

**BRATTLEBORO SELECTBOARD
TUESDAY, SEPTEMBER 2, 2014
EXECUTIVE SESSION – 5:15PM
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, Recreation & Parks Director Carol Lolatte, Planning Services Director Rod Francis, Police Chief Mike Fitzgerald, Dispatch Supervisor Wayne Stires, and Executive Secretary Jan Anderson.

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

Others present: Patty Fitzgerald, Marty Fitzgerald, Francine Vallario, Richard Guthrie, Marjorie Guthrie, Melissa Clark, Jeff Clark, Ken Vitale, Jane Rosser, Les Montgomery, Simrin Socci, Christine Riccio, Jane Sonntag, Christian Hanby, Tom Robertson, Lester Humphreys, Betsy Gentile, Kathy Andrew, Ralph Palmer, Claudia Jacobs, Aaron Goodfellow, Andrea Watkins, Scott Dixon, Andrew Davis, Paul Cameron, Jacob Roberts, Jim Latchis, Joe Bushey, Fric Spruyt, Christian Evard, Cathy Andrew, ASL Interpreters Elizabeth Bjerke and Janet Dickinson, BCTV staff and volunteers, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 5:16pm in the Selectboard meeting room. He confirmed that the meeting was properly warned.

MOTION BY DAVID GARTENSTEIN TO ENTER EXECUTIVE SESSION TO DISCUSS CONTRACTS, MEDIATION, PROBABLE CIVIL LITIGATION TO WHICH THE PUBLIC BODY MAY BE A PARTY, CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATIONS MADE FOR THE PURPOSE OF PROVIDING PROFESSIONAL LEGAL SERVICES TO THE TOWN AND SELECTBOARD, AND THE APPOINTMENT OR EMPLOYMENT OR EVALUATION OF A PUBLIC OFFICER OR EMPLOYEE, AND AS TO ALL OF THOSE A FINDING THAT PREMATURE GENERAL PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE TOWN AND THE PEOPLE INVOLVED IN THE PROCESS AT A SUBSTANTIAL DISADVANTAGE. THE INTERIM TOWN MANAGER, THE TOWN ATTORNEY, AND POLICE CHIEF MIKE FITZGERALD WERE INVITED INTO SOME BUT NOT ALL OF THE EXECUTIVE SESSION. MOTION CARRIED 5-0.

Chair Gartenstein reconvened the meeting at 6:15pm.

APPROVE MINUTES

MOTION BY JOHN ALLEN TO APPROVE THE MINUTES FROM AUGUST 19, AUGUST 21, AND AUGUST 26, 2014, AS PRESENTED. MOTION CARRIED 5-0.

CHAIR'S REMARKS

Chair Gartenstein noted that several paving projects had been completed and asked that drivers follow the speed limits and exercise caution on the improved roads, particularly with schools in session. He discussed traffic safety improvements near Academy School that had been completed and other projects that would be completed in the future. He said that the Brooks House was re-opening after being refurbished, and he welcomed CCV and Vermont Technical College to their new locations in the Brooks House. He noted that the Board continued to work on four ongoing projects, including the Town Manager search, skatepark site selection, Police-Fire project, and Police Chief search, and said that the Board would soon decide some of those matters. Gartenstein announced that former Police Captain Mike Fitzgerald had been selected by the Interim Town Manager to fill the Police Chief position. He reviewed the interview and hiring process, and wished Chief Fitzgerald well in his new position.

MANAGER'S COMMENTS

Interim Town Manager Moreland congratulated Mike Fitzgerald as the newly appointed Police Chief. Moreland discussed the interview process and he thanked the four Police Chief Search committees, being the Community Committee, Selectboard and Staff Committee, Police Officers Committee, and Evaluations Committee, for their valuable input into the selection of the chief. Moreland said that Chief Fitzgerald was born in Brattleboro and graduated from BUHS. He said that after graduation, Fitzgerald entered the Marine Corps and retired as Gunnery Sergeant after a distinguished twenty-year career. He said that Fitzgerald then returned to Brattleboro, was hired as police officer, and worked his way up to Captain in eight years. Moreland said that through the interview process, Fitzgerald articulated a clear and concise vision for the role of the police department within the community, which was consistent with community's desire. He encouraged the public to meet Chief Fitzgerald and welcome him to his new position.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS

O'Connor thanked Police Chief Fitzgerald for his recent communications with the downtown merchants. Schoales said that he suggested that the nutrition and education grant group, to which he was appointed by the Selectboard, invite Police Chief Fitzgerald to become involved. Schoales also discussed joint efforts between the School District and Town to promote safety in the area of Academy School with the purchase and installation of new radar signs and the purchase of a LED button activated crosswalk sign that would be installed soon.

PUBLIC PARTICIPATION

Retired Police Chief Richard Guthrie congratulated Police Chief Fitzgerald on his appointment as Police Chief. Guthrie said that remembered Fitzgerald when he was a student in Brattleboro, and that he continues to visit students at the Career Center and encourage them to contribute to the community after graduation. He thanked Chief Fitzgerald for his years of service to his country and the Brattleboro community.

Lester Humphreys, Chair of the Energy Committee, and Paul Cameron, Energy Coordinator, were in attendance to present two awards to the Town. Humphreys said that the first award, from the Vermont Energy and Climate Action Network, was the 2013 Best Overall Energy Committee award. He said that the award was the result of a group effort between the Energy Committee, Energy Coordinator, Selectboard, Town Manager, and staff. He read the accomplishments noted in the award. Cameron said that it was a pleasure working with the passionate and dedicated members of the Energy Committee. He said that the second award was being presented to Brattleboro for its participation in the Vermont Home Energy Challenge, a year-long project to encourage weatherization efforts in homes. He said that the award came with a \$10,000 grant to be used for an energy efficiency projects in town facilities or buildings, and that would be addressed later in the meeting.

Jane Rosser spoke to request that speakers identify themselves and the towns in which they reside.

NEW BUSINESS

Approve Hazard Mitigation Plan – Planning Services. Planning Director Francis said that the Board was asked to approve the All Hazard Mitigation Plan for the Town. He said that the Town was recently notified by FEMA that its 2009 Hazard Mitigation Plan would no longer be acceptable due to changes in Federal regulations. He discussed the need for the plan and the financial effects on the Town by having such as plan. There was some discussion by the Board about the Plan and the need for it. Gartenstein said that he had minor edits to the Plan which he would provide to Francis and asked that the edits be incorporated before finalizing the Plan.

MOTION BY DONNA MACOMBER TO APPROVE THE 2014 BRATTLEBORO HAZARD MITIGATION PLAN. MOTION CARRIED 5-0.

Accept and Appropriate Grant – Bulletproof Vest Partnership Grant, Brattleboro Police Department. Police Chief Fitzgerald said that the Board was asked to accept and appropriate a grant in the amount of \$1,863.95 from the Bureau of Justice Assistance to purchase six new bullet proof vests for the Police Department. There was no discussion by the Board.

MOTION BY DAVID SCHOALES TO ACCEPT AND APPROPRIATE A 2014 BULLETPROOF VEST PARTNERSHIP GRANT IN THE AMOUNT OF \$1,863.95 FROM THE BUREAU OF JUSTICE ASSISTANCE FOR THE PURCHASE OF SIX NEW NIJ COMPLIANT VESTS FOR THE BRATTLEBORO POLICE DEPARTMENT. MOTION CARRIED 5-0.

Accept and Appropriate Grant – *VDEMHS VCOMM Grant, Brattleboro Police Department.* Police Chief Fitzgerald said that the Board was asked to accept and appropriate a FY13 State Homeland Security Grant in the amount of \$131,196.57 as part of the Vermont Division of Emergency Management and Homeland Security (VDEMHS) VCOMM Grant Program. He said that the funds were for the upgrade of the radio transmitting system of the Police Department and he discussed the communications system. There was some discussion by the Board.

MOTION BY KATE O’CONNOR TO ACCEPT AND APPROPRIATE A FY13 HOMELAND SECURITY GRANT IN THE AMOUNT OF \$131,196.57 FROM THE VERMONT DIVISION OF PUBLIC SAFETY TO UPGRADE THE BRATTLEBORO POLICE COMMUNICATION SYSTEM. MOTION CARRIED 5-0.

Accept and Appropriate Grant – *VT Home Energy Challenge Grant, Town Manager.* Energy Coordinator Cameron said that the Board was asked to accept and appropriate a grant in the amount of \$10,000 from Efficiency Vermont that was received as part of the award presented earlier in the meeting. He said that the funds were to be applied toward municipal and/or school energy efficiency projects. He said that the Energy Committee identified four low cost projects which would yield high energy savings, including (1) retrofit 39 decorative street lights owned by the Town with high efficiency LED fixtures; (2) insulate heating pipes in the boiler room at the Public Works facilities on Fairground Road; (3) replace a lighting fixture at front entrance of the Municipal Center and install a motion sensor in the basement; and (4) install programmable thermostats for the heating system at the water treatment plant on Pleasant Valley Road. He said that the total cost of the improvements would be \$11,675 and would be paid from the \$10,000 grant, plus incentives from Efficiency Vermont in the amount of \$1,675. He also discussed the anticipated financial savings from the improvements. There was a brief discussion by the Board.

MOTION BY JOHN ALLEN TO ACCEPT AND APPROPRIATE A VERMONT HOME ENERGY CHALLENGE GRANT IN THE AMOUNT OF \$10,000 FOR THE LIST OF MUNICIPAL ENERGY EFFICIENCY IMPROVEMENTS PRESENTED. MOTION CARRIED 5-0.

FY16 Budget Schedule – *Discussion.* Gartenstein suggested that the Board schedule a preliminary discussion to determine its goals for the FY16 budget discussions. Moreland discussed the general procedures and time deadlines for determination of next year’s budget, and he asked for guidance from the Board as to its goals. There was discussion by the Board about scheduling a special meeting, program-based budgeting, fee-for-services programs, and the upcoming debt service schedule. Schoales indicated particular interest in pursuing program-based budgeting in some areas and Moreland suggested that they meet with the Finance Director O’Connor to discuss the current accounting systems and software. It was agreed that the Board would hold a special meeting next week, if possible, to begin budget discussions.

NO ACTION TAKEN.

Staff Evaluations – *Town Manager.* Gartenstein said that he asked that the matter be added to the agenda for discussion by the Board about evaluation of Town employees, including the Town Manager/ Interim Town Manager for which there was no specific model. Moreland discussed the procedure for employee evaluations. Schoales said that he researched manager evaluation methods and he provided and discussed two sample manager evaluation models. There was discussion by the Board and general preference for the “Williston” evaluation form. It was agreed that Schoales would finalize the “Williston” form in order to move forward with the Board’s evaluation of the Interim Town Manager.

NO ACTION TAKEN.

UNFINISHED BUSINESS

Holidays Observed – *Town Manager*. Gartenstein that the Board had previously discussed whether to add Martin Luther King (MLK) Day as a holiday observed by the Town. He said that options that had been discussed were to add another holiday, or to swap MLK Day for two 1/2 days on Christmas Eve and New Year's Eve, or Columbus Day, or the day after Thanksgiving, or for a personal day. There was discussion by the Board, including that the change would only affect non-union employees, the importance of recognizing MLK Day on the Federal/State recognized day, and the symbolism of replacing Columbus Day with MLK Day.

MOTION BY DAVID GARTENSTEIN THAT THE TOWN OF BRATTLEBORO RECOGNIZE MARTIN LUTHER KING DAY UNDER HOLIDAYS OBSERVED AND THAT IT ELIMINATE COLUMBUS DAY FROM THE LIST OF HOLIDAY OBSERVANCES.

Gartenstein asked for public comment. Andy Davis said that the school systems now observe Columbus day. Executive Secretary Anderson spoke in opposition of eliminating Columbus Day citing that it was a Federal holiday, that it was during foliage season, and she suggested that it remain a holiday in order to give employees a chance to enjoy and share the beauty of the State in which they live. Fric Spruyt provided his opinion about the logistics of adding another floating holiday and removing two holidays, but he withdrew his suggestion. There was further discussion by the Board. The Board generally agreed not to add an additional holiday due to budget issues, but to designate one of the two floating holidays as MLK Day.

DAVID GARTENSTEIN WITHDREW HIS MOTION.

MOTION BY KATE O'CONNOR THAT THE TOWN OF BRATTLEBORO RECOGNIZE MARTIN LUTHER KING DAY AS AN OFFICIAL HOLIDAY AND ADD IT TO THE LIST OF TOWN HOLIDAYS AND REDUCE THE NUMBER OF FLOATING HOLIDAYS FROM TWO TO ONE FOR TOWN EMPLOYEES. MOTION CARRIED 5-0.

Skatepark Site Selection – Gartenstein said that the Board was asked to determine a location for a skatepark. He discussed the site location process that had taken place over the past few months, said that the Board would now take further public comment, then vote on a location for the skatepark. There was much discussion by the Board, including past hostilities within the public, various sites that had been considered, and advantages and disadvantages of each of the sites.

MOTION BY JOHN ALLEN TO ALLOW BASIC [BRATTLEBORO AREA SKATEPARK IS COMING COMMITTEE] TO PURSUE CREATING A SKATEPARK AT THE LOWER EASTERN END OF LIVING MEMORIAL PARK.

There was further discussion by the Board, including the need to clearly identify the area in the motion as the Theresa S. Brundgardt Senior area.

Gartenstein asked for public comment. Many people in attendance offered their opinions and concerns. Jeff Clark, Chair of BASIC, inquired whether the level of financial considerations would impact the chosen location. Christian Evard spoke in favor of having a skatepark in Town. Les Montgomery suggested clarifying an alternate site. Jane Sonntag spoke in support of having the skatepark at the senior area rather than the playground area. Fric Spruyt, member of the Resite Skatepark Committee, spoke about Resite assisting with fundraising efforts. Cathy Andrew spoke against paving a green area and suggested building a skatepark in the downtown area at the Elm Street parking lot. Andy Davis provided several opinions including that compromise would be necessary.

Gartenstein offered, and Allen accepted, a friendly amendment clarifying the motion.

MOTION BY JOHN ALLEN TO AUTHORIZE THE DEVELOPMENT OF A SKATEPARK AT THERESA S. BRUNGDARDT SENIOR AREA IN THE NORTHEAST CORNER OF LIVING MEMORIAL PARK. MOTION CARRIED 5-0.

Allen said that he also wanted to offer a second motion in this matter.

MOTION BY JOHN ALLEN FOR THE TOWN OF BRATTLEBORO TO CONTRIBUTE \$20,000 FOR FEASIBILITY STUDY, STATE PERMITTING OR ANY OTHER PURPOSE THAT BASIC [BRATTLEBORO AREA SKATEPARK IS COMING] SEES FIT TO DEVELOP THE LOWER EASTERN END OF LIVING MEMORIAL PARK FOR A SKATEPARK.

There was much discussion by the Board, including whether the funds would come from the general fund or the unassigned fund balance, the need for Representative Town Meeting approval to use funds from the unassigned fund balance, authorized uses of the funds, budget constraints, and use of funds on a discretionary recreational facility when life safety issues at the Police-Fire Facilities project were pending,

O'Connor suggested discussing such an expenditure in the larger context of budget discussions. Moreland reminded the Board that over \$400,000 was needed to address deficiencies at the Municipal Center. Fric Spruyt suggested voting on the location of the skatepark separately from the budget considerations. Jeff Clark, BASIC Chair, noted that private donations could be sent to the Recreation & Parks Department with a notation that it is for BASIC.

There was further discussion by the Board about adding the request to the Warning for Representative Town Meeting.

JOHN ALLEN WITHDREW HIS MOTION.

MOTION BY DAVID GARTENSTEIN TO INCLUDE THE FOLLOWING ARTICLE ON THE MARCH, 2015 TOWN MEETING WARNING: "SHALL THE TOWN OF BRATTLEBORO ALLOCATE \$20,000 FROM THE UNASSIGNED FUND BALANCE TO ASSIST WITH INVESTIGATING FEASIBILITY AND ASSIST IN DEVELOPMENT OF A SKATEPARK AT LIVING MEMORIAL PARK." MOTION CARRIED 4-1 (O'CONNOR OPPOSED).

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 8:24PM. MOTION CARRIED 4-0 (SCHOALES WAS NOT PRESENT AT THE TIME OF THE VOTE).

David Schoales, Clerk