

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

**MONDAY, FEBRUARY 27, 2017**

**MINUTES**

**BOARD MEMBERS PRESENT:** Tom Jacobs – Chair; Michael Keane-Vice Chair; Jim Carroll; Jeanne Conner; Jeannie Jenkins; Donald Campbell;

*Absent: Justin Corcoran*

**ALSO PRESENT:** Stuart Hurd, Town Manager; Dan Monks, Zoning Administrator & Assistant Town Manager; Michael McDonough, Economic & Community Development Director; Keith Whitcomb, Bennington Banner; Linda E. Bermudez – Secretary; (70) Citizens

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

*Jim Carroll began the meeting by reading a proclamation recognizing the Mount Anthony Union High School Wrestling Team as State Champions for the 29<sup>th</sup> consecutive time. Mr. Carroll stated this is everything that is good about this town. He thanked the students, the team, the coaches and the parents for all their dedication and hard work. Letters of recognition from Senator Leahy, Senator Sanders, Governor Phil Scott and Representative Mary Morrissey & Bill Botzow were acknowledged for the record.*

**MOTION:** Michael Keane motioned and Donald Campbell seconded to accept the proclamation recognizing the Mount Anthony Union High School Wrestling State Champions for the 29<sup>th</sup> Consecutive time as presented.  
**Motion passed unanimously** (*Justin Corcoran absent*)

**1. PLEDGE OF ALLEGIANCE**

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

A) Minutes – January 30, 2017  
February 20, 2017

B) Warrants

C) 2017 Liquor License Renewals

*Tom Jacobs moved the Consent Agenda Items #D and E to after the Citizen's agenda item.*

*D) Proclamation—Church Pension Fund 100<sup>th</sup> Anniversary MOVED SEE BELOW*

*E) Resolution—Dr. Michael Mugits MOVED SEE BELOW*

There were no questions.

**MOTION:** Michael Keane motioned and Donald Campbell seconded to accept and approve the minutes of January 30, 2017 and February 20, 2017 as presented, as well as the warrants and Liquor License Renewals as submitted. Motion passed unanimously (Justin Corcoran absent; Tom Jacobs & Jim Carroll abstained from the vote of the January 30<sup>th</sup>, 2017 Minutes ONLY; Jeannie Jenkins abstained from the vote of the February 20, 2017 minutes ONLY)

### 3. CITIZENS

Loyal Wescott stepped forward to state he has been studying Federal laws and the Constitution. They are the supreme law of the land. He feels if Jessica's Law, the 1000 Foot Law and other sexual offender laws are on the Federal books then the Town of Bennington should have them on the books also.

David Frederickson stepped forward asking for clarification. He recently saw an advertisement by Jeanne Conner and Jeannie Jenkins inviting the public to "Meet the Candidates". However, Mr. Frederickson feels the candidates you would meet are only the ones they support. Please consider voting for the candidates that were not invited to speak at that event.

Jeanne Conner stated this was for only School Board candidates (not Select Board candidates) and the focus was to introduce the "new faces" that are running. She added that she and Ms. Jenkins were doing this on their own and not representing the Select Board in any way.

Anna Kinney Swierad stepped forward and asked that the voters listen to the experienced voices. Her husband has put in many years into this community. She encouraged everyone to vote.

Jeannie Jenkins stated this is a community event. All are welcome.

No other citizens spoke this evening.

*Mr. Jacobs proceeded with the rest of the Consent Agenda as follows:*

*D) Proclamation – Church Pension Fund 100<sup>th</sup> Anniversary*  
Michael Keane read the Proclamation.

**MOTION:** Michael Keane motioned and Jeanne Conner seconded to accept the proclamation recognizing Church Pension Fund 100<sup>th</sup> Anniversary as presented.

*Discussion:*

Jim Carroll asked how this came about. The Manager stated they are a nationwide firm with an office here in Bennington. They contacted us regarding this recognition. At this time they are looking to move all of their business to Bennington to serve as their home base. Tom Jacobs stated this proclamation is recognizing their longevity in business and their investment in Bennington.

**VOTE:**        **Motion passed unanimously** (*Justin Corcoran absent*)

*E) Resolution – Dr. Michael Mugits*

Jeanne Conner read the resolution.

**MOTION:**    **Jeanne Conner motioned and Michael Keane seconded to accept the resolution recognizing Dr. Michael Mugits as presented.**

*Discussion:*

Jim Carroll stated there are several constituents against town government overstepping and interjecting into the school system. It is not in our purview. We would not like it if the School Board told us how to do our job.

Jeannie Jenkins stated it was their job to care about the community. Having a great school system is a big economic driver.

Jeanne Conner stated Select Board members meet monthly with the School Board and welcome comments. This is not an “official” meeting as no business is conducted except exchanging of comments. So many projects are intertwined it is important that there is a relationship.

Donald Campbell stated he hopes that Dr. Mugits hears that Bennington wants him to stay and continue to help us. He continued by suggesting section #3 of the resolution be amended to add “and Select Board members”. Tom Jacobs agreed and stated it would then be a collective responsibility.

Jim Carroll stated he cannot support this resolution.

**AMENDED MOTION:**    **Jeanne Conner motioned and Michael Keane seconded to accept the resolution recognizing Dr. Michael Mugits with amendment/change in the resolution section #3 to read: “Whereas, It is also our expectation that all Bennington School District Board Members and Select Board Members will treat all employees, each other and members of the public with the courtesy and respect to which they are entitled and fulfill your duties as elected officials to the highest standards. Failure to do so has dire consequences that are significant and far reaching”.**

**VOTE:**        **Motion passed** (*Jim Carroll abstained; Justin Corcoran absent*)

#### **4. BATTLE CREEK 1 SOLAR 45-DAY NOTICE REVIEW**

Dan Monks gave a brief review of this project up to this point. The redesigned project of Battle Creek 1 has been reviewed by the Planning Commission. They have determined it fits the Town Plan and only have concerns regarding proper screening from the North Bennington Road perspective.

Brad Wilson, Esos Energy LLC, continued by explaining the three names associated with this project. *Esos Energy LLC* is the Development Services Company, *Otter Creek Solar LLC* is the owner and operator of the project, and *Battle Creek 1* is the name of the actual project. Mr. Wilson continued by stating the original presentation was for three projects. After the original proposal and multiple meetings with the neighboring property owners, community members and the Select Board they have redesigned and are presenting only one project this evening.

This project will be located in an industrially zoned 13.5 acre site located behind the Carbone dealerships. The units will be ground mounted with a fixed tilt. The energy produced will be sold to the local utility company for a long-term contract of 25-years. The Renewable Energy Credits (REC's) will be sold to the same local utility company.

Mr. Wilson reviewed the project timeline for this project. Currently they are within the 45-day Notice Period; therefore, the application submittal to the Public Service Board (PSB) will be in March. The PSB review and approval period is approximately six months. If approved site clearing would begin over the winter of 2017-2018 and project construction would begin in Spring/Summer of 2018. He would like to have any and all feedback from the Select Board so it may be incorporated into the presentation to the PSB.

Michael Keane asked about a decommissioning plan. Mr. Wilson stated that the Town would receive a copy of that as part of the packet from the PSB.

Jeanne Conner asked if the abutters had taken part in any of the community meetings. Mr. Wilson stated the first meeting had approximately 40 attendees. After several changes in the plan and several more meetings, the most recent meeting had zero attendees.

Donald Campbell stated he believed this new design is a good use for this site that may be difficult for others to develop. Mr. Campbell then had questions regarding replacement parts/units. Mr. Wilson stated that although technology may progress overtime, if any units need replacing during this project they must remain equal to what is installed.

Tom Jacobs asked if the issues raised in April 2016 at the original presentation by the abutting property owners (Public House, Harwood Hill Motel and BPI etc) have been addressed. Mr. Wilson stated there have been approximately (40) attempts to contact and discuss BPI's issues but they have not responded. He believes the others are satisfied but does not want to speak for them.

Mr. Wilson continued by showing several pictures of what the current view is of the site from several perspectives including the Public House deck, Route 279 and North Bennington Road. He additionally showed renditions of what those exact views would be after the project was complete.

Loyal Wescott, Bennington resident, had several questions including how much the project will cost, who is responsible for the repairs and how much will residents save on their electric bill. Mr. Wilson stated this is a private project so the details of total cost are not public. Otter Creek will be responsible for all repairs. It is up to the PSB and Green Mountain Power, the local utility company, to decide the price of electricity they sell to the consumer.

Peter Lawrence, Bennington resident, questioned if the renditions of the views were accurate and if the abutters issues were addressed.

Jerry (no last name given) Bennington resident showed great support for this project. He stated this project has been raked over the coals and yet they still want to invest in Bennington with something that will benefit us.

Diana Leezer, Bennington resident, had questions regarding REC's. Mr. Wilson stated the REC's would not be sold out of state but to the local utility company with whom they have the contract. Ms. Leezer continued with questions regarding glare issues. Mr. Wilson stated these units were designed to absorb light not reflect it. However, he will look further into this concern.

Joe Shawney, Bennington resident also had questions regarding glare and the angle of the tilt.

Mike Bethel had additional questions regarding the panels themselves.

Ed Letourneau asked if Otter Creek developed all three projects how many megawatts that would be. Tom Jacobs stated they cannot discuss the other two lots. Only one project is being presented.

*At this time Tom Jacobs asked to move the School Board Budget presentation up in the agenda. The agenda then followed as such:*

## **6. SCHOOL / TOWN BUDGET PRESENTATION**

Rene Gordon introduced herself as the new Business Manager for the Southwestern Vermont Supervisory Union (SVSU). She noted there are several challenges for next year's budget including big changes in Health Plan costs, two Collective Bargaining agreements were ending and changes in Special Education Funding.

Ms. Gordon continued by presenting the breakdown of spending for each of the Bennington School District (BSD) and Mount Anthony Union Middle & High Schools. Funding sources are primarily from the State of Vermont (41%) and Real Estate Taxes (Non-Resident 31% and Homestead 19%). She also discussed equalized spending. State average is approximately \$15,000 per student; Bennington shows approximately BSD \$13,000 and MAU \$14,000.

Due to required verbiage, the ballot this year can be misleading. For the BSD vote which will be approximately \$13.3 million dollars states there is a 5% increase. Ms. Gordon stated the budget has only increase 3.59% but due to lower enrollment the spending becomes 5%. The MAU budget is a total of approximately \$24 Million however Bennington's portion is only approximately \$16 Million and the CDC Budget vote is approximately \$2.1 Million. Therefore, if approved the tax rate impact will be an increase of \$0.008.

Jeannie Jenkins asked how it that our spending is lower than state average. Jim Culkeen stated that our salaries are below average; especially starting salaries.

The Manager presented the Town's budget. This year will be an approximate 3.4% increase. This does not include the approval of the (14) agencies requesting funding on the ballot this year. Last year's agency request totaled approximately \$124,000. This year's ballot agencies requests total approximately \$331,000.

The breakdown of spending was explained. Police Department receives approximately 29%, Highway receives approximately 32%, Administrative costs receive 27%, Recreation Center receives 5%, Fire Department receives 3% and included agencies such as Bennington Free Library, Lake Paran etc receive 4% of the budget.

The Manager presented a comparison of last year's tax rate to what this year's tax rate would be:

|       | Town's Rate | Education | Total    |
|-------|-------------|-----------|----------|
| FY'17 | \$1.0906    | \$1.5021  | \$2.5927 |
| FY'18 | \$1.1171    | \$1.5101  | \$2.6272 |

He again stressed however this does not include the approval of any of the Balloted agencies. If they are all approved the town tax rate would need to increase accordingly.

The Manager continued by discussing the proposed new Department of Public Works (DPW) Facility bond. There is a bond request for \$3.2 Million dollars to the purchase and retrofit 78 Bowen Road to combine the two Highway Garages and the Water Department in town. The Select Board, just prior to Hurricane Irene, approved further research into building a brand new facility. This cost would be approximately \$6.2 million dollars and would be ½ of the size of the existing (proposed) facility on Bowen Road. The approval of the new facility is not expected to have any additional impact on the tax rate as costs would be built into the budget.

A citizen from the audience (not identified) stated the Town should be very grateful to the Fire Department as they are all volunteer. It would have a very big impact on taxes if they weren't. Tom Jacobs agreed and stated the biggest challenge they have now is filling the rosters. As older members retire there are not enough new members or recruits to fill those spaces.

The Manager announced the meeting line up for Town Meeting night Monday March 6, 2017 at 130 River Street Firehouse – Third Floor as follows:

|      |        |
|------|--------|
| MAU  | 6:15pm |
| CDC  | 6:30pm |
| BSD  | 6:45pm |
| Town | 7:00pm |

## 5. TOWN AUDIT PRESENTATION FY-2016

Steve Love, Love, Cody & Company PCA Firm, conducted the presentation. He noted that Management is responsible for the financial statements. It is the auditor's responsibility to express opinion, assess risk, consider internal controls and review and perform procedures. It is their opinion that there are no weaknesses in the internal controls and the financial statements were presented fairly.

Mr. Love continued by reviewing the Town's Assets versus Town's Liabilities. Bennington has a low Bond ratio to assets, which is a good thing. The Town's net position was increased over the previous year mostly due to an increase in Town's Capital Assets. Several more slides in a power point presentation covered both "Government Type Activities" and "Business Type Activities", how this money is spent and how the monies are raised. Mr. Love concluded his presentation by stating there was no difficulties in performing the audit and no disagreements with management.

Tom Jacobs stated he liked this year's power point presentation better than last year's presentation. Michael Keane stated he was grateful for the color-coded charts. It provided much clearer information. Donald Campbell agreed and asked if next year there could be a chart comparison to this year.

## 7. MANAGER'S REPORT

The Manager asked for approval of temporary road closure for the Annual St. Patrick's Day Parade. The route was enclosed in the Select Boards packet

**Motion:** Michael Keane moved and Jim Carroll seconded a motion to Approve the temporary road closures for the Annual St. Patrick's Day Parade to be held on Sunday March 12, 2017 as presented. Motion passed unanimously (*Justin Corcoran absent*)

## 8. OTHER BUSINESS

There was no other business this evening

Tom Jacobs stated there was a need for Executive Session.

**Motion:** Michael Keane moved and Jim Carroll seconded a motion finding that an Executive Session be held on a contract matter and that premature general public knowledge of that matter would place person(s) involved at a substantial disadvantage. Motion passed unanimously (*Justin Corcoran absent*)

## 9. Executive Session

### A. Contracts

Respectfully submitted,

Linda E. Bermudez  
Secretary