ANNUAL REPRESENTATIVE
TOWN AND TOWN SCHOOL DISTRICT MEETING

March 25, 2017

Pursuant to the Warning for the Annual Town and Town School District Meeting recorded in the Town Records Volume 21, page 1, the legal voters qualified to vote, met at the Brattleboro Area Middle School Multi-purpose room on March 25, 2017, at 8:30 A.M.

At 8:36 A.M., Moderator Lawrin Crispe called the meeting to order.

Checklist attendant and Assistant Town Clerk Jane Fletcher reported that 101 Town Meeting Members were present. Moderator Crispe announced that 78 members constitute a quorum. A total of 125 members were present at various times of the day.

The moderator called upon Marshall Wheelock to lead the meeting with an opening convocation.

Boy Scouts Troop 405 led the meeting in the Pledge of Allegiance.

Town Clerk Hilary Francis 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 with audio coverage by First Choice Communication; and that interpretation for the deaf and hard of hearing was being provided by Cory Brunner, Elizabeth Fox, Janet Dickinson and Janice Wightman.

PRELIMINARY MOTION #1) Selectboard Vice Chair Kate O'Connor 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.

Jill Stahl-Tyler moved to amend by adding Lyle Holiday, Curriculum Coordinator and New Superintendent as of July 1, 2017.

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

There being no further discussion on the motion, it was unanimously adopted as amended and the individuals were invited to join the meeting.

PRELIMINARY MOTION #2) Selectboard Chair David Gartenstein 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.

SCHOOLBOARD SALARIES: Under **Article 1,** Todd Roach 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 $3,000 each, except that the chairperson shall be paid the sum of $5,000.

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

BORROWING IN ANTICIPATION OF TAXES: Under **Article 2**, Town School Board Vice Chair Mark Truhan 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 3,** David Schoales 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.

GREEN STREET SCHOOL HEATING IMPROVEMENTS: Under **Article 4,** there was a Bond Vote by Australian Ballot to determine: Shall general obligation bonds or notes of the Brattleboro Town School District in an amount not to exceed Three Hundred Fifty Thousand Dollars ($350,000), subject to reduction from future state and federal grants-in-aid and the application of future reserves, payable over a term not to exceed ten (10) years, be issued for the purpose of making heating system improvements to the Green Street School, the estimated cost of such improvements being Nine Hundred Forty-Six Thousand Dollars ($946,000)?

Moderator, Lawrin Crispe announced that polls were open at 10:00am, and they closed at 5:27pm. Result of the vote is as follows:

Yes	114
No	6

TOWN SCHOOL DISTRICT APPROPRIATION: Under **Article 5,** Town School Board Chair Jill Stahl Tyler moved: That the voters of the school district approve the school board to expend $14,547,425.00, 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 $16,960.00 per equalized pupil. This projected spending per equalized pupil is 10.9% higher than spending for the current year.

The motion was seconded. Ms. Stahl-Tyler explained that the change to the wording for the motion was mandated by the state to delineate the per equalized pupil spending in comparison to last year. The budgets are not exactly comparable from one year to the next, in part because an accounting mandate removed some special education funds from this budget to the Supervisory Union budget. This budget includes contractual obligations to increase teacher salaries by 2.4% and benefits by 4.6%. Staff salaries and benefits make up 62% of entire budget. While staffing has remained largely the same, two new staff members were added: one full time social worker; and one full time Technology Integration Specialist that would be shared at Green Street and Oak Grove schools.

Following a moderate discussion, the article was unanimously adopted.

SCHOOL BOARD RECOGNITIONS: The Moderator recognized Jill Stahl-Tyler at this time, who recognized Todd Roach for his three years of service, and Mark Truhan for his 10 years of service. Ms. Stahl-Tyler also recognized Ron Stahley for his 15 years of service as Superintendent of Schools. Lyle Holiday was recognized and welcomed as the incoming Superintendent of Schools, beginning July 1st.

SUSPENSION OF RULES TO DISCUSS ACT 46: Ron Stahley requested that the rules be suspended to give an update on Act 46 at this point, rather than waiting until other business at the end of the meeting. Because this item was not directly germane to any articles on the warning, a motion was made to suspend the rules requiring two thirds (2/3) approval, to allow the School Board to provide an update on Act 46, and to hear any other motion or comments related to Act 46. The motion was seconded and voted on by division to determine if the required two thirds (2/3) vote was achieved. It was clarified that any motion in this section would be non-binding.

After a brief discussion, with 88 in favor and 36 opposed, the motion passed.

Jill Stahl-Tyler gave a brief update on the history, process and status of Act 46, beginning in November 2015. Due to votes by Vernon and Dummerston regarding the dissolution of the Union High School, which would allow the formation of one pre-k through 12 Supervisory District, local compliance with Act 46 cannot proceed at this time. Ms. Stahl-Tyler went on to discuss why an Alternative Structure on the laws of Act 46 would not work for our towns. The State Board of Education has been asked to give guidance as to how to move forward. If no agreement can be reached by November 1st, the State Board of Education will decide how to merge the district and move forward.

Andrew Davis moved for the following non-binding resolution:
WHEREAS, The Brattleboro Town Schools have not, as of this date, entered into a school merger as directed by the Vermont Legislature under Act 46,

NOW THEREFORE,

BE IT RESOLVED, that we the Town Meeting Representatives of Brattleboro direct the Brattleboro Town School Board to explore the Alternative Structure in Section 9 of Act 46 referred to as "SELF-EVALUATION, MEETINGS, AND PROPOSAL" (p. 17, Act 46), and be it

FURTHER RESOLVED, that we direct the Brattleboro Town School Board to hold at least two public hearings for the purpose of exploring this option for complying with Act 46.

The motion was seconded, and after moderate discussion, on a division vote, the motion failed with 59 opposed and 46 in favor.

George Carvill moved:
WHEREAS, special circumstances in some school districts in the Windham Southeast Supervisory Union have made it extremely difficult to craft an Act 46 merger agreement acceptable to all of the member school districts, and,

WHEREAS, under Act 46 the Vermont State Board of Education is empowered to compel school districts to merge under terms and conditions under its sole control, and,

WHEREAS, Vermont has a long history of local control of education,
NOW THEREFORE,

BE IT RESOLVED, that we the Town meeting Representatives of Brattleboro

respectfully request that our State Senators and Representatives work with the Vermont Agency of Education and/or introduce legislation to insure that no merger under Act 46 will take place that affects any School District in the Windham Southeast Supervisory Union without affirmative action by the voters of the School District involved.

The motion was seconded, and after moderate discussion, on a division vote, the motion passed 72 in favor and 34 opposed.

AUDITORS' REPORT: Under **Article 6,** Selectboard member Dick DeGray moved: That the auditor's reports be accepted as printed. (Town and Town School District)

The motion was seconded. Dick DeGray recognized Finance Director John O'Connor for his excellent work on the Auditors' reports. There was no further discussion and on a standing-voice vote, the article was unanimously adopted.

EMPLOY CPA: Under **Article 7**, Selectboard member David Schoales 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. Following brief discussion on a standing-voice vote the article was unanimously adopted.

TOWN CLERK: Under **Article 8**, Selectboard member John Allen moved: That the appointment of Hilary Francis as Town and Town School District Clerk for a term of one year from March 27, 2017, 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 9**, Selectboard Vice-Chair Kate O'Connor moved: That the appointment of John O'Connor as Town and Town School District Treasurer for a term of one year from March 27, 2017 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 10,** Selectboard Chair David Gartenstein moved: That the appointment of Fisher and Fisher Law Offices, P. C., as Town Attorney for a term of one year from March 27, 2017 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 11**, the Moderator sought volunteers from the floor for the Capital Grant Review Board.

Dick DeGray nominated Alyssa Todd and Chris Chapman nominated Georges Herzog. There were no other nominees.

Dick DeGray moved: That Alyssa Todd and Georges Herzog be appointed to serve on the Capital Grant Review Board for a term of one year from March 27, 2017.

The motion was seconded. With brief discussion, both were unanimously appointed to the Capital Grant Review Board.

TOWN FINANCE COMMITTEE: Under **Article 12** the Moderator sought volunteers from the floor for the Town Finance Committee.

Franz Reichman nominated the following members: Franz Reichsman, Avery Schwenk, Ralph Meima, Abbe Sweeney, Alex Fischer, and Scott Smyth.

David Schoales 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.

The motion was seconded. With no discussion, all were unanimously appointed to the Town Finance Committee.

LIBRARY TRUSTEES: Under **Article 13**, the Moderator announced that the Brooks Memorial Library Trustees had put forward the names of Connie Bresnahan, Jenny Rowe and after approval of this Article requested that Amity DeAngelis be added as a third nomination. The moderator opened nominations for the third trustee. Jane Southworth nominated Amity DeAngelis. There were no other nominations.

George Carvill moved to close nominations. The motion was seconded and passed unanimously.

John Allen then moved: That the following people be appointed to serve on the Board of Trustees for the Brooks Memorial Library: Connie Bresnahan, Jenny Rowe and Amity DeAngelis for three-year terms (2017-2020).

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

AUTHORIZATION TO BORROW: Under **Article 14**, Kate O'Connor 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 brief discussion and on a standing-voice vote, the article was unanimously adopted.

SELECTBOARD SALARIES: Under **Article 15**, David Gartenstein 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 2017.

The motion was seconded.

David Gartenstein moved to amend the motion to say 'fiscal year 2018' instead of 'fiscal year 2017.' The amendment was seconded and passed.

Kurt Daims requested a presentation from the Finance Committee regarding their survey and reports on this topic. The Finance Committee went through their reports, which can be found on their website.

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 George Carvill moved to cease debate, requiring a two-thirds vote. The motion was seconded and by a division vote was passed, with 104 in favor and 12 opposed.

With no further discussion, Mr. Daims' motion to amend the main motion was overwhelmingly defeated.

With no further discussion, the main motion as presented by Mr. Gartenstein was overwhelmingly adopted on a standing-voice vote.

DOWNTOWN IMPROVEMENT DISTRICT: Under **Article 16**, Dick DeGray moved: That the Town raise and appropriate the sum of $75,000 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 brief discussion. On a standing-voice vote, the article was overwhelmingly adopted.

RECESS: At 12:25 p.m., the Moderator declared a recess.

At 1:35 P.M, after confirming the presence of a quorum, the Moderator reconvened the meeting.

MOUNTAIN HOME PARK SPECIAL BENEFIT ASSESSMENT TAX DISTRICT: Under **Article 17**, David Schoales moved: That the Town vote to raise and appropriate the sum of $223,276.47 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 there was no discussion. On a standing-voice vote, the article was unanimously adopted.

HUMAN SERVICE PROGRAMS: Under **Article 18**, John Allen 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 – NH and VT Region - $5,000
Brattleboro Area Adult Day (Gathering Place) - $4,000
Brattleboro Area Hospice - $1,200
Brattleboro Senior Meals - $7,000
Family Garden - $2,500
Green Mountain Crossroads - $5,000
Groundworks Collaborative - $20,000
Health Care & Rehabilitation Services - $3,500

KidsPLAYce - $4,000
Meeting Waters-YMCA - $5,000
Senior Solutions - $3,000
Southeastern Vermont Community Action, Inc. (SEVCA) - $12,000
Turning Point - $8,500
Vermont Adult Learning $3,000
Vermont Center for Independent Living - $1,600
Visiting Nurse & Hospice of VT & NH - $12,200
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.

UNASSIGNED FUND BALANCE: Under **Article 19,** Kate O'Connor moved: the Town appropriate $1,099,975 from the Unassigned Fund Balance as of June 30, 2016, as partial funding for the Town's operating and capital expenses for Fiscal Year 2018

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

TOWN APPROPRIATION: Under **Article 20**, David Gartenstein moved: That the Selectboard be authorized to raise, appropriate and expend the sum not to exceed $17,271,841 (Seventeen Million, Two Hundred Seventy-One Thousand, Eight Hundred Forty-One Dollars) in order to defray to that extent all general fund expenses for the period of July 1, 2017 through June 30, 2018, 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: $1,099,975 (One Million, Ninety-Nine Thousand, Nine Hundred Seventy-Five Dollars) to be appropriated from the Unassigned General Fund Balance, $14,267,946 (Fourteen Million, Two Hundred Sixty-Seven Thousand, Nine Hundred Forty-Six 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 and School District taxes assessed on the Grand List as April 1, 2017, 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 received by the Town Treasurer's Office on or before 5:00pm on August 15, 2017, November 15, 2017, February 15, 2018, and May 15, 2018; 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, 2018.

The motion was seconded and Mr. Gartenstein addressed the body. He stated that this budget is a total increase of 7.3% over 2017. The tax increase is 2.9% (3.5 cents or about $406 in additional real estate taxes) for funding on debt for the police-fire stations. He broke down the overall budget for the body, and explained that the primary shifts in the budget from last year were due to capital improvements.

Michael Bosworth moved to amend as follows:
I move to amend the proposed budget to appropriate a sum not to exceed $10,000 – to be offset by $10,000 increase in property taxes – with the interest to fund the

work of a successor organization to Brattleboro Climate Protection.

Spending any of the $10,000 would be dependent on the Selectboard appointing a Town Energy Coordinator and that $10,000 would go specifically to support her or his work.

Spending any of the $10,000 would also depend on the Brattleboro Climate Protection successor organization entering into a fiscal agent agreement with a Vermont energy-focused federal 501(c)(3) non-profit organization.

The amendment was seconded, followed by a lengthy discussion. Dick DeGray clarified that this amendment would be adding $10,000 to the budget proposed in the original motion. After additional discussion, Michael Bosworth agreed to further amend his proposed amendment to the motion by taking out the deadline of July 1, 2017.

Steve Phillips asked for clarification that the vote is on the budget increase, but that the conditions are advisory only, not binding. Peter Elwell confirmed that this is the case, however the staff would pay attention to the advice given from the body.

On a standing-voice vote, the amendment was overwhelmingly adopted.

Following additional brief discussion, the main motion was passed as amended on a standing-voice vote unanimously.

SeVEDS: Under **Article 21**, Dick DeGray moved: That the Town authorize the Selectboard to expend $24,000 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. There was a moderate discussion and on a standing-voice vote, the article was adopted unanimously.

INDIGENOUS PEOPLES' DAY: Under **Article 22**, David Schoales moved: That the Town advise the Selectboard to proclaim the second Monday of October as Indigenous Peoples' Day, in place of Columbus Day.

The motion was seconded.

Dennis Newman moved to amend the motion to proclaim the second Monday of October "Native American Day." After brief discussion the amendment was not seconded.

Following additional discussion, the motion was adopted unanimously by a standing-voice vote.

OTHER BUSINESS: Under **Article 23**, John Allen moved to transact any other business that may lawfully come before the meeting. The following items were brought before the assembly:

DeGray Resolution - David Gartenstein offered the following resolution:

Whereas, Richard DeGray has served as a member of the Brattleboro Selectboard for 8 years, from 2006-2013 and 2016-2017, including service as the Board's chair; and

Whereas, Mr. DeGray served 4 years on the BUHS Board from 1996-2000; and

Whereas, Mr. DeGray has served on a series of related committees and committed himself tirelessly to the betterment of the Town of Brattleboro and the lives of its residents;

Now therefore be it resolved that Brattleboro Town Meeting thanks Richard DeGray for his service to the Town.

Cappy Resolution - David Gartenstein offered the following resolution:

Whereas, Annette Cappy was appointed as Brattleboro Town Clerk in March 1989; and

Whereas, Ms. Cappy continued faithfully to serve as Town Clerk for almost 28 years; and

Whereas, in this role, Ms. Cappy supervised dozens of elections, 41 town meetings, and has worked tirelessly to improve and support the Town's operations and the lives of Brattleboro's citizens and has been recognized for her work on a state wide level,

Now therefore be it resolved that Brattleboro Town Meeting thanks Annette Cappy for her service to the Town.

Gartenstein Resolution – Kate O'Connor offered the following resolution:

Whereas, David Gartenstein has served on the Brattleboro Selectboard from 2011 to 2017; and

Whereas, Mr. Gartenstein has served as chair of the Board for four years, leading the town through times of challenges and opportunities, including a successful search for a town manager; the siting of a skateboard park; the implementation of the pay-as-you-throw trash/recycling program; and the resolution of our more than 30-year-old police-fire facilities project; and

Whereas, Mr. Gartenstein has served as a town meeting representative; as Chair of the Development Review Board; as a member of the Traffic Safety Committee, Capital Grants Review Board and Rental Housing Improvement Program Loan Committee; and

Whereas, Mr. Gartenstein has served two and a half years on the town school board and three years on the Brattleboro Union High School Board; and

Whereas, Mr. Gartenstein has served the people of the town with professionalism, fairness and with a sense of humor; all the while acting with the best interest of the town at heart;

Now, therefore, be it resolved, that this Town Meeting, on its own behalf and on behalf of the entire Town, thanks David Gartenstein for his many years of dedicated service to the Town of Brattleboro.

Each of the previous three resolutions were met with standing ovations and applause by the members.

Skate Park Update - Elizabeth McLoughlin gave a skate park update (BASIC). Ms. McLoughlin thanked the body for their generous contribution in 2015. Since last year they have successfully secured the permits necessary to build the skate park at the new location at Living Memorial Park. They are now ready to build. Construction time is a matter of months, but they need additional funds. They have already raised approximately $100,000 towards this goal. They need another

$130,000 to begin construction. Please donate at www.brattleboroskatepark.com, or join their Facebook page at Friends of Brattleboro Skate Park. Donations can also be mailed through the Brattleboro Recreation and Parks/BASIC at PO Box 513, Brattleboro, VT 05302.

Webster Recognition – Hyam Siegel recognized Don Webster for his contribution to this body and to the town. Mr. Webster was not present due to an illness.

RTM Seating Proposal – Kurt Daims proposed that the Selectboard not sit on stage as they are not supervising the meeting. This creates a two tiered government. They should have to function like the rest of the body, having to stand and walk to a designated microphone to speak and needing to wait to be recognized by the moderator. Tim Maciel suggested having a series of concentric circles instead of current layout.

Health and Well-Being of Citizens – George Harvey moved that the Brattleboro Representative Town Meeting express its concern that the federal government is ignoring the health and well-being of its citizens, violating the guarantees of life, liberty, and the pursuit of happiness, violating our right to a government that represents its citizens; concern that these acts may involve collusion with a hostile foreign power; and that for that reason, the identities and actions of the parties responsible should be investigated and, as it is found fitting, prosecuted for treason against the United States and crimes against humanity.

The motion was seconded and after brief discussion, passed overwhelmingly through a standing-voice vote.

Cameron Resolution – Richard Evers moved that the Selectboard go beyond the recognition of Paul Cameron on page 18 of the Town Report by passing a resolution to publically thank him for his work.

The motion was seconded and after brief discussion was unanimously passed.

Arts Budget - Daryl McElveen moved to put aside $5,200 per year ($100 per week) to support businesses helping artists in town or kids wanting to take after school lessons in the arts or music. Due to the fact that this portion of the meeting is non-binding and can't do any appropriations, it was suggested that he bring his motion to an Arts Committee meeting.

Convocation in Writing – Mollie Burke requested that we see Marshall Wheelock's convocation from the beginning of this meeting, put up on the website and included in next year's Town Report.

There being no other business, Ben Underhill moved to adjourn. The motion was seconded and with no discussion, the motion passed unanimously with a standing-voice vote. The meeting adjourned at 4:57 P.M.

Attest:

Hilary Francis
Town Clerk

David Gartenstein
Selectboard Chair

Lawrin Crispe
Moderator