

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

***MONDAY, NOVEMBER 23, 2015***

**MINUTES**

**BOARD MEMBERS PRESENT:** Tom Jacobs – Chair; John McFadden -Vice Chair John McFadden -Vice Chair; Sharyn Brush; Jim Carroll; Justin Corcoran

*Absent: Michael Keane; Donald Campbell*

**ALSO PRESENT:** Stuart Hurd, Town Manager; Dan Monks, Zoning Administrator & Assistant Town Manager; Michael Harrington, Economic & Community Development Director; Keith Whitcomb, Bennington Banner; Linda E. Bermudez – Secretary; (15) Citizens

At 6:00 P.M., **Tom Jacobs** called the meeting to order.

**1. PLEDGE OF ALLEGIANCE**

**2. CONSENT AGENDA (A-B)**

*A) Minutes – NOVEMBER 9, 2015*

*B) Warrants*

There were no questions.

**Motion:** Sharyn Brush motioned and Jim Carroll seconded to accept and approve the minutes of November 9, 2015 and the warrant as submitted. Motion passed Unanimously (*Michael Keane & Donald Campbell absent*)

**3. CITIZENS**

Loyal Wescott stepped forward. He wanted it known/on record he believes there was 7,272 police incidents; not the lesser amount cited by the Chief of Police at the last meeting.

Tom Jacobs stated he feels the Chief of Police addressed all the concerns Mr. Wescott previously brought before the Board. He thanked Mr. Wescott for his continued interest and concern for the Bennington community.

*At this time, Mr. Jacobs suggested moving an agenda item up because it was too early to start the Public Hearing next on the item. The meeting's agenda then continued as follows:*

#### **6. ASSESSOR'S OFFICE – ERRORS AND OMISSIONS**

The Manager explained that (1) property was assumed to have finished a project when it had not. Therefore a reduction in value (by \$1,700) is necessary and thereby a reduction in real estate taxes (of approximately \$44.01). Two Listers have already signed off on this item.

**Motion: Sharyn Brush motioned and Justin Corcoran seconded to accept the Errors & Omissions as submitted.**

#### *Discussion:*

John McFadden asked if was expected to be finished this year. The Manager stated it would be “picked up” on April 1, 2016 Grand List.

**VOTE: Motion passed Unanimously** (*Michael Keane & Donald Campbell absent*)

#### **7. OTHER BUSINESS**

Jim Carroll wished all a Happy & Safe Thanksgiving.

Tom Jacobs asked the Manager to explain why there are so many Real Estate Tax Credits/Refunds issued. The Manager explained it is mostly due to the Real Estate Tax Prebate/Rebate program run by the State. Homeowners must file by April 15 each year. The State does allow for a second deadline (October 15) for those who did not remember or realize the importance. There is a penalty however when filing late. The Town then must then re-print/re-issue new tax bills for the late filers. Sometimes they have already been paid the original bill in full.

The other issue is when the Prebate/Rebate exceeds the entire real estate tax bill (not just school portion as originally intended). The only way to resolve this one is to have the State collect the school tax. However, they would rather put this on the municipalities. All (290) Vermont Leagues of Cities & Towns would like to see the State collect the school tax. Tom Jacobs noted that perhaps it is time the Board should address this with our legislatures and take the burden off the Towns.

#### **4. PUBLIC HEARING – COUNTRY TERRACE – ACCEPTANCE OF ROADS**

The Manager noted all the information that was in the Select Boards packet regarding this petition. There was an on-site visit today with the Developer (Keith Jelley), his counsel Justin Scanlon and the Town Manager. The information has also been extensively reviewed by both the Highway Superintendent (RJ Joly) and Water Resources Superintendent (Terrance Morse).

All (3) roads, Justin Avenue, Bradley Drive and Laura Lane are in compliance. The Manager recommended the Board accept these roads.

Once these roadways are accepted as “Town Highways” the Select Board will sign off and a separate certificate will be filed with the Town Clerk in the land records.

John McFadden asked how many miles this added to the Town’s budget. The Manager stated approximately (0.5) mile. He continued by noting that the Town has already maintained Bradley Drive for almost (10) years. It was an agreement made between the Developer and the Town so that the Highway Department had an open crossover between Chapel Road and Furnace Brook Road (which is a dead end). These roads are not heavily used and therefore in relatively good shape for their age.

Sharyn Brush stated this was long overdue. Jim Carroll asked why this has taken so long. The Manager stated we must ensure the infrastructure meets town standards before we take it over.

Justin Scanlon, Developer’s Counsel, also noted a large delay was due to the original permit restrictions on this development. Only (3) lots per year could be sold so as to not put “undo burden” on the school system. This restriction was lifted in the late 1990’s. The Town and the developer have cooperated with each other to bring all of the infrastructure to Town’s specifications.

Steve Marsden identified himself as a resident of the development. He asked if the Town accepts the roadways would there be any additional costs to the homeowner. The Manager stated there would not. Some homes do have gravel driveways and there may be some runoff issues. The Town will have to then deal with them over time.

**Motion: Jim Carroll motioned and Sharyn Brush seconded to accept the (3) Roadways in Country Terrace Development known as Bradley Drive, Justine Avenue and Laura Lane as submitted.**

*Discussion:*

John McFadden then discussed the cost of taking over roadways. This appears to be minimal but how do we keep making room for more.

The Manager explained it benefits the community with better plow routes, looping water lines and improved drainage. Municipalities have the responsibility to take over these roads as long as they are in proper condition.

**VOTE: Motion passed Unanimously** (*Michael Keane & Donald Campbell absent*)

The Petition was then circulated for signatures.

**5. PUBLIC HEARING – HOUSING VERMONT – APPLGATE CDBG APPLICATION**

It was noted that Sharyn Brush sits on the Housing Board. Michael Harrington then stepped forward along with Nancy Owens to present. Mr. Harrington reviewed the information previously reviewed regarding this project. The Community Development Block Grant (CDBG) is being applied for to upgrade the heating systems and housing units of Applegate. By the

Town accepting to be the official applicant for these Federal funds it allows the Town leverage over the project to continue to maintain at a certain level.

Nancy Owens then explained further detail how the CDBG's work and how they raise the additional funds necessary. This is a \$9.0 million dollar project. Only \$500,000 is coming from the CDBG program. Once they have secured the last funding sources, they hope to begin in late spring/early summer 2016. This is expected to be a 10-month project. The improvements include a biomass heating system (and new building to house it), new roofs, siding, windows and insulation. The last renovations were done approximately (15) years ago.

Discussion continued regarding what "soft debt" this organization holds and the assessed value of the property. Loans vs. Grants were also discussed. By accepting these loans with a long-term deferment plan it allows the organization to keep rents at an affordable level.

Loyal Wescott stepped forward to ask if they do background checks before the rent to people. Ms. Owens stated they have a professional management company that does this for them. Ms. Brush also noted that Applegate also pays the Town of Bennington Police Department to have an Officer on-site approximately (5) hours per week for additional coverage.

**Motion: Jim Carroll moved and John McFadden seconded a motion to approve Housing Vermont Applegate CDBG application as presented.**

**Vote: Motion passed Unanimously**  
*(Sharyn Brush Abstained; Michael Keane & Donald Campbell absent)*

The application was then circulated for signatures

## 7. OTHER BUSINESS

Sharyn Brush wishes everyone as Safe & Happy Thanksgiving.

Jim Carroll wanted to acknowledge the passing of Erin Shea Parmenter. She was the daughter of Dr. She and a wonderful woman.

Tom Jacobs noted there was no need for Executive Session

**Motion: Sharyn Brush moved and Jim Carroll seconded a motion to close the meeting. Motion passed Unanimously** *(Michael Keane & Donald Campbell absent)*

Respectfully submitted,

Linda E. Bermudez  
Secretary