

ANNUAL REPRESENTATIVE  
TOWN AND TOWN SCHOOL DISTRICT MEETING

March 19, 2016

Pursuant to the Warning for the Annual Town and Town School District Meeting recorded in the Town Records Volume 20, page 386, the legal voters qualified to vote, met at the Brattleboro Area Middle School Multi-purpose room on March 19, 2016, at 8:30 A.M.

At 8:33 A.M., Moderator Lawrin Crispe called the meeting to order.

Checklist attendant and Assistant Town Clerk Jane Fletcher reported that 113 Town Meeting Members were present. Moderator Crispe announced that 78 members constitute a quorum. A total of 138 members were present at various times of the day.

The moderator called upon Ben Underhill to lead the meeting with an opening convocation.

The moderator led the meeting in the Pledge of Allegiance.

Town Clerk Annette Cappy read the opening and closing paragraphs of the Warning for the record.

**ANNOUNCEMENTS:** The Moderator announced procedural rules of the meeting; that the meeting was being broadcast by BCTV Channel 10 on Comcast and Southern Vermont Cable, as well as streaming live at [brattleborotv.org](http://brattleborotv.org) with audio coverage by First Choice Communication; and that interpretation for the deaf and hard of hearing was being provided by Cory Brunner and Elizabeth Bjerke.

**PRELIMINARY MOTION #1)** Selectboard Chair David Gartenstein moved: That the following persons be authorized to sit in the reserved section with the Selectboard and School Directors: Town Manager Peter Elwell, Assistant Town Manager Patrick Moreland, Town Attorney Robert Fisher, School Superintendent Ron Stahley and Business Administrator Frank Rucker.

The motion was seconded.

David Manning moved that members of the Selectboard, School Board and other town officials be seated with the main body of members. The motion was seconded and Mr. Manning explained that town meeting was a meeting of the members and not necessarily a meeting of the two town boards. Questions and comments should be directed to the moderator and that having town officials on the stage with the moderator was distracting to the body.

Former Town Manager and town meeting member Corwin Elwell noted that town meetings all over the state presented their town boards and officials facing their audiences as they are the persons generally being interrogated. For matters of efficiency it was the preferred seating arrangement.

Following a brief discussion, George Carvill moved to cease debate. With 91 voting in favor and 33 opposed to the motion, a two-thirds majority was achieved and debate ceased.

On a standing-voice vote, the motion as presented by Mr. Gartenstein was overwhelmingly adopted.

**PRELIMINARY MOTION #2)** Selectboard member Kate O'Connor moved: That the electronic media be permitted to remain in the reserved section.

The motion was seconded and, with no discussion, unanimously carried.

**ARTICLES:** Prior to any action, the Moderator read each article and asked the pleasure of the meeting.

**AUDITORS' REPORT:** Under **Article 1**, Selectboard member David Schoales moved: That the auditor's reports be accepted as printed. (Town and Town School District)

The motion was seconded. There was no discussion and on a standing-voice vote, the article was unanimously adopted.

**EMPLOY CPA:** Under **Article 2**, Selectboard member John Allen moved: That the Town and Town School District authorize its Selectboard and School Directors to employ a certified public accountant or public accountants.

The motion was seconded. There was no discussion and on a standing-voice vote, the article was unanimously adopted.

**TOWN CLERK:** Under **Article 3**, Selectboard member Donna Macomber moved: That the appointment of Annette Cappy as Town and Town School District Clerk for a term of one year from March 20, 2016, be ratified, approved and confirmed.

The motion was seconded. There was no discussion and on a standing-voice vote, the appointment was unanimously approved.

**TOWN TREASURER:** Under **Article 4**, David Gartenstein moved: That the appointment of John O'Connor as Town and Town School District Treasurer for a term of one year from March 20, 2016 be ratified, approved and confirmed.

The motion was seconded. There was no discussion and on a standing-voice vote, the appointment was unanimously approved.

**TOWN ATTORNEY:** Under **Article 5**, Kate O'Connor moved: That the appointment of Fisher and Fisher Law Offices, P. C., as Town Attorney for a term of one year from March 20, 2016 be ratified, approved, and confirmed.

The motion was seconded. There was no discussion and on a standing-voice vote, the appointment was unanimously approved.

**CAPITAL GRANT REVIEW BOARD:** Under **Article 6**, the Moderator sought volunteers from the floor for the Capital Grant Review Board.

Betsy Gentile nominated Georges Herzog and Sharry Manning nominated Stephen Phillips. There were no other nominees.

David Schoales moved: That Georges Herzog and Stephen Phillips be appointed to serve on the Capital Grant Review Board for a term of one year from March 20, 2016.

With no discussion, both were unanimously appointed to the Capital Grant Review Board.

**TOWN FINANCE COMMITTEE:** Under **Article 7** the Moderator sought volunteers

from the floor for the Town Finance Committee.

The following members were nominated: Franz Reichsman, Avery Schwenk, Paula Melton, Ralph Meima, Maya Hasegawa and Carrie Storm.

John Allen moved: That the nominees be appointed to serve on the Representative Town Meeting Finance Committee for a term to expire at the next annual Representative Town Meeting.

With no discussion, all were unanimously appointed to the Town Finance Committee.

**LIBRARY TRUSTEES:** Under **Article 8**, Donna Macomber moved: That the following people be appointed to serve on the Board of Trustees for the Brooks Memorial Library: Pamela Becker, Howard Burrows, and Jane Southworth for three-year terms (2016-2019), and Connie Bresnahan for the unexpired term 2016-2017, and Jenny Rowe for an unexpired term 2016-2018.

The motion was seconded. There was no discussion and on a standing-voice vote, the nominees were unanimously elected.

**CHARTER AMENDMENT – CANDIDATE DEADLINE:** Under **ARTICLE 9**, David Gartenstein moved: That the Town amend the Brattleboro Town Charter Addendum A, Acts of 1959, No. 302, Section 4a to change the deadline for incumbent Town Meeting members to submit their notice of intent to have their name placed on the ballot to the 6th Monday preceding the election, as presented on page 9 of the Town Report.

ADDENDUM A, ACTS OF 1959, NO. 302, SECTION 4 a.

**Section 4. Nomination of candidates; preparation of ballots; return of unused ballots.**

~~a. Nomination of candidates for town meeting members shall be made by certificates of nomination to be prepared by the town clerk which shall bear no political designation, shall be signed by not fewer than ten voters of the district in which the candidates live, and shall be filed with the town clerk no later than 5:00 p.m. on the sixth Monday preceding the election; provided that any town meeting members may become a candidate for re-election solely by giving written notice thereof to the town clerk no later than 5:00 p.m. on the seventh Monday preceding the election. No certificate of nomination shall be valid in respect of any candidate whose written acceptance is not endorsed thereon or attached thereto when filed.~~

a. Nomination of candidates for town meeting member shall be made by:

1. certificate of nomination to be prepared by the town clerk which shall bear no political designation and shall be signed by not fewer than ten voters of the district in which the candidates live.

2. any town meeting member solely by giving written notice thereof to the town clerk.

Certificates of nomination or notices of intent shall be filed with the town clerk no later than 5:00 p.m. on the sixth Monday preceding the election. No certificate of nomination or notice of intent shall be valid in respect of any candidate whose written acceptance is not endorsed thereon or attached thereto when filed.

Town Clerk Annette Cappy explained that as of 2015, Town administration began observing Martin Luther King holiday which in most years will fall on the seventh Monday prior to annual elections. The seventh Monday is also the deadline for incumbent town meeting members to submit written notice of intent to have their name placed on the ballot for re-election. The intent of the amendment would move the incumbent's deadline to the following Monday which would coincide with the deadline for non-incumbent candidates to submit their petitions.

Following a brief discussion, on a standing-voice vote, the article as presented, was unanimously adopted.

**CHARTER AMENDMENT – EARLY VOTING USE OF TABULATOR:** Under **ARTICLE 10** Kate O'Connor moved: that the Town amend the Brattleboro Town Charter Article II, Section 3 to allow mechanical tabulation of ballots from citizens that use early voting, as presented on page 9 of the Town Report.

ARTICLE II, SECTION 3 - MANNER OF ELECTION

E. *Early voting in person when tabulators are used for voting, whether it be for Town, State or Federal voting.*

Voters choosing to vote early by Australian ballot in the town clerk's office shall vote in the same manner as those voting on election day provided that the voter completes a 'Request for Early Ballot and Certification' form stating the following:

1. That the person is a legal voter on the voter registration list for Brattleboro.
2. That the person is a U.S. citizen and will be at least 18 years of age by the date of the election.
3. That the person is not registering, requesting a ballot or voting in any other jurisdiction except Brattleboro.
4. That the information provided is true, accurate, and complete to the best of the voter's knowledge.

The certificate must be signed and dated by the voter.

The voter will mark the ballot and deposit it into the vote tabulator.

During business hours in the Town Clerk's office, the vote tabulator and ballot bin shall be in a secured area and accessible to election officials and voters only. The tabulator unit shall be secured with an identifiable seal and the ballot box containing voted ballots shall remain locked at all times and secured with an identifiable seal. Neither seal shall be broken prior to the time of closing the polls on election day. Ballots shall be comingled with those voted at the polls on election day prior to being examined for the purpose of identifying write-in votes.

Once early voting has commenced in the town clerk's office, the clerk or his/her designee shall certify each day in a record prepared for this purpose, that the seal on the vote tabulator and ballot box are intact.

When an election official is not present or times other than business hours, the sealed tabulator and ballot box shall be secured in the Town Clerk's office vault. Sealed tabulator and sealed ballot box(s) will be transferred to the polling place on election day by two election officials and not opened until the polls have closed on election day.

A record of those voting in person shall be maintained. Prior to opening the polls on election day, the number of early voters who voted in person shall match the number of voted ballots displayed on the tabulator.

All provisions regarding early voting, including other methods of early voting, and those not addressed in this section shall be as prescribed by 17 V.S.A., §2531-2547.

The motion was seconded and there was no discussion. On a standing voice-vote, the article was unanimously adopted.

**AUTHORIZATION TO BORROW:** Under **Article 11**, David Schoales moved: That the Selectboard be authorized to borrow money on its notes in anticipation of taxes, grants and other revenue.

The motion was seconded. There was no discussion and on a standing-voice vote, the article was unanimously adopted.

**SELECTBOARD SALARIES:** Under **Article 12**, John Allen moved: That the salaries of the Selectboard be set at \$3,000.00 each; that the salary of the Chairperson be set at \$5,000.00, and that the Selectboard be authorized to fix the salaries of all other town officers for fiscal year 2016.

Kurt Daims moved to amend the amounts to be \$20,000 each and \$25,000 for the Chairperson. He explained that for the average or low-income person, serving on a town board was almost prohibitive due to issues of childcare, transportation and time.

Following a lengthy discussion Don Webster moved to amend Mr. Daims motion by including a recommendation for the Selectboard to initiate a study of the compensation for the Selectboard and School Board and report back to the body at the next meeting.

Franz Reichsman, current chair of the Finance Committee volunteered that the Finance Committee would be willing to investigate the issue.

Mr. Webster then withdrew his motion to amend Mr. Daims motion.

Following a brief discussion, Mr. Daims motion to amend the main motion was overwhelmingly defeated.

With no further discussion, the main motion as presented by Mr. Allen was approved with only Mr. Daims in opposition.

**DOWNTOWN IMPROVEMENT DISTRICT:** Under **Article 13**, Donna Macomber moved: That the Town raise and appropriate the sum of \$78,000.00 through special assessments on properties within the Downtown Improvement District (as approved by Town Meeting March 19, 2005 and as delineated in the town ordinance entitled "Municipal Act to Establish and Regulate the Downtown Improvement District") to be used for capital and operating costs of projects of the Town's duly designated downtown organization as reflected in its work plan and budget.

The motion was seconded and there was no discussion. On a standing-voice vote, the article was overwhelmingly adopted.

**MOUNTAIN HOME PARK SPECIAL BENEFIT ASSESSMENT TAX DISTRICT:** Under **Article 14**, David Gartenstein moved: That the Town vote to raise and appropriate the sum of \$223,276.48 through special assessments on property within the "Mountain Home Park Special Benefit Assessment Tax District" (as approved by Town Meeting, March 24, 2007 and as delineated in the Town Ordinance entitled, "Municipal Act to Establish and Regulate the Mountain Home Park Special Benefit Assessment Tax District") for the purpose of paying debt service on the capital improvements to the water and sewer lines serving the Mountain Home and Deepwood Mobile Home Parks.

The motion was seconded and a very brief discussion followed. On a standing-voice vote, the article was unanimously adopted.

**BRATTLEBORO CLIMATE PROTECTION:** Under **Article 15**, Kate O'Connor moved: That the Town raise and appropriate a sum not to exceed \$10,000 to assist in funding Brattleboro's Climate Protection.

The motion was seconded and a very brief discussion followed. On a standing-voice vote, the article was unanimously adopted.

**HUMAN SERVICE PROGRAMS:** Under **Article 16**, Donna Macomber moved: That the Town raise and appropriate the sum of \$120,000 to support human service programs and facilities for the residents of Brattleboro to be allocated among service providers in the following manner:

AIDS Project of Southern Vermont - \$2,000  
American Red Cross – VT and NH Upper Valley Region - \$5,000  
Boys & Girls Club - \$15,200  
Brattleboro Area Adult Day (Gathering Place) - \$2,000  
Brattleboro Area Hospice - \$1,200  
Brattleboro Senior Meals - \$7,000  
Family Garden - \$2,500  
Green Mountain RSVP - \$700  
Groundworks Collaborative - \$20,000  
KidsPLAYce - \$4,000  
Meeting Waters-YMCA - \$5,000  
Senior Solutions - \$2,800  
Southeastern Vermont Community Action, Inc. (SEVCA) - \$12,000  
Turning Point - \$7,000  
Vermont Wilderness School - \$4,000  
Vermont Center for Independent Living - \$1,600  
Visiting Nurse & Hospice of VT & NH - \$7,500  
Windham Child Care Association - \$5,500  
Windham County Safe Place Child Advocacy Center and Southeastern Unit for Special Investigations - \$1,500  
Windham Southeast Supervisory Union Summer Food Program - \$6,000  
Youth Services - Big Brothers/Big Sisters - \$7,500.

The motion was seconded and a brief discussion followed. On a standing voice-vote, the article was unanimously adopted.

**Program Income (revolving loan fund) contribution to Southeastern Vermont Economic Development Strategies (SeVEDS):** Under **Article 17**, David Schoales moved: That the Town authorize the Selectboard to expend \$25,000 from Program Income (a revolving loan fund that disperses proceeds which originated as Community Development Block Grants) as a contribution to the operation of Southeastern Vermont Economic Development Strategies (SeVEDS).

The motion was seconded and a brief discussion followed. On a standing voice-vote, the article was unanimously adopted.

**UNASSIGNED FUND BALANCE – Bonnyvale Road retaining wall, Living Memorial Park swimming pool, Tax levy reduction** Under **Article 18**, John Allen moved: the Town appropriate the sum of \$449,225 from the Unassigned General Fund Balance as of June 30, 2015 to fund the following: \$150,000 for the Bonnyvale Road Retaining Wall, \$165,000 for the repair and refurbishment of the swimming pool at Living Memorial Park, and \$134,225 to reduce the tax levy for Fiscal Year 2017.

The motion was seconded, and following a moderate discussion, was unanimously approved.

**TOWN APPROPRIATION:** Under **Article 19**, David Gartenstein moved: That the Selectboard be authorized to raise, appropriate and expend the sum not to exceed \$16,288,258 (sixteen million, two hundred eighty-eight thousand, two hundred fifty-eight dollars) in order to defray to that extent all general fund expenses for the period of July 1, 2016 through June 30, 2017, including all highway and Windham County taxes, and that the Selectboard be authorized to expend, in addition, any sum authorized for special purpose under any article contained in the warning for this meeting or any special Representative Town Meeting. This motion includes the following funding sources: \$449,225 (four hundred forty-nine thousand, two hundred twenty-five dollars) to be appropriated from the Unassigned General Fund Balance, \$13,861,274 (thirteen million, eight hundred sixty-one thousand, two hundred seventy-four dollars) to be collected in property taxes, and the balance to be comprised of all other sources of revenue collected by the Town. This motion also provides that the Town taxes assessed on the Grand List as April 1, 2016, shall be due and payable in four (4) equal installments payable to the Town Treasurer until overdue, then to the Collector of Taxes; that such payment of the installments shall be made on or before 5:00pm on August 15, 2016, November 15, 2016, February 15, 2017, and May 15, 2017; and that interest at a rate of one percent (1%) per month be charged from the due date of payment on any overdue payment of the town tax, installment, or portion thereof; and that a penalty of eight percent (8%) be charged on any overdue payment that remains due and owing on May 15, 2017.

The motion was seconded and Mr. Gartenstein addressed the body. He stated that as a result of the previous week's special town meeting to proceed with the Police/Fire project and relocate the Police Department to Black Mountain Road, the proposed budget also included the fiscal year's bond repayment amount of \$176,906. He added that the budget provided for level services and at the suggestion of the town manager, there had been a shift in paying for operational equipment, including vehicles, from long-term borrowing, to paying for these items from the current budget.

Kurt Daims moved to reduce the proposed budget by \$176,906.34, which was equivalent to the debt service for the coming year for the Police Department move to Black Mountain Road. The motion was seconded.

Following a moderate discussion regarding current fire statistics, David Schoales moved to cease debate. With more than the two-thirds majority having been met, debate ceased.

Following a lengthy discussion, the main motion as presented by Mr. Gartenstein, was overwhelmingly adopted.

**RECESS:** At 12.42 p.m., the Moderator declared a recess.

At 1:50 P.M, after confirming the presence of a quorum, the Moderator reconvened the meeting.

**BRATTLEBORO POST 5 LITTLE LEAGUE- TAX EXEMPTION:** Under **Article 20**, Kate O'Connor moved: That the Town vote to exempt the municipal tax portion of real estate taxes for Brattleboro Post 5 Little League for a period of five years.

The motion was seconded. There was a moderate discussion and on a standing-voice vote, the article was adopted with four members in opposition.

**RESCUE, INC. TAX EXEMPTION:** Under **Article 21**, David Schoales moved: That the Town exempt the municipal tax portion of real estate taxes for Rescue, Inc., for a period of five years.

There was no discussion, and on a standing-voice vote, the article was adopted with two members in opposition.

**CAMP WAUBONONG, INC.:** Under **Article 22**, John Allen moved: That the Town exempt the municipal tax portion of real estate taxes for Camp Waubonong, inc., for a period of five years.

There was little discussion, and on a standing-voice vote, the article was overwhelmingly adopted.

**HOLTON HOME TAX EXEMPTION:** Under **Article 23**, Donna Macomber moved: That the Town exempt the municipal tax portion of real estate taxes on Holton Home for a period of five years.

The motion was seconded and a brief discussion ensued. On a standing-voice vote, the article was overwhelmingly adopted.

**BRADLEY HOUSE TAX EMEMPTION:** Under **Article 24** David Gartenstein moved : That the Town Exempt the municipal tax portion of real estate taxes for Bradley House for a period of five years, and the education tax portion of real estate taxes for Bradley House for a period of two years.

The motion was seconded and a brief discussion ensued. On a standing-voice vote, the article was overwhelmingly adopted.

**THE FAMILY GARDEN, INC. TAX EXEMPTION:** Under **Article 25**, Kate O'Connor moved that the Town exempt the municipal tax portion of real estate taxes for the Family Garden, Inc., for a period of five years, and the education tax portion of real estate taxes for the Family Garden, Inc., for a period of two years.

The motion was seconded and a brief discussion ensued. On a standing-voice vote, the article was overwhelmingly adopted.

**SALARIES:** Under **Article 26**, Town School Director Mark Truhan moved: That the legal voters of the Town of Brattleboro School District authorize its Board of School Directors to pay the following amounts for the ensuing fiscal year: to its school directors the sum of \$2,000 each, except that the chairperson shall be paid the sum of \$3,000.

The motion was seconded.

Mary Copans moved to amend the motion by increasing the members pay from \$2,000 to \$3,000 and the Chairperson's pay from \$3,000 to \$5,000 to be in line with that of the selectboard's compensation. Following a brief discussion Ms. Copan's amendment was overwhelmingly adopted.

With no further discussion, on a standing-voice vote, the article as amended was overwhelmingly adopted.

**BORROWING IN ANTICIPATION OF TAXES:** Under **Article 27**, Kim Price moved: That the legal voters in the Town of Brattleboro School District authorize its Board of School Directors to borrow money pending the receipt of taxes, and not in excess of anticipated revenue for the school year, by the issuance of its

notes or orders payable not later than one year from the date thereof.

The motion was seconded and on a standing-voice vote overwhelmingly adopted

**FEDERAL AND STATE GRANTS:** Under **Article 28**, Todd Roach moved: That the legal voters of the Town of Brattleboro School District be authorized to accept and expend categorical grants and aid received from the State of Vermont and the United States Government.

The motion was seconded. There was no discussion and, on a standing-voice vote, the article was unanimously adopted.

**TOWN SCHOOL DISTRICT APPROPRIATION:** Under **Article 29**, Jill Stahl-Tyler moved: That the voters of the school district approve the school board to expend \$15,987,622.00, which is the amount the school board has determined to be necessary for the ensuing fiscal year. It is estimated that this proposed budget, if approved, will result in education spending of \$15,292.00 per equalized pupil. This projected spending per equalized pupil is 1.8% lower than spending for the current year.

The motion was seconded. Ms. Stahl-Tyler briefly noted that it had been an extraordinary year in that the administration had been able to put aside money in a reserve fund and still decrease taxes; although she did not anticipate it repeating in future years. She added that there had also been a change in the equalized value on pupil numbers. Most of the equalized pupil number shift came in the inclusion of preschoolers. She indicated that the district had been providing services for them all along but they had not previously been counted. The new equalized value of pupil calculations had worked in favor of the school district. She also stated that the number of students continues to decrease.

Following a moderate discussion, the article was overwhelmingly adopted.

**OTHER BUSINESS:** Under **Article 30**, the following items were brought before the assembly:

**Macomber Resolution** - David Gartenstein offered the following resolution:

Whereas, Donna Macomber was appointed to serve on the Brattleboro Selectboard in mid 2013 and subsequently was elected to that position by the voters in 2014 and 2015; and

Whereas Ms. Macomber has served faithfully as a member of the Selectboard for almost three years, including as its representative to the Town Arts Committee and the Traffic Safety Committee; and

Whereas, Ms. Macomber has discharged her responsibilities as a Selectboard member in a careful, deliberative, thoughtful, calm, respectful manner that has well and truly served the best interests of the Town and its citizens, and the public good.

Now, therefore, be it resolved, that this Town Meeting, on its own behalf and on behalf of the entire Town, thanks Donna Macomber for her service on the Selectboard to the Town of Brattleboro.

The motion was seconded and on a standing-voice vote and ovation, the resolution was unanimously adopted.

**Thanks to Moderator** - Mr. Gartenstein also offer, on behalf of the body, thanks to Moderator Lawrin Crispe.

**Senior Center Fees** - Dennis Newman moved: That the Town be prohibited from exacting a user fee or membership fee on Seniors involved in activities at the Senior Center. This would be for a voluntary or mandatory fee. Also I propose that the Town be prohibited from requiring a membership fee for seniors in activities at the Senior Center. Currently the town has a 'voluntary' user fee, under the threat that they may require a membership fee, if the 'voluntary' user fee does not bring in enough money. I consider this a regressive tax, in effect, on seniors.

The motion was seconded and with only a very brief discussion, the motion was defeated.

**Act 46** - School Board Chairperson Jil Stahl Tyler replied to inquiries regarding Act 46.

**Indigenous Peoples Day** - Dylan MacKinnon offered the following resolution: That the Town change in reference of the second Monday of October as Indigenous Peoples Day, in place of Columbus Day. The motion was seconded.

Kurt Daims requested to add a friendly amendment by adding that the Selectboard bring the article to a town-wide vote by placing the article on a ballot at a general town meeting. Mr. Daims' amendment was, on a standing voice vote, defeated with 28 in favor and 43 opposed.

With no further discussion, Mr. MacKinnon's motion was adopted. The Moderator reminded the body that any action taken under other business, would be non-binding.

There being no other business, the meeting adjourned at 4:13 P.M.

Attest:

Annette L. Cappy  
Town Clerk

David Gartenstein  
Selectboard Chair

Lawrin Crispe  
Moderator