

**BRATTLEBORO SELECTBOARD  
TUESDAY, JULY 15, 2014  
EXECUTIVE SESSION – 5:00PM  
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, Town Attorney Robert Fisher, Highway/Utilities Superintendent Hannah O'Connell, Wastewater Treatment Plant Chief Operator Bruce Lawrence, Recreation & Parks Director Carol Lolatte, Grants Manager Kim Ellison, and Executive Secretary Jan Anderson.

Media present: Tim Johnson representing WTSA and Bob Audette representing the Brattleboro Reformer.

Others present: Christophe Gagne, Avery Schwenk, 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 5:05pm in the Selectboard meeting room. He confirmed that the meeting was properly warned.

**MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PENDING OR PROBABLE CIVIL LITIGATION OR A PROSECUTION TO WHICH THE MUNICIPALITY MAY BE A PARTY, CONTRACTS, AND AN APPOINTMENT OR EMPLOYMENT OR EVALUATION OF A PUBLIC OFFICER OR EMPLOYEE, AND TO ALL THOSE MATTERS, WHETHER OR NOT A FINDING IS NECESSARY, FURTHER MOVED THAT THE BOARD MAKE THE FINDING THAT PREMATURE PUBLIC KNOWLEDGE AND DISCLOSURE WOULD PUT THE MUNICIPALITY AT A SUBSTANTIAL DISADVANTAGE. THE INTERIM TOWN MANAGER, TOWN ATTORNEY, HANNAH O'CONNELL AND BRUCE LAWRENCE WERE INVITED TO ATTEND THE SESSION REGARDING LITIGATION AND CONTRACTS. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).**

Gartenstein reconvened the meeting at 6:15pm. The Board agreed to adjust the agenda and move Item C (Approve Small Business Assistance Program (SBAP) Loan) to the first item under "New Business" so that the loan for Hermit Thrush Brewery may be heard immediately following their liquor application.

Highway/Utilities Superintendent O'Connell asked as a point of order that the Board move Items G, H, and I on the agenda (Award Bids for Utility Roller, Utility Trailer, and Pleasant Valley Radio Tower Generator) up in the order to be heard by Water and Sewer Commissioners. The Board agreed to adjust the agenda as requested.

***APPROVE MINUTES***

**MOTION BY JOHN ALLEN TO APPROVE THE MINUTES FROM JULY 1 AND JULY 3, 2014, AS PRESENTED. MOTION CARRIED 5-0.**

***CHAIR'S REMARKS***

Gartenstein thanked the Brattleboro Goes Fourth Committee, as well as other organizers and participants, for organizing the Fourth of July parade. He also congratulated BCTV for its receipt of the 2013 Highlight Video Access Center Professional Level Award for Access and Empowerment. He also offered condolences to Kathy Dowd, a former Selectboard member, for the loss of her daughter. Additionally, he noted that the solar panels had been installed in the field by the interstate highway.

***MANAGER'S COMMENTS***

Interim Town Manager Moreland also offered condolences to Kathy and Ernie Dowd.

**SELECTBOARD COMMENTS AND COMMITTEE REPORTS**

Schoales said that the Windham Solid Waste Management District recently received and was reviewing four bids in response to a Request for Proposals for a solar array to be installed on the landfill.

**PUBLIC PARTICIPATION**

None.

**LIQUOR COMMISSIONERS**

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

Second Class Liquor License – Hermit Thrush Brewery, LLC. Gartenstein said that the Board was asked to approve a second class liquor license for Hermit Thrush Brewery, LLC located at 29 High Street. Representatives from Hermit Thrush Brewery, Christophe Gagne, President/Brewmaster, and Avery Schwenk, Vice-President/Assistant Brewer, were present and discussed their business plans for the brewery. Moreland reviewed the Town’s liquor policies and application process. There was some discussion by the Board.

**MOTION BY JOHN ALLEN TO APPROVE A SECOND CLASS LIQUOR LICENSE FOR HERMIT THRUSH BREWERY, LLC AT 29 HIGH STREET. MOTION CARRIED 5-0.**

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

**NEW BUSINESS**

The Board previously agreed to hear the next item (agenda item C) out of order.

Approve Small Business Assistance Program (SBAP) Loan – Hermit Thrush Brewery, LLC, Finance Department. Representatives from Hermit Thrush Brewery, Christophe Gagne and Avery Schwenk, were present and asked the Board to approve a Small Business Assistance Program (SBAP) loan in the amount of \$40,000 to assist with leasehold improvements to allow for a brewery. Grants Manager Ellison spoke about the SBAP process and availability of SBAP program funds. She said that the SBAP Committee met to review the loan application and overwhelmingly approved the loan. There was discussion by the Board.

**MOTION BY DAVID SCHOALES TO APPROVE A \$40,000 SMALL BUSINESS ASSISTANCE PROGRAM LOAN FOR CHRIS GAGNE AND AVERY SCHWENK FOR HERMIT THRUSH BREWERY, LLC AT 29 HIGH STREET, WITH THE FOLLOWING TERMS: 5 YEARS/60 MONTHLY PAYMENTS; 3% INTEREST RATE COMPOUNDED MONTHLY; THE MONTHLY PAYMENT BEING \$718.75, DUE ON THE FIRST OF EACH MONTH, FOLLOWING 60 DAYS FROM THE DATE OF DISBURSEMENT. THE LOAN IS CONTINGENT ON THE FOLLOWING CONDITIONS: THE APPLICANT OBTAINING ALL NECESSARY FEDERAL, STATE AND LOCAL PERMITS; THE APPLICANT WILL PROVIDE DOCUMENTS CONFIRMING CASH EQUITY IN THE PROJECT; A LOAN AND SECURITY AGREEMENT; A CORPORATE PROMISSORY NOTE AND UCC FINANCING STATEMENT WITH HERMIT THRUSH BREWERY, LLC; PERSONAL GUARANTEES FROM CHRIS GAGNE AND AVERY SCHWENK; AND, TERM LIFE INSURANCE POLICIES FOR CHRIS GAGNE AND AVERY SCHWENK ASSIGNED TO THE TOWN IN AN AMOUNT COVERING THE NOTE. MOTION CARRIED 5-0.**

**WATER AND SEWER COMMISSIONERS**

The Board previously agreed to hear the next three items (agenda items G, H, and I) out of order.

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

Award Bid – *Utility Roller, Department of Public Works.* Highway/Utilities Superintendent O’Connell said that the Board was asked to award a bid in the amount of \$12,900 for a utility roller. She said that two bids were received, both from the same company for different models and different prices. She said that both the State and Federal bid lists were reviewed but neither list contained such an item. She recommended awarding the bid to Wood’s CRW in the amount of \$12,900. There was some discussion by the Board.

**MOTION BY JOHN ALLEN TO AWARD A BID IN THE AMOUNT OF \$12,900 TO WOOD’S CRW OF HOOKSET, NEW HAMPSHIRE FOR A ONE TON CLASS DUAL DRUM ARTICULATING VIBRATOR ROLLER. MOTION CARRIED 5-0.**

Award Bid – *Utility Trailer, Department of Public Works.* Highway/Utilities Superintendent O’Connell said that the Board was asked to award a bid in the amount of \$4,594.54 to Brown Enterprises of South Londonderry, Vermont for a five ton equipment trailer. She discussed the bid process and recommended awarding the bid to the low bidder, Brown Enterprises. There was some discussion by the Board.

**MOTION BY KATE O’CONNOR TO AWARD A BID IN THE AMOUNT OF \$4,594.54 TO BROWN ENTERPRISES OF SOUTH LONDONDERRY, VERMONT FOR A FIVE TON EQUIPMENT TRAILER. MOTION CARRIED 5-0.**

Award Bid – *Pleasant Valley Radio Tower Generator, Department of Public Works.* Highway/Utilities Superintendent O’Connell discussed the Town’s communication and emergency alert systems, and said that the backup generator at the Pleasant Valley Radio Tower had serious mechanical problems. She discussed the bid process and said that a quote of \$21,150.50 had been received through the National Joint Powers Alliance (NJPA) bid process. She said that although the generator was an unanticipated expense, it was a critical piece of equipment and recommended awarding the bid to Southworth-Milton, Inc., and suggested taking the cost of the generator and installation costs (for a total of approximately \$22,000) out of the capital water main budget. There was a brief discussion by the Board.

**MOTION BY JOHN ALLEN TO AWARD A BID IN THE AMOUNT OF \$21,150.50 TO SOUTHWORTH-MILTON, INC., OF WARNER, NEW HAMPSHIRE FOR A 40KW BACKUP ELECTRICAL GENERATOR. MOTION CARRIED 5-0.**

**MOTION BY DAVID SCHOALES TO ADJOURN AS WATER AND SEWER COMMISSIONERS. MOTION CARRIED 5-0.**

***NEW BUSINESS (continued)***

Town Manager Search – *Update.* Gartenstein discussed the history and process of the two prior Town Manager searches. He reviewed meetings of the Board, staff committee and citizens committee during the most recent search. He said that offers had been made to two candidates but both candidates accepted other offers made to them from employers in or near their home communities. He said that the Board then decided to conduct another Town Manager search to begin immediately. He said that the Board was asked to approve the job listing, job description, advertising schedule, and service contract with the Vermont League of Cities and Towns (VLCT) for assistance with the search. Gartenstein also spoke about the confidential nature of the search process and noted that a member of the Town Manager Search Citizen Committee was quoted recently in the Brattleboro Reformer about the candidates and search. He said that consequently the Board may decide at a later time to reconstitute the Citizens Committee. Schoales discussed the involvement of the staff and citizen committees in the most recent search process.

**MOTION BY DAVID GARTENSTEIN TO APPROVE THE JOB LISTING AND JOB DESCRIPTION, AS REVISED AND CIRCULATED. MOTION CARRIED 5-0.**

Gartenstein said that the Board was asked to approve the contract with VLCT, who would provide logistical assistance, such as posting ads, gathering and forwarding applications, arranging interviews, communicating with candidates, and assisting with background checks and other legal advice. He

reviewed the payments to VLCT for the first two searches, being \$5,336 in 2013 (including \$2,536 in advertising expenses), and \$6,388 in 2014 (including \$3,495 in advertising expenses). There was a brief discussion by the Board.

**MOTION BY DAVID GARTENSTEIN TO APPROVE THE SERVICE CONTRACT AGREEMENT WITH THE VERMONT LEAGUE OF CITIES AND TOWNS. MOTION CARRIED 5-0.**

Gartenstein said that the Board was also asked to approve the list of advertisers where the job listing would be published. There was some discussion about various publications on the list, the costs, and possible revisions to the list. Gartenstein suggested adding to the list at no or minimal cost: University of New Hampshire, University of Connecticut, and Edward J. Collins Center at UMass Boston. He said that VLCT provided a draft timeline which did not need Board approval but would have to be revised somewhat to include the revised application deadline of August 18. There was a brief discussion.

**MOTION BY DAVID GARTENSTEIN TO ADOPT THE ADVERTISING SCHEDULE PRESENTED BY VLCT WHICH EXCLUDES SEVEN DAYS AND ALSO FOR THE AUTHORITY, IF COSTS WERE REASONABLE, TO ADD UNIVERSITY OF NEW HAMPSHIRE, UNIVERSITY OF CONNECTICUT, AND EDWARD J. COLLINS CENTER AT UMASS BOSTON TO THE ADVERTISING LIST. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).**

Windham County Economic Development Entergy Settlement Funds – Update. Kate O'Connor provided an update on the Entergy settlement funds. She said that Governor Shumlin was in town on Wednesday and Pat Moulton and representatives from VEDA (Vermont Economic Development Authority) held a public meeting in town on Thursday to discuss the matter. She said that municipalities would be eligible to apply for funds, applications would be available soon, the deadline to submit completed applications would be in September, and awards were expected to be made in December. Gartenstein discussed proposals that were being discussed for administering the funds. He suggested forming a working group to identify and advocate for the Town's interests in the settlement funds and parallel Entergy Clean Energy funds, and after receiving the funds to continue to work in an organized manner to maximize use of the funds. There was some discussion by the Board.

**MOTION BY DAVID GARTENSTEIN TO FORM A FIVE MEMBER WORKING GROUP TO WEIGH-IN ON THE TOWN'S INTERESTS AND TO ADVOCATE FOR THE TOWN'S INTERESTS WITH RESPECT TO BOTH THE WINDHAM COUNTY ECONOMIC DEVELOPMENT ENTERGY SETTLEMENT FUNDS AND THE PARALLEL ENTERGY CLEAN ENERGY DEVELOPMENT FUNDS, WITH MEMBERS OF THE WORKING GROUP BEING KATE O'CONNOR (FROM THE SELECTBOARD), ROD FRANCIS, KIM ELLISON, RUSSELL RICE (TOWN STAFF MEMBERS), AND ELIZABETH McLOUGHLIN (FROM PLANNING COMMISSION). MOTION CARRIED 5-0.**

Name Private Right of Way – Stafford Farm Hill, E911. Moreland said that the Board was asked to name the private access road to the Hilltop Montessori School to the name of Stafford Farm Hill. He said that Hilltop Montessori was the only property owner accessible by the road and requested the name. There was a brief discussion.

**MOTION BY DONNA MACOMBER TO NAME THE ACCESS ROAD OFF OF SUMMIT CIRCLE, IDENTIFIED ON THE TAX MAP PRESENTED, AS STAFFORD FARM HILL. MOTION CARRIED 5-0.**

Approve Contract – CAI Technologies, Assessors Office. Moreland said that the Board was asked to approve the annual contract with CAI Technologies for development and maintenance of Brattleboro's tax maps. Gartenstein said that Moreland signed the contract on June 27 so the Board would be asked to ratify the contract. There was a brief discussion.

**MOTION BY DONNA MACOMBER TO RATIFY THE INTERIM TOWN MANAGER'S EXECUTION OF THE CONTRACT WITH CAI TECHNOLOGIES FOR FY15 MAINTENANCE OF BRATTLEBORO'S TAX MAPS. MOTION CARRIED 5-0.**

Award Bid – Park Truck, Recreation & Parks Department. Recreation & Parks Director Lolatte said that the Board was asked to award a bid in the amount of \$28,734 to Formula Ford of Montpelier, Vermont for a 2015 Ford F350 plow truck which would replace the 2003 GMC pick-up now being used. Moreland said that the State of Vermont Department of General Services annually puts out to bid a wide variety of items often used by municipalities so that municipalities have access to competitive bids, and that the State's bid was utilized for this equipment. There was some discussion by the Board.

**MOTION BY DAVID SCHOALES TO AWARD A BID IN THE AMOUNT OF \$28,734 TO FORMULA FORD OF MONTPELIER, VERMONT FOR A 2015 FORD F350 PLOW TRUCK, INCLUDING A 6.2L, 8 CYLINDER GAS ENGINE WITH PLOW, BED LINER AND WARRANTY INCLUDED. MOTION CARRIED 5-0.**

Ordinance Amendment – First Reading, No Parking on Depot Street. Gartenstein said that the Board was asked to conduct a first reading of a proposed ordinance change to provide for No Parking on the easterly side of Depot Street. He said that the Traffic Safety Committee discussed and approved the no parking area. Moreland read the changes to Appendix C, Sections 16-100 and 16-101, and said that the Board would hold a second reading and public hearing at its next meeting on August 5. There was a brief discussion.

**NO ACTION TAKEN.**

Committee Appointment – Gartenstein said that the Board was asked to appoint Peter Seares to the Conservation Commission.

**JOHN ALLEN NOMINATED PETER SEARES TO THE CONSERVATION COMMISSION. THE NOMINATION CARRIED 5-0.**

Lease for Parking Spaces – Vermillion, Inc., Harmony Parking Lot. Moreland said that the Board was asked to approve a lease with Vermillion, Inc., for parking spaces in Harmony parking lot. He said that with the redevelopment of the Brooks House, the lot line was adjusted and three parking spaces would be leased by Vermillion for a period of ten years. 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 CONTRACT WITH VERMILLION, INC., FOR PARKING SPACES IN THE HARMONY LOT. MOTION CARRIED 5-0.**

Gartenstein asked the Board members to coordinate their schedules with Executive Secretary Anderson in order to schedule a goal setting meeting for next week.

#### ***CORRESPONDENCE AND MEETINGS***

Allen 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 7:36PM. MOTION CARRIED 5-0.**

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David Schoales, Clerk