Ash Borer – Highway/Utilities Superintendent O'Connell, Bob Everingham (from the Tree Advisory Committee), Jim Esden (from Vermont Department of Forests, Parks, and Recreation), and Dan Adams (Tree Warden) were present. O'Connell said that last year University of Vermont (UVM) and the US Forest Service awarded a grant to the Tree Advisory Committee to develop an Emerald Ash Borer Preparedness Plan for the Town. Everingham and Esden discussed the Emerald Ash Borer, regional and national infestation by the insect on ash trees, treatment and prevention, and local trees of concern. Adams suggested identifying important trees to focus on and apply prevention measures. Tad Montgomery and Howard Weiss-Tisman inquired about treatments. The Board generally agreed to support preventative efforts and invited concrete proposals.

## **NO ACTION TAKEN.**

Union Hill / Western Avenue Safety Improvements – Approval of Engineering Plans, Department of Public Works. Public Works Director Barrett and Highway/Utilities Superintendent O'Connell were present and said that the Board was asked to approve the plans for improvements to the Union Hill/Western Avenue safety improvements. O'Connell provided a PowerPoint presentation with safety concerns at the intersection, past efforts to improve the intersection, the current proposal for improvements, and requirements of the VTrans grant awarded to the Town for engineering and construction costs of the improvements. She said that the project was currently in the preconstruction design phase and reviewed details of the improvements which had been endorsed by the Traffic Safety Committee. O'Connell and Barrett provided and discussed plans provided by Holden Engineering with existing conditions and

proposed changes, and they answered many questions posed by the Board. There was a very lengthy discussion.

**MOTION BY DAVID GARTENSTEIN TO APPROVE THE PREFERRED ALTERNATIVE DESIGN FOR THE RECONSTRUCTION OF THE INTERSECTION OF UNION HILL AND WESTERN AVENUE. MOTION CARRIED 4-0 (SCHOALES PREVIOUSLY LEFT THE MEETING AND WAS NOT PRESENT FOR THE VOTE).**

VTrans Annual Financial Plan (Town Highways) and Certification of Compliance for Town Road and Bridge Standards – Department of Public Works. Public Works Director Barrett said that the Board was asked to approve the Vermont Annual Financial Plan for town highways. He reviewed the Plan and said that the Plan was delayed this year due to the delay in adopting the FY15 budget. There was a brief discussion.

**MOTION BY JOHN ALLEN TO APPROVE THE FY15 FINANCIAL PLAN FOR TOWN HIGHWAYS. MOTION CARRIED 4-0 (SCHOALES PREVIOUSLY LEFT THE MEETING AND WAS NOT PRESENT FOR THE VOTE).**

Barrett said that the Board was also asked to review and certify compliance with the Town Road & Bridge Standards. There was no discussion.

**MOTION BY JOHN ALLEN TO APPROVE THE ANNUAL CERTIFICATION OF COMPLIANCE WITH TOWN ROAD AND BRIDGE STANDARDS. MOTION CARRIED 4-0 (SCHOALES PREVIOUSLY LEFT THE MEETING AND WAS NOT PRESENT FOR THE VOTE).**

Award Bid - FY15 Summer Paving Project, Department of Public Works. Public Works Director Barrett said that the Board was asked to award the bid for the summer paving project to the low bidder, Lane Construction who submitted a bid in the amount of \$ 164,922.90. He said that the roads on the list for paving this summer were Fairground Road, Chapin Street, Grove Street, Birge Street, Guilford Street, and Cottonmill Hill. There was a brief discussion.

**MOTION BY DONNA MACOMBER TO AUTHORIZE THE INTERIM TOWN MANAGER, ON BEHALF OF THE TOWN OF BRATTLEBORO, TO ENTER INTO A CONTRACT WITH LANE CONSTRUCTION OF NORTHFIELD, MASSACHUSETTS IN THE AMOUNT OF \$164,922.90, FOR FY15 CAPITAL PAVING. MOTION CARRIED 4-0 (SCHOALES PREVIOUSLY LEFT THE MEETING AND WAS NOT PRESENT FOR THE VOTE).**

Award Bid – Heating Fuel for FY15, Finance Department. Finance Director John O’Connor said that the Board was asked to approve a contract for prepaid heating fuel. He said that the Town and Windham Southeast Supervisory Union jointly put out a bid for heating oil for FY15 and that the Town’s portion was for 82,000 gallons of fuel oil. He recommended that the bid be awarded to the low bidder, Discount Oil of Keene, New Hampshire. There was a brief discussion.

**MOTION BY JOHN ALLEN TO AUTHORIZE THE INTERIM TOWN MANAGER, ON BEHALF OF THE TOWN OF BRATTLEBORO, TO ENTER INTO A PREPAID FUEL OIL CONTRACT WITH DISCOUNT OIL FOR 82,000 GALLONS OF #2 HEATING FUEL FOR THE PERIOD 7-1-14 TO 6-30-15. MOTION CARRIED 4-0 (SCHOALES PREVIOUSLY LEFT THE MEETING AND WAS NOT PRESENT FOR THE VOTE).**

NEA - Our Town Grant – Update, Planning Services. Planning Director Francis and Kate Anderson (from the Arts Committee) were present and discussed the CoreArts Project and National Endowment for the Arts (NEA) Our Town Grant, as more fully described in the memo from Francis provided in the Board’s packets. Francis discussed the three tracks of the project – Track 1, Cultural Asset Mapping; Track II, Cultural District Planning; and Track III, Public Art Project. He said that the project was now entering Track III and the group was looking toward developing a public art placemaker. There was some discussion by the Board.

**NO ACTION TAKEN.**

Staffing Level Review – Program Coordinator, Recreation and Parks Department. Moreland said that the Program Coordinator in the Recreation & Parks Department tendered his resignation effective in August. Moreland provided the Board with an overview of the staff in the department and said that the position would be advertised. Recreation and Parks Director Lolatte described the responsibilities of the Program Coordinator and the many programs that the Program Coordinator oversaw. She also described the upcoming parade and other events scheduled for the July 4 holiday. There was a brief discussion by the Board.

**NO ACTION TAKEN.**

Staffing level Review – Town Clerk’s Office. Moreland said that a position in the Town Clerk’s office was open and that the position would soon be advertised. He provided a brief overview of the staff and responsibilities in that office. Town Clerk Cappy discussed the reduction in recording of land records in the past two years and said that the position could be managed by part-time personnel working 25 hours per week. There was a brief discussion by the Board.

**NO ACTION TAKEN.**

Accept and Appropriate Grant – Community Justice Center Grant for FY15 and FY16, Brattleboro Community Justice Center. Moreland said that the Board was asked to accept and appropriate a grant in the amount of \$290,000 from the Vermont Department of Corrections for the FY15 and FY16 operating support for the Brattleboro Community Justice Center. There was a brief discussion.

**MOTION BY DAVID GARTENSTEIN TO ACCEPT AND APPROPRIATE A GRANT IN THE AMOUNT OF \$290,000 FROM THE VERMONT DEPARTMENT OF CORRECTIONS FOR OPERATING SUPPORT FOR THE BRATTLEBORO COMMUNITY JUSTICE CENTER. MOTION CARRIED 4-0 (SCHOALES PREVIOUSLY LEFT THE MEETING AND WAS NOT PRESENT FOR THE VOTE).**

Vermont Agency of Commerce and Community Development (ACCD) and Vermont Economic Development Authority (VEDA) – Entergy Vermont Yankee Funds, Discussion. Gartenstein said that he asked for the matter be added to the agenda for a discussion by the Board about whether the Town would take a position on the distribution of economic development funds by Entergy before the Governor’s visit on July 9 and public meeting in Brattleboro on July 10 to be hosted by Vermont Agency of Commerce and Community Development (ACCD) and Vermont Economic Development Authority (VEDA). O’Connor reviewed the processes being proposed by the State for the distribution of funds to be paid by Entergy Corporation for regional economic development after the closure of the Entergy Vermont Yankee Nuclear Plant. Moreland provided to the Board a memo that had been presented to “ACCD Housing and Community Development Commissioner Noelle McKay” by Southeastern Vermont Economic Development Strategy (SeVEDS) and he discussed some of the provisions in the memo as well as some opinions that had been voiced by SeVEDS. Olga Peters provided information that she obtained from the meeting on May 22. There was some discussion by the Board and it was generally agreed that the Town would not take a position at this time.

**NO ACTION TAKEN.**

Committee Appointments – O’Connor said that the Board was asked to make committee appointments.

**MOTION BY DAVID GARTENSTEIN TO APPOINT:**

**JOHN WILMERDING TO THE CONNECTICUT RIVER TRANSIT BOARD FOR A TERM ENDING JUNE, 2015**

**TAD MONTGOMERY AND BOB RUETER TO THE ENERGY COMMITTEE FOR THREE-YEAR TERMS ENDING JUNE, 2017**

**DAVID PETRIE TO FENCE VIEWER FOR A TERM ENDING JUNE, 2015**

**KATHY URFFER TO THE PLANNING COMMISSION FOR A FOUR-YEAR TERM ENDING JUNE, 2018**

**HELENE HENRY TO THE TREE ADVISORY COMMITTEE FOR A THREE-YEAR TERM ENDING JUNE, 2017.**

**MOTION CARRIED 4-0 (SCHOALES PREVIOUSLY LEFT THE MEETING AND WAS NOT PRESENT FOR THE VOTE).**

*Vermont's Open Meeting Law – New Changes Taking Effect on 7-1-14, Discussion.* Moreland discussed some differences between the previous law and the new law. There was no discussion by the Board.

**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 DONNA MACOMBER TO ADJOURN AT 9:55PM. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).**

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David Schoales, Clerk