

**BENNINGTON SELECT BOARD MEETING  
BENNINGTON FIRE FACILITY  
130 RIVER STREET  
BENNINGTON, VERMONT 05201**

***MONDAY, JUNE 23, 2014***

**MINUTES**

**BOARD MEMBERS PRESENT:** Greg Van Houten- Chair; Jim Carroll; Justin Corcoran; John McFadden; Michael Keane

*Absent: Sharyn Brush-Vice Chair; Tom Jacobs;*

**ALSO PRESENT:** Stuart Hurd, Town Manager; Dan Monks, Zoning Administrator & Assistant Town Manager; Mike Harrington, Economic & Community Development Director; Mary Morrissey; Jim Sullivan; Mark Anders; Patrick McArdle – Rutland Herald; Keith Witcomb - Bennington Banner; Linda E. Bermudez – Secretary; (26) Citizens.

At 6:00 P.M., **Greg Van Houten** called the meeting to order and introduced each member of the Select Board present as well as the Town Manager and recording secretary.

**1. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Greg Van Houten, recited by all.

**2. MINUTES – JUNE 09, 2014**

There was no “quorum” this evening therefore the minutes of June 3, 2014 could not be voted nor approved. These shall be moved to the next Select Board meeting agenda.

**3. WARRANTS**

The next warrants of FY’14 were reviewed. Michael Keane questioned a payment to WEDA. This organization (World Economic Development Alliance) seeks out and provides economic development prospects for communities. We were able to join through/with BCIC. They attend different events that the Town of Bennington would not otherwise be able to attend and seek out prospective businesses that could be a good fit for our community.

There were no further questions. Warrants were then circulated for signatures.

**4. CITIZENS**

Dave Frederickson stepped forward to speak. He is a resident of Bennington that is opposed to the Shires Development on Appleridge. Mr. Frederickson requested that this

development issue be placed on the next Select Board agenda for discussion. Subsequent information regarding this development was not available in time for the last hearing. Since that time there has been a petition against this development circulated and now has 350 signatures. He has spoken with the Lisa Ryan in Montpelier. They would like this issue to be resolved locally.

Greg Van Houten asked what the specific issue/information was. Mr. Van Houten explained that there needs to be a specific item for discussion in order to be placed on the agenda. There are legal processes that need to be followed because it was an actual hearing that had been closed (2) meetings ago.

Jim Morrissey asked what the criteria were. There is a list of topics that the information/detail was not made available before the hearing.

Jeanne McKenna stepped forward and asked why their group needed to disclose their list. Ms. McKenna stated she felt that the information presented at the hearing by the developer was false. It is not fair and they do not want this project to go through.

Greg Van Houten again explained that there are procedures in play at this point. That hearing was (2) meetings ago. This issue now goes to the Design Review Board (DRB). There can be many things addressed in that meeting as well. If this group is requesting to be on the Select Board Agenda there needs to be a specific issue noted.

Justin Corcoran stated that although he is against this project all parties need to be forthright. What's fair to one side needs to be fair for the other.

The Town Manager noted that this is a legal question now for Town Counsel. The law states that once a hearing has been closed an issue needs to be addressed at the very next meeting. We are not sure if legally the hearing can be reopened because (2) meetings have passed since it was closed. The Town will need to consult our lawyer. At this point citizens may still speak their points; however it may only be a grievance. The next meeting in the process at this point is with the DRB where citizens may voice their concerns. The Select Board can have this on the next agenda to hear the grievance; however there may be no end/vote. The last option is the Board is able to reject the grant if it is awarded.

Greg Van Houten wanted to clarify that the Select Board's influence is solely on the money/grant portion. The DRB deals with construction and specifics of the design. This is where you would testify under oath, address traffic issues etc.

Mark Simpson asked what the Board's position is on this project. Justin Corcoran explained that each member has his or her own opinion/position. The Board as a whole has not determined a position.

Michael Keane asked what the "warning" time was before the DRB meeting. Dan Monks noted that it is 15 days before the meeting. Property abutters must be notified and there will be (2) hearings. The expected date is July 15<sup>th</sup>, however the application is not complete as of today.

Chris Wright stepped forward to criticize the Board. Mr. Wright noted he had been present at the last meeting and felt that he was not able to ask all his questions regarding the Water Bond project. He felt that his questions were short but the answers were long. That is not his fault. They took HIS time.

Greg Van Houten apologized however noted that there were many people who still wanted to speak. Mr. Wright's questions at that point had been focused on early design of the project. The hearing needed to focus on the bond itself. All the early design information is available at the Town Office for public review as noted that evening. Mr. Van Houten stated he appreciated Mr. Wright's deep interest in all of the details, however there were many people that had questions regarding the bond, project costs and future rates that were waiting patiently.

Justin Corcoran supported Mr. Van Houten by stating at that point in the meeting there were still many people that needed to speak. We had to move on.

Mr. Wright then asked what the Board knew about the Solar project on Barney Road. Several Board members noted that the Board had answered that question at the last Select Board meeting when he originally asked it. Dan Monks stepped forward and noted that there has been no change in status since the last meeting.

Michael Harrington stepped forward to thank all those who participated and volunteered at the Great Race event over the weekend. Over 4,500 people attended. Special thanks went to the Bennington Fire Department, Chamber of Commerce and the Better Bennington Corporation. This was a great success.

Mary Morrissey stepped forward to discuss the Shires Housing project on Appleridge. She asked for direction from the Board on where the Bennington Community is going. Ms. Morrissey also asked when they would have the legal answers from Town Counsel. The Manager stated he was not sure but it should be no later than the next Select Board meeting. Ms. Morrissey asked for a specific date. The Manager noted that because he cannot speak with the Town's lawyer until tomorrow morning, he was not able to give a specific date.

John McFadden asked if the Board could require all information be provided on a new project 15 days before the meeting it is to be addressed. The Manager stated if the Board would like to make that a policy they absolutely could. It is currently however not required.

Discussion continued regarding the development. One citizen noted that 15 people spoke at the hearing against the project. We do not want it. Why did the Board vote to pass it? Jim Carroll noted that Select Board members are voted in by the public. They are to represent everyone in Bennington, not just 15.

## **5. APPLGATE/WILLOWBROOK PATHWAY GRANT APPLICATION**

Mark Anders stepped forward to present. This is a pathway between Applegate Housing and Willowbrook Housing developments. This began with Molly Stark School reaching out for a solution to an increased absentee rate when children in the developments miss the bus. There is no safe passage for pedestrians from Applegate Housing to school. The Feasibility study confirmed this along with poor sight distance. There are approximately 89 children living in Applegate that will benefit from this pathway as well as adults who then can walk to jobs and shopping stores.

Mr. Anders read a statement from the Bennington Town Plan that shows this pathway fits this plan. He continued by reviewing the different designs that were presented and noting the preferred design. This will be a pathway connecting the two municipal roadways. This will cross (3) properties. All owners have signed an agreement to accept the pathway. It will be an 8ft wide bike and pedestrian path with two boardwalk sections. The rest will be packed gravel. It shall be lighted and have railings to comply with ADA.

The total anticipated cost would be \$130,000. The grant requires a local match of \$13,000. This will be divided up as follows:

BCRC	\$1,000
Bennington School District	\$4,000
Housing of Vermont	\$7,000 (or what the difference shall be)

The request this evening is for the Town to hold the easements and be the applicant to move forward with the grant application.

Justin Corcoran noted that safe access is very important in this area. It is very dangerous. He has no problem moving forward.

Dan Monks stepped forward to remind the board that Housing of Vermont has agreed to maintain the pathway after it is built. There will be no responsibilities for the Town of Bennington.

**Motion:** Jim Carroll motioned and Justin Corcoran seconded to hold the easements for the Applegate/Willowbrook Pathway and be the applicant for the Grant monies for construction. Motion passed unanimously (*Sharyn Brush & Tom Jacobs absent*)

## 6. BCRC/TOWN SOLID WASTE MANAGEMENT CONTRACT

The Manager noted that at budget time it was discussed and agreed upon to add \$25,000 for the anticipation of BCRC taking over the administrative efforts and development of a Solid Waste Management plan. There are many new requirements coming our way and this is an opportunity for the Town of Bennington to work with (8) other communities within the County. The plan will be a Countywide plan that addresses many things like Hazardous Waste, paint drop offs etc as well as recycle, reuse, reduction and removal. The cost for the countywide plan will be cost shared between communities and be a per capita rate.

The Manager noted the request this evening is to allow the Manager to sign into the agreement.

Michael Keane stated he felt it seemed like a great way to move forward but asked what some of the challenges will be. The Manager noted that right now it is an informal group and there is a representative from each community. Some members are concerned about giving up local control. Each member has 1 vote that is equal and BCRC provides the professional advice.

The Manager wanted to clarify that this agreement is solely between the Town of Bennington and BCRC to provide service for us. There are many people who live in Shaftsbury (for example) but work in Bennington. They would love to be able to do their recycling at lunch or drop off before going to work. Currently they are not allowed. This may be possible after the agreement.

Justin Corcoran agreed that someone needs to manage all the new rules & regulations coming our way. This may be a way to become more effective and more efficient. Mr. Corcoran then asked how long the agreement is for. Jim Sullivan stated it was a 1-year agreement with an option to renew. Mr. Corcoran liked that idea and stated it allowed all parties to see how it plays out.

**Motion:** Justin Corcoran motioned and Jim Carroll seconded to allow the Town Manager to sign the 1-year Solid Waste Management Contract with BCRC. Motion passed unanimously (*Sharyn Brush & Tom Jacobs absent*)

## 7. SET WATER/SEWER RATES

The Manager noted this item had to be tabled at the last meeting. He is pleased however to propose the new rates that show no increase for this next fiscal year.

**Motion:** Jim Carroll motioned to accept the Water and Sewer Rates for FY'15. Michael Keane seconds the motion. Motion passed unanimously (*Sharyn Brush, Tom Jacobs absent*)

## 8. RECREATION CENTER BORROWING

The Manager reviewed the amount borrowed with voter approval for upgrades to the Recreation Center. Each year the Town has been paying down that note. We are currently at a balance of approximately \$282,000 with an interest rate of 1.4%. This evening's request is to roll over the current note as we have done before. We are keeping ahead on these payments and expect to have it paid in full before the need to go to bond.

**Motion:** Michael Keane motioned to waive the reading of the note and approve the rollover of the current note. Jim Carroll seconds the motion. Motion passed unanimously (*Sharyn Brush, Tom Jacobs absent*)

## 9. MANAGER'S REPORT

The Manager had no report for this evening's meeting

## 10. OTHER BUSINESS

John McFadden asked Michael Harrington about economic development. Mr. Harrington stated there is continued progress. Mr. McFadden asked if there was anything "striking" at the most recent BCIC meeting. Mr. Harrington noted that one of the consistent challenges heard is transportation issues. He also noted that workforce housing continues to be an issue as well. They have found it does not deter recruitment; however it deters them from living in Bennington. They simply find a different community to live in.

Mr. McFadden requested a list of how Bennington falls short and where we excel. Maybe the Board can address those issues. Mr. Harrington noted that this might already exist within the Economic Development Partners, as this was something they were addressing.

Dan Monks stepped forward to announce that the Friends of Morgan Street Wetlands was awarded the \$120,000 grant. This is 2/3 the cost needed. They will now enter the fundraising stage to obtain the remaining amount needed.

**Motion:** Justin Corcoran motioned to close the meeting. Jim Carroll seconds the motion. Motion passed unanimously (*Sharyn Brush, Tom Jacobs absent*)

Respectfully submitted,

Linda E. Bermudez  
Secretary