

**BRATTLEBORO SELECTBOARD  
TUESDAY, OCTOBER 4, 2016  
EXECUTIVE SESSION – 5:15PM  
REGULAR MEETING – 6:15PM  
SELECTBOARD MEETING ROOM, MUNICIPAL CENTER  
MINUTES**

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

Staff Present: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Finance Director John O'Connor, Public Works Director Steve Barrett, Highway/Utilities Superintendent Hannah O'Connell, Recreation & Parks Director Carol Lolatte, Fire Chief Mike Bucossi, Assistant Fire Chief Len Howard, Police Chief Mike Fitzgerald, Police Captain Mark Carignan, Planning Director Rod Francis, Town Clerk Annette Cappy, Library Director Starr LaTronica, Town Assessor Russell Rice, Grants/Loans Manager Kim Ellison, and Executive Secretary Jan Anderson.

Media present: Chris Mays representing the Brattleboro Reformer and BCTV staff and volunteers.

Others present: William Isch, Sheri Stewart, Sharon Couturier, Rich Holschuh, Michael Cersosimo, Gerald Theberge, Joe Rivers, Franz Reichsman, Adam Gebb, Ralph Meima, Marilyn Chiarello, Lynette Pritchard, Deb Whitkus, ASL interpreters Elizabeth Fox and Janet Dickinson, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 5:15pm. 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, NEGOTIATING REAL ESTATE LEASE, APPOINTMENT OF A PUBLIC OFFICER OR EMPLOYEE, AND CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATIONS , BASED UPON A FINDING THAT GENERAL PREMATURE PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE MUNICIPALITY, THE BOARD, AND PEOPLE WITH INTEREST IN THESE MATTERS AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER, ASSISTANT TOWN MANAGER, AND AN EMPLOYEE POTENTIALLY TO BE APPOINTED WERE INVITED TO ATTEND. MOTION CARRIED 5-0.**

Gartenstein reconvened the business meeting at 6:15pm.

***APPROVE MINUTES***

**MOTION BY RICHARD DEGRAY TO APPROVE THE MINUTES FROM SEPTEMBER 20, 2016 AS PRESENTED. MOTION CARRIED 5-0.**

***CHAIR'S REMARKS***

Chair Gartenstein noted that the Selectboard would soon be undertaking budget discussions for FY18 and would utilize the Comprehensive Review of Town Operations (CRTO) and Long Term Financial Plan (LTFP) that had been prepared by Town Manager Elwell and management staff, and which would be discussed later in the meeting. He thanked Elwell and the staff for their hard work in creating those documents. He said that he had been asked about some handicap accessibility issues and said that the Board would discuss such issues in connection with the construction of the new Police Department and in the capital plan budget discussions. He announced that engineering work was currently taking place on the portion of the sidewalk between the Municipal Center and the Library in order to replace that area of sidewalk this fall or next spring. He invited members of the public with such concerns to the next Selectboard meeting when plans for the new Police Department would be discussed. Gartenstein noted that a construction worker on the Black Mountain Road water tank project recently had a serious fall and as a result passed away. He said that at the time of the accident the construction site was under the

control of contractor. He extended condolences to the worker's family, co-workers, and friends, and offered a moment of silence.

**MANAGER'S COMMENTS**

Town Manager Elwell announced that the Town would be awarded a VTrans grant for pedestrian pushbutton crosswalk lights at the Holton Home and Union Hill crosswalks and expected installations in the spring. He also said that a VTrans grant was tentatively approved in the amount of \$596,000 for bicycle/pedestrian improvements on Western Avenue between Greenleaf Street and Bonnyvale Road and would address drainage improvements in that area, as well. He said that the grant depended on the State receiving Federal funds and that the Town would be notified in January. He thanked Hannah O'Connell and the Public Works Department for their work in securing the grant. Elwell also mentioned that Hurricane Matthew was in the Caribbean and could move up the coast to New England and said that Town staff was preparing in the event there was an impact in this area.

**SELECTBOARD COMMENTS AND COMMITTEE REPORTS**

DeGray noted that street lights were out in front of the Brattleboro Food Co-Op and asked if the Co-Op or the Town was responsible for repairing the lights. Elwell said he would look into the matter.

**PUBLIC PARTICIPATION**

None.

**WATER AND SEWER COMMISSIONERS**

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

Abatement of Interest and Penalties for Late Utility Bills. Gartenstein said that the Board was asked to consider abatement of interest and penalties for six properties whose utility bills were paid late and who filed a Request to Appeal. He said that normally utility bills were due on the same day as tax payments, but this year utility payments were due on August 15 and tax payments were due on September 15. Elwell said that the memo dated September 29, 2016, from Assistant Treasurer Debbie Desrosiers, provided additional information on the abatement requests, which totaled \$74.14. He cautioned that although only six property owners filed appeals of the late fees, there were about 400 property owners who may have incurred late fees but did not file appeals. Finance Director John O'Connor said that \$9,239.30 in penalties and \$1,268.93 in interest had been billed, although he did not have information on how much of that had been paid. Gerald Theberge, a Brattleboro resident, said that he filed abatement requests on his three properties because historically he paid his tax and utility bills together and he assumed that the utility bill due dates had been delayed along with the tax due date. He said that he did not receive a notice instructing that the utility bill due date would remain the same. There was some discussion by the Board, including confusion that was created when the tax payment dates were delayed. The Board asked staff for additional information about utility bills that were paid after August 15 but before September 15.

**MOTION BY DAVID GARTENSTEIN TO CONTINUE CONSIDERATION OF THE REQUEST FOR ABATEMENT OF INTEREST AND PENALTIES FOR LATE UTILITY BILLS TO THE OCTOBER 18, 2016 SELECTBOARD MEETING. MOTION CARRIED 5-0.**

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

**UNFINISHED BUSINESS**

Police-Fire Facilities Project Update - Town Manager Elwell provided a general update on the construction at the West Brattleboro Fire Station and the pre-construction activities for the Central Fire Station and Police Station. He said that the West Brattleboro Fire Station was on schedule, he discussed some of the construction activity, and noted a few small expenditures that had been approved

administratively as set forth in his memo dated September 29, 2016. Gartenstein asked Planning Services Director Francis about the improvements required by the Development Review Board (DRB). Elwell said that subcontractor bidding was taking place for Central Fire Station and he expected to have a Guaranteed Maximum Price on October 18. He said that the Police Station site plan and elevations were going to the DRB for approval on October 17 and construction plans were being finalized and would be presented to the Board on October 18. There was a brief discussion by the Board.

**NO ACTION TAKEN.**

Comprehensive Review of Town Operations (CRTO) – Revised CRTO Proposed for Selectboard Approval. Elwell said that the Board was asked to review and potentially approve the revised Comprehensive Review of Town Operations (CRTO). He said that the draft CRTO had been revised to include comments from the public and requests from the senior management team, as set forth in his memo dated September 29, 2016. He said that the intent of the document was intended to be a to-do list in order to address noted deficiencies and capture noted opportunities and to assist the Board in the spring when determining goals for the year. There was some discussion by the Board. Schoales noted that he considered the document to be a guideline but not a policy document. DeGray spoke of his concerns, including not providing winter sand for private use by residents (page 11), organizing a Regional Economic Hub Coalition with the suggestion to implement a local wage tax (page 8), reduction of the amount of Human Services funding and examining exemption of taxes by non-profits. Deb Whitkus was in the audience and said she worked in the non-profit sector and spoke in support of funding non-profits as a means of prevention and saving tax dollars in the long run. Franz Reichsman, from the Finance Committee, said that the committee reviewed the CRTO and viewed it as positive.

**MOTION BY JOHN O’CONNOR TO APPROVE THE COMPREHENSIVE REVIEW OF TOWN OPERATIONS DATED SEPTEMBER 30, 2016. MOTION CARRIED 4-0 (DEGRAY ABSTAINED).**

***NEW BUSINESS***

Long Term Financial Plan – Presentation and Initial Discussion. Elwell spoke at length about the Long Term Financial Plan (LTFP) which he said should be looked as a five-year forecast with staff’s best estimates and which contained conservative forecasts and anticipated expenditures. He thanked the Department Heads for their contributions and hard work in formulating the LTFP. He discussed the many items set forth in his memo dated September 29, 2016 and portions of the LTFP. There was much discussion and some suggestions by the Board, who also complimented Elwell and administrative staff for their efforts in preparation of the document.

**NO ACTION TAKEN.**

Municipal Planning Grant – Approval to File Application. Planning Director Francis said that the Board was asked to approve submission of an application to the 2017 Municipal Planning Grant (MPG) Program to conduct a parking study. He said that the study would be part of the larger Downtown Master Plan to guide future redevelopment downtown as set out in his memo dated September 26, 2016. Franz Reichsman noted that an informal parking study had been performed many years ago prior to the erection of the Transportation Center. There was some discussion by the Board.

**MOTION BY JOHN ALLEN TO APPROVE SUBMISSION OF AN APPLICATION TO THE 2017 MUNICIPAL PLANNING GRANT PROGRAM TO CONDUCT A PARKING STUDY. MOTION CARRIED 5-0.**

Public/Private Roads – Bittersweet Lane – Motion; Schedule Site Visit & Public Hearing. Gartenstein spoke about previous public proceedings regarding a request to reclassify Bittersweet Lane, and said that some property owners had requested, and the Board approved, that it reconsider its August 25, 2016 decision. William Isch, a member in the audience, inquired whether an ASL interpreter would be

available and Gartenstein said that reasonable efforts would be made if a request was made to the Town Manager. There was some discussion about scheduling the site visit and public hearing.

**MOTION BY DAVID GARTENSTEIN TO LAY OUT BITTERSWEET LANE FROM THE INTERSECTION OF EAST ORCHARD STREET TO ITS TERMINUS AND TO CONDUCT A SITE VISIT AND PUBLIC HEARING ON THAT MATTER ON NOVEMBER 9, 2016 BEGINNING AT 4:30PM TO CONVENE AT THE SELECTBOARD MEETING ROOM, WITH A HEARING TO BE CONDUCTED AFTER THE SITE VISIT AT THE SELECTBOARD MEETING ROOM. MOTION CARRIED 5-0.**

Cultural Intrigue Small Business Assistance Program (SBAP) Loan - Approval. Gartenstein said that the Board was asked to approve a SBAP loan for Cultural Intrigue in the amount of \$70,000 for 7 years with 3% interest to support technology upgrades, hiring staff, and purchasing inventory. Adam Gebb spoke about Cultural Intrigue and his request for the business loan. DeGray asked about parameters that define a "small business." Grants/Loans Manager Kim Ellison spoke about the Small Business Administration guidelines in defining a small business. There was some discussion by the Board.

**MOTION BY KATE O'CONNOR TO APPROVE A SMALL BUSINESS ASSISTANCE PROGRAM LOAN FOR CULTURAL INTRIGUE IN THE AMOUNT OF \$70,000 FOR 7 YEARS WITH 3% INTEREST. MOTION CARRIED 5-0.**

Recreational Facilities Grant for Dog Park – Accept and Appropriate, Recreation & Parks Department. Elwell said that the Board was asked to accept and appropriate a Recreational Facilities Grant in the amount of \$7,200 from the Vermont Department of Buildings and General Services to help establish a dog park at Living Memorial Park. There was a brief discussion by the Board.

**MOTION BY RICHARD DEGRAY TO ACCEPT AND APPROPRIATE A RECREATIONAL FACILITIES GRANT IN THE AMOUNT OF \$7,200 FROM THE VERMONT DEPARTMENT OF BUILDINGS AND GENERAL SERVICES TO HELP ESTABLISH A DOG PARK AT LIVING MEMORIAL PARK. MOTION CARRIED 5-0.**

Windham Solid Waste Management District (WSWMD) Assessment. Elwell said that the Board was asked to officially support the 50/50 population/grand list assessment model for the Windham Solid Waste Management District. He spoke about the 50/50 hybrid assessment approach as set forth in the September 28, 2016 memo from Assistant Town Manager Patrick Moreland. There was a brief discussion by the Board.

**MOTION BY DAVID GARTENSTEIN TO SUPPORT THE 50/50 POPULATION/GRAND LIST ASSESSMENT MODEL FOR THE WINDHAM SOLID WASTE MANAGEMENT DISTRICT. MOTION CARRIED 5-0.**

Proposal to Proclaim the Second Monday in October as "Indigenous People's Day". Gartenstein said that Rich Holschuh, a Brattleboro resident, submitted a request asking the Board to proclaim the second Monday of October each year as "Indigenous People's Day" instead of "Columbus Day." He said that the request was approved under Other Business at Representative Town Meeting (RTM) in, 2016, but there was a question whether a quorum was present at the time of the request and that any business conducted under Other Business was non-binding. He noted that the Board's options were to adopt the request, or add it to the RTM warning, or add it to a voter ballot (which would be non-binding), or the petitioner could circulate a petition and obtain the necessary amount of voters' signatures in order to add it to the RTM warning. There was much discussion by the Board. Gartenstein spoke in favor of allowing voters as a whole or RTM to vote on the request. Schoales spoke in favor of approving the request at this meeting, as well as adding it to the RTM warning. DeGray spoke about procedural considerations and about the request being a whole town issue and giving the voters adequate time to consider it. O'Connor and Allen spoke in favor of giving the voters the opportunity to make the decision. William Isch asked why the petitioner requested the holiday name change. Gartenstein read the proclamation aloud.

Holschuh said that he submitted the resolution and then spoke about the reasons for it and in honoring the indigenous people. Ralph Meima, Sheri Stewart, Joe Rivers, and Marilyn Chiarello spoke in support of the resolution. Meima then suggested that the Board vote to enact the proclamation for this year only and then add the request to the RTM warning for a binding long-term resolution . Holschuh agreed with Meima's request. Reichsman said that although RTM supported the request last year, it would be a more powerful statement if made by the voters as a whole. Isch spoke in favor of the matter going before the town voters.

**MOTION BY DAVID SCHOALES TO ADD THE RESOLUTION TO THE TOWN MEETING WARNING.**

There was some discussion about the motion and Schoales requested that it be amended to clarify that the request would come from members of Representative Town Meeting rather than the Selectboard. Chiarello and Holschuh spoke in support of Meima's request for a one-year resolution. Holschuh also requested that the Board vote to add it to the RTM warning. O'Connor reiterated her concern that the matter should be decided by the voters and she requested more time before making a decision. Gartenstein spoke in support of the procedure set out in the Charter providing the voters with the opportunity to speak. DeGray noted that the Board had the ability to add the matter to the warning, that he would support doing so, and suggested that the petitioner also circulate a petition to show the voters' support. There was much more discussion by the Board.

**AMENDED MOTION BY DAVID SCHOALES TO ADD THE RESOLUTION IN THIS FORM ON THE MARCH 25, 2017 [REPRESENTATIVE] TOWN MEETING WARNING WITH REVISIONS AS NECESSARY TO REFLECT THAT IT WOULD BE AN ACTION OF REPRESENTATIVE TOWN MEETING RATHER THAN THE SELECTBOARD. MOTION WAS DEFEATED 2-3 (GARTENSTEIN, O'CONNOR AND ALLEN OPPOSED).**

There was no further business.

**MOTION BY DAVID SCHOALES TO ADJOURN AT 9:07PM. MOTION CARRIED 5-0.**

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David Schoales, Clerk