BRATTLEBORO SELECTBOARD
TUESDAY, JANUARY 3, 2017
COMMITTEE INTERVIEWS – 5:15PM
EXECUTIVE AND DELIBERATIVE SESSIONS - 5:20PM
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, Town Attorney Robert Fisher, Fire Chief Mike Bucossi, Assistant Fire Chief Len Howard, Police Chief Mike Fitzgerald, Police Captain Mark Carignan, Town Clerk Hilary Francis, and Executive Secretary Jan Anderson.

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

Others present: Shawn Tao, Dawn Chattin, Daniel Quipp, Kim Nace, John Carter, Lee Reaves, Michael Bosworth, Dale Joy, Franz Reichsman, ASL interpreters Janice Wightman and Elizabeth Bull, 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. He announced that the Board would conduct interviews of two people who had applied for the Arts Committee. Dawn Chattin and Shawn Tao spoke about why they were interested in becoming a member of the Arts Committee. After the interviews, Gartenstein thanked the applicants and said that the Board would make appointments later in the meeting.

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS LITIGATION, CONTRACTS, APPOINTMENTS AND EVALUATION MATTERS WHERE GENERAL PREMATURE PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE MUNICIPALITY, THE PEOPLE AND ENTITIES INVOLVED, AND THE SELECTBOARD AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER, ASSISTANT TOWN MANAGER, TOWN ATTORNEY AND PLANNING DIRECTOR WERE INVITED TO ATTEND AT VARIOUS TIMES IN THE EXECUTIVE SESSION. HE ALSO MOVED TO ENTER DELIBERATIVE SESSION AND INVITED THE TOWN MANAGER AND POSSIBLY THE TOWN ATTORNEY. MOTION CARRIED 5-0.

Chair Gartenstein reconvened the meeting at 6:17pm.

APPROVE MINUTES

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

Agenda Adjustment – Gartenstein noted that Item D under “New Business” (Proposed Solar Project at Windham Solid Waste Management District’s Closed Landfill) would not be called for discussion at this meeting. He said he expected the item would be moved to the January 10 special Selectboard meeting.

CHAIR’S REMARKS
Chair Gartenstein announced that he would not run for re-election to the Selectboard and he encouraged others interested in serving on the Board to submit a petition to the Town Clerk prior to January 30.

MANAGER’S COMMENTS
None.

SELECTBOARD COMMENTS AND COMMITTEE REPORTS
None.
PUBLIC PARTICIPATION
Kim Mace and Daniel Quipp spoke about concerns over the closing of the MRF (Material Recovery Facility) at the Windham Solid Waste Management District (WSWMD). Mace spoke in support of recycling. Quipp, a member of the action group 350Vermont, read several comments from other Brattleboro residents who were “confused, unhappy and concerned” about the closing of the MRF, removal of the roll-off boxes, and resulting consequences. Schoales responded to the concerns and clarified that the curbside recycling would continue on a weekly basis and the bins at the WSWMD would continue to be available. He said that the MRF was an old and inefficient system that ran over budget for the past several years after the collapse of commodities prices and, consequently, the recycling business was unsustainable. He said that substantial funds would have been required to improve the MRF and those funds were not available. He said that the facility in Rutland was a more efficient and less expensive option. Gartenstein added that the Selectboard held many public discussions over the past two or three years about Brattleboro’s relationship with the WSWMD. He said that WSWMD was charging Brattleboro for its curbside compost and recycling materials, as well as for other towns’ recyclables, so it became a taxing fairness issue. He said that WSWMD was given an opportunity to revise its structure but did not do so.

UNFINISHED BUSINESS
Police-Fire Facilities Project Update. Town Manager Elwell provided the Board with an update on the construction progress at the West Brattleboro Fire Station and Central Fire Station and on the commencement of construction at the Police Station, all as set forth in his memo dated December 29, 2016.

NO ACTION TAKEN.

FY18 Budget
(i) Capital Projects and Purchases
(ii) Use of Fund Balance
(iii) Parking Fund Transfer
(iv) Town Attorney
(v) Energy Coordinator
(vi) Next Budget Meeting: January 10 at 5:30pm.

Gartenstein suggested that the Board start the budget discussion with the capital budget as a whole and discuss whether to purchase the pumper/rescue truck for the Fire Department and how to pay for it. There was much discussion by the Board and staff about various items in the proposed capital plan and budget, including the amount allotted for “energy savings measures” given the uncertainty of the future use of the Municipal Center, a shared pellet boiler to serve the Municipal Center and the Library, the benefit of a subsidy available this year from Windham Wood Heat for the pellet boiler, and other replacement boiler options for the Library. Gartenstein then asked the Board to discuss the purchase of a combined pumper/rescue truck to replace the pumper truck that recently failed its inspections. Fire Chief Bucossi spoke in support of purchasing the vehicle and for keeping the replacement of the Department’s vehicles on an ongoing capital schedule. Assistant Fire Chief Howard spoke about the uncertain reliance on Rescue, Inc. and the need for support from other towns and outlying communities to adequately perform fire safety in Brattleboro. Elwell spoke about ISO and NFPA standards given the size and character of Brattleboro and the reduction of the number of fire engines over the past few years. There was much discussion by the Board, including how to fund the vehicle and the resulting impact on other aspects of the budget. Elwell spoke about the use and amount available in the unassigned fund balance (approximately $1.2 million over the 10% guideline) and he suggested purchasing the pumper/rescue vehicle with cash rather than borrowing for it. There was further discussion about the balance and use of the unassigned fund balance, increased commitment to capital projects, capital needs, proposed increase in the tax rate, and funding energy savings measures. Gartenstein spoke in favor of limiting the increase
of the tax rate to 3 cents and Schoales, O'Connor and Allen agreed. All Board members indicated support for purchasing the pumper/rescue vehicle, but there was not agreement on how to fund it. There was general support for funding some type of energy savings measures but not the amount proposed. Elwell said that he would incorporate those suggestions and provide updated budget information at the next meeting.

**NO ACTION TAKEN.**

Gartenstein called for a five minute recess at 8:30pm.

Gartenstein reconvened the meeting at 8:37pm.

**Agenda Adjustment** – The Board agreed to move Item A under “New Business” (Welcome Town Clerk Hilary Francis) to this point in the meeting.

Welcome Town Clerk Hilary Francis. Elwell said that Hilary Francis, the new Town Clerk, was sworn in on Friday, December 30, 2016, by the retiring Town Clerk Annette Cappy. Francis was in the audience and the Board welcomed her to her new position.

**NO ACTION TAKEN.**

Gartenstein asked the Board to continue its discussion about the proposed FY18 budget.

**FY18 Budget (continuation of discussion)**

(iii) **Parking Fund Transfer**

(iv) **Town Attorney**

(v) **Energy Coordinator**

(vi) **Next Budget Meeting: January 10 at 5:30pm.**

The Board discussed whether to make a transfer from the Parking Fund in the approximate amount of $20,000 for the reasons set forth in Assistant Town Manager Moreland’s memo dated December 20. After a brief discussion, the Board generally agreed to such a transfer in the FY18 budget.

Elwell said that the Board previously discussed whether Town Attorney services should be put out to bid or whether in-house counsel should be considered. He suggested that the Town gets better financial value and better service by contracting attorney services. He suggested that if the Board wanted to issue a Request For Qualifications (RFQ) for such services that the RFQ should be issued next summer to allow adequate time for the process.

Regarding the Energy Coordinator position, Elwell said that in previous years the Town paid $10,000 to the non-profit organization, Brattleboro Climate Protection (BCP), to fund the services of the previous Energy Coordinator Paul Cameron. He said that BCP was no longer in existence after Cameron’s departure. He said that the Board previously discussed whether to hire someone to fill that position or make the position volunteer with oversight by the Energy Committee as would be consistent with other Town committee practices. Michael Bosworth, Chair of the Energy Committee, spoke of Cameron’s substantial contributions over the years regarding energy savings, the resulting financial gain to the Town, and the value of funding such a position. There was much discussion by the Board about the value of having such a position, the lack of a non-profit organization to receive funds, and the need for a model or structure to outline how to proceed.

Gartenstein said that the Board would hold a special meeting on Tuesday, January 10, at 5:30pm to continue budget discussions and possibly decide on pending issues.
NO ACTION TAKEN.

NEW BUSINESS

Representative Town Meeting Articles

(i) Appointment of Town Clerk
(ii) Appointment of Town Treasurer
(iii) Appointment of Town Attorney

Gartenstein said that the Board was asked to appoint Hilary Francis as Town Clerk, John O'Connor as Town Treasurer, and Fisher & Fisher Law Offices, PC, as the Town Attorney, all for a one-year term from March 27, 2017, through March 24, 2018, and to add the Articles to the Representative Town Meeting Warning for ratification by Representative Town Meeting. There was no discussion by the Board.

MOTION BY KATE O’CONNOR TO APPOINT HILARY FRANCIS AS TOWN CLERK FOR THE PERIOD ENDING MARCH 24, 2018, AND TO ADD AN ARTICLE TO THE WARNING FOR RATIFICATION BY REPRESENTATIVE TOWN MEETING ON THAT APPOINTMENT. MOTION CARRIED 5-0.

MOTION BY DICK DEGRAY TO APPOINT JOHN O’CONNOR AS TOWN TREASURER FOR THE PERIOD ENDING MARCH 24, 2018, AND TO ADD AN ARTICLE TO THE WARNING FOR RATIFICATION BY REPRESENTATIVE TOWN MEETING ON THAT APPOINTMENT. MOTION CARRIED 5-0.

MOTION BY RICHARD DEGRAY TO APPOINT FISHER & FISHER LAW OFFICES, PC, AS TOWN ATTORNEY FOR THE PERIOD ENDING MARCH 24, 2018, AND TO ADD AN ARTICLE TO THE WARNING FOR RATIFICATION BY REPRESENTATIVE TOWN MEETING ON THAT APPOINTMENT. MOTION CARRIED 5-0.

Approve Contract – Town Attorney. Gartenstein said that the Board was asked to approve a 1-year extension of the agreement for Town Attorney services between the Town and Fisher & Fisher Law Offices, P.C., including a 1.46% increase in the applicable fees for a total 2017-2018 amount of $104,000. There was no discussion.

MOTION BY JOHN ALLEN TO APPROVE A CONTRACT WITH FISHER & FISHER LAW OFFICES, PC, FOR A ONE-YEAR TERM IN THE AMOUNT OF $104,000. MOTION CARRIED 5-0.

Proposed Solar Project at Windham Solid Waste Management District’s Closed Landfill. Gartenstein said that this matter would be discussed at the January 10 Selectboard meeting.

NO ACTION TAKEN.

Accept and Appropriate Scattered Site Grant – Windham & Windsor Housing Trust Revolving Loan Program. Assistant Town Manager Moreland said that the Board was asked to accept and appropriate the Scattered Site Enhancement Grant from the Agency of Commerce and Community Development in the amount of $340,000 to provide additional funds to support Windham & Windsor Housing Trust’s Home Repair Program and Counseling Advocacy Services Program through December 31, 2017, all as set forth in his memo dated December 22, 2016. There was no discussion by the Board.

MOTION BY RICHARD DEGRAY TO ACCEPT AND APPROPRIATE THE SCATTERED SITE ENHANCEMENT GRANT FROM THE AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT IN THE AMOUNT OF $340,000 TO PROVIDE ADDITIONAL FUNDING TO SUPPORT WINDHAM &
WINDSOR HOUSING TRUST’S HOME REPAIR PROGRAM AND COUNSELING ADVOCACY SERVICES PROGRAM THROUGH DECEMBER 31, 2017. MOTION CARRIED 5-0.

Schedule Special Selectboard Meeting to Approve Town Meeting Warning - Between January 26 and February 5, 2017. Elwell said that the Board was asked to schedule a special meeting between January 26 and February 5, 2017 to approve the Warnings for Representative Town Meeting. He suggested holding the meeting on Tuesday, January 31. The Board agreed to meet at 5:30pm on January 31.

NO MOTION WAS OFFERED.

Committee Appointments. Gartenstein said that the Board was asked to appoint members to three committees, and that interviews for the Arts Committee took place at the commencement of this meeting. He asked for nominations to the Arts Committee, Conservation Commission, and Planning Commission.

DAVE SCHOALES NOMINATED DAWN CHATTIN FOR THE ARTS COMMITTEE. THE NOMINATION CARRIED 5-0.

DAVE SCHOALES NOMINATED LAURIE CALLAHAN AND JENNIFER LATHAM FOR THE CONSERVATION COMMITTEE. NOMINATIONS CARRIED 5-0.

DAVID GARTENSTEIN NOMINATED JESSICA GELTER AND SHAWN TAO FOR THE PLANNING COMMISSION. NOMINATIONS CARRIED 5-0.

Gartenstein asked if there was any further business to come before the Board. Franz Reichsman, from the Finance Committee, shared a story from a former professor ending with the quote “If you want to get the right answer, you must ask the right question.” Reichsman then made reference to a statement by the Energy Committee Chair who stated that $2.5 million in energy savings was “floating around”, so if that was a correct statement the question was not about funding $10,000 [for the Energy Coordinator], but rather how to access the $2.5 million.

Gartenstein announced that the Board would enter into a brief executive session and would thereafter re-enter into public session but not conduct further business.

MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS APPOINTMENT AND EVALUATION OF TOWN EMPLOYEES WHERE GENERAL PREMATURE PUBLIC KNOWLEDGE WOULD CLEARLY PLACE THE MUNICIPALITY, PEOPLE INVOLVED, AND THE SELECTBOARD AT A SUBSTANTIAL DISADVANTAGE. THE TOWN MANAGER WAS INVITED TO ATTEND. MOTION CARRIED 5-0.

Gartenstein reconvened the meeting at 9:25pm

There was no further business.

MOTION BY JOHN ALLEN TO ADJOURN AT 9:25PM. MOTION CARRIED 5-0.

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David Schoales, Clerk