

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

***MONDAY, MAY 11, 2015***

**MINUTES**

**BOARD MEMBERS PRESENT:** Tom Jacobs – Chair; John McFadden -Vice Chair; Michael Keane; Jim Carroll; Justin Corcoran; Donald Campbell

*Absent: Sharyn Brush*

**ALSO PRESENT:** Stuart Hurd, Town Manager; Dan Monks, Zoning Administrator & Assistant Town Manager; Mike Harrington, Economic & Community Development Director; Keith Whitcomb - Bennington Banner; Linda E. Bermudez – Secretary; (12) Citizens.

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

**1. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Tom Jacobs, recited by all.

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

*A) Minutes – April 27, 2015*

There were no corrections for the minutes of April 27, 2015.

**Motion:** Michael Keane motioned and John McFadden seconded to approve the Minutes of April 27, 2015 as submitted. Motion passed unanimously (*Justin Corcoran abstained; Sharyn Brush absent*)

*B) Warrants*

There were no questions.

**Motion:** Donald Campbell motioned and Jim Carroll seconded to accept and approve the warrant as submitted. Motion passed unanimously (*Sharyn Brush absent*)

*C) 2015 Liquor License Applications*

It was noted that signatures signal approval of all applications. The Manager stated all applications must be in by June 1<sup>st</sup>. Applications were circulated for signatures.

*D) Proclamation – EMS Week – MAY 17<sup>th</sup> -23<sup>rd</sup>*

John McFadden read the proclamation as presented.

Tom Jacobs simply stated how important they are to our community.

### **3. CITIZENS**

Loyal Westcott stepped forward. He noted (2) more complaints for upper Pleasant Street. There are hard-core drugs up there. Mr. Wescott stated a former homeowner of upper Pleasant Street told him that he left his house to get away from the drug dealers. He wanted to also know if the Manager looked further into the new Burlington laws. The Manager stated he needed to consult with Town Council and has not done so as of yet.

Tom Jacobs reiterated the need to consult with Town Council before doing anything. Mr. Jacobs stated he appreciates Mr. Wescott's concern for the citizens and the Police Department.

Chris Bates stepped forward. He stated he is a resident of Bennington for (3) years now. He lives next door to the White Rocks trailhead on North Branch Street. Over Mother's Day weekend there were 31 cars parked along the roadway etc for that trail. Most were out of state vehicles. Mr. Bates stated that the parking lot expansion grant was not awarded to Bennington. He questioned what the next move was. The cars along the roadway are a hazard.

Dan Monks stepped forward and confirmed the grant was not awarded to Bennington. He has consulted with the Highway Superintendent on the costs for the Town to develop the expanded parking lot. This is possible as we have all the equipment needed to complete it. The Superintendent will respond with all the costs soon. Mr. Monks stated we could consider also asking the Green Mountain Club to contribute to the costs, as they were required to match if awarded the grant.

Tom Jacobs asked to have this information ready for the next meeting. He also suggested inviting the Green Mountain Club to the meeting as well.

Mike Bethel moved forward to thank the Board on allowing the Summer Music Series to take place on the Town Office porch. Weather permitting this will be held each Saturday night in June, July & August between 6:00pm and 8:00pm. They will not be paying the bands; however it will be replayed on CAT-TV and if the band has a CD it will be played on WBTN for free during the summer (for further exposure). A calendar of the scheduled bands should be available soon. Mr. Bethel continued by complimenting the Board on the new setup.

Joanne Erenhouse thanked Loyal Wescott for being a good citizen and looking out for others. She continued by thanking Mike Bethel for pulling together the music series.

Ms. Erenhouse then asked all non-profit organizations to call the Welcome Center at (802) 447-2456. They will be scheduling each Saturday over the summer a different Non-Profit group at the Welcome Center (at no charge) to hand out information regarding their organization.

Steven Lafavre introduced himself as the Chair of the Bennington Rescue Squad. He wanted to thank the Board for supporting the proclamation and their support. The Director of Operations also stepped forward (did not identify himself) to thank the Board for their support.

Tom Jacobs thanked them both for their services.

### **4. SELECT BOARD RULES OF PROCEDURE**

Tom Jacobs stated to date he had not received any additional comments or suggestions by the other members of the Board since reviewing the draft. He stated a more serious part to be

discussed another night would be to address the use of Social Media while serving as a Board member. Mr. Jacobs stated he felt it is not a forum for business. He will be introducing language regarding this issue after consulting with Town Council. It is understood that we are all citizens first but we are elected officials as well.

A brief discussion continued regarding the use of Social Media while serving. Jim Carroll stated Facebook remains a force in society. Things can get done because of it and there are few forums where the common person can speak their mind. Donald Campbell and Michael Keane both stated they were interested in seeing what Council would come back with. John McFadden also was interested; however he believes that each member holds themselves to what's right or wrong. He also stated he was under the belief that no member could be kicked off the Select Board for what happens on Social Media. Each member has a life outside the Select Board.

Tom Jacobs noted he is still accepting any and all comments from other Select Board members regarding this document.

## **5. ECONOMIC DEVELOPMENT FUND PROGRAM / 2<sup>nd</sup> READING**

Michael Harrington again reviewed the history of this development. As this is the second reading a motion was made.

**MOTION: Michael Keane motioned and John McFadden seconded to approve the Economic Development Fund Program as presented.**

### **Discussion:**

Michael Keane stated he supports this new program. Jim Carroll discussed the importance of quick implementation of the program. Tom Jacobs noted it would be immediate. He expects to see monthly reports on this program. It is important to track this. If it does not seem to be working we need to address the deficiencies as soon as possible. He would like to see the first report in August.

**VOTE: Motion passed unanimously (Sharyn Brush absent)**

## **6. AMENDMENT TO ARTICLE 25. BENNINGTON WATER/SEWER REGULATORY CODE ORDINANCE / 1<sup>ST</sup> READING**

The Manager reviewed how this amendment came to be, how it works and why it was important. He noted it is a protection we don't currently have in place for this type of expansion.

**MOTION: John McFadden motioned and Michael Keane seconded to approve and accept the amendment as presented. Motion passed unanimously (Sharyn Brush absent)**

## 7. APPOINTMENTS TO BOARDS & COMMISSIONS

**MOTION:** Jim Carroll motioned and John McFadden seconded to approve and appoint all except the contested applications to the various Boards & Commissions presented.

*Discussion:*

Tom Jacobs noted that the Planning Commission had (3) applicants for only (2) positions. John McFadden noted that although he seconded this motion he remembers how helpful it was to meet all applicants; even if they were incumbents. Donald Campbell appreciated the concern but there was only one applicant he felt the need to meet and he will introduce himself on his own.

John McFadden then had questions regarding the Service Officer appointment. He did not feel there was a conflict of interest with the applicant however there were still questions. The Manager noted that the State feels there is a need to fill this position. They handle many of these responsibilities but only during normal business hours. They feel someone needs to be available on the local level “after hours”.

**\*\* AMENDED MOTION:** Jim Carroll motioned and John McFadden seconded to approve and appoint all except the contested applications and the Service Officer to the various Boards & Commissions presented.

**VOTE:** Motion passed unanimously (*Sharyn Brush absent*)

The Manger then noted that although in the packet there had not been an applicant for the Historic Preservation Commission, someone has now applied. This will be noted on the next agenda. All other Boards or Commissions not filled to date will remain open until filled.

## 8. BOOTH TERRACE QUIT CLAIM

The Manager reviewed this situation. The Town is simply granting a “Quit Claim” to the property on Booth Terrace owned by Mr. Gauthier. The Town has no interest in an easement and this will provide clear title to Mr. Gauthier. This will in no way effect any easements etc that any neighbor may have.

**MOTION:** Jim Carroll motioned and Michael Keane seconded to accept and approve the Quit Claim Deed to Mr. Gauthier for Booth Terrace.

*Discussion:*

Alan DelVecchio stepped forward. He owns the property at 111 Booth Terrace. His easement through Mr. Gauthier’s property is the only access to the back end of his own property. Donald Campbell and Tom Jacobs noted that the Town’s Quit Claim would not affect this. Any easement, access etc between Mr. DelVecchio and Mr. Gauthier is just that, between them. The

Town is now out of it. Mr. Jacobs advised Mr. DeVecchio to consult with an attorney to ensure his own rights are maintained.

**VOTE:**        **Motion passed unanimously** (*Sharyn Brush absent*)

## 9. MANAGER'S REPORT

The Manager stated that on August 1<sup>st</sup>, 2015 a Homebrewer's Competition is scheduled to take place on County Street between North Street and School Street. It is a concept developed by BCIC, Catamount Glass and the newly developed "4-Corner's Development" organization. It will be a mid-day affair. They are aware of their security requirements and are requesting the Board approve a road closure on County Street between North Street and School Street from 11:00am to 5:00pm on that day.

Several Board members asked about the surrounding businesses. The Manager noted that many of them including Hawkins House and Bennington Potters are in support of the event.

Tom Jacobs stated he would like to hear more about the newly developed organization on a future agenda.

**Motion:**        **Michael Keane motioned and Justin Corcoran seconded to close County Street between North Street and School Street on August 1<sup>st</sup>, 2015 from 11:00am to 5:00pm for the Homebrewer's Competition. Motion passed unanimously** (*Sharyn Brush absent*)

## 10. OTHER BUSINESS

Jim Carroll spoke of a dog situation on Chapel Road where a runner has had problems with multiple pitbull mixes charging her. The runner spoke with the owner of the dogs, however was told to give up running. The runner has called Animal Control four times with no response. The Manager stated he would look into this further and have proper action taken.

Tom Jacobs announced it was Bike and/or Walk to Work Month. He rode his bicycle to the meeting this evening. Bike/walking paths are an important economic driver for communities.

John McFadden noted the sub-committee for the employer surveys met last week. They will be working with Bill Colvin and Survey Monkey with hopes of some results by the end of June.

Michael Keane wanted to recognize the Chair of the Select Board for taking his bike to the meeting. He also noted that this Saturday, May 16<sup>th</sup>, 2015 the Board would be meeting for a work session at the Town Office. This will be to further develop the "score cards". Mr. Keane will be sending out more material by Wednesday for their review. He anticipates two work sessions on this item.

Donald Campbell noted an informative presentation to be held at Bennington College on this Thursday, May 14<sup>th</sup>, 2015 regarding Ticks, Lyme Disease, and Global Warming.

Mr. Campbell also noted there would be a hike open to the public up Whipstock Hill with a Wildlife Biologist. All those interested should meet at the Once World Conservation Center on Route 7 South at 10:00am on Saturday May 16<sup>th</sup>, 2015.

An exploratory float will be taken on Wednesday at the Town's new wetlands recreation area off Morgan Street. The Spring has been very dry and waters seem low right now. If they are not too low the public is welcome to join on a float Saturday, May 16<sup>th</sup>, 2015. You must bring your own kayak however.

Tom Jacobs noted the next regularly scheduled meeting would fall on Memorial Day. The Manager stated that in the past the Board has moved the meeting up one week and held a smaller agenda meeting at the Town Offices. Mr. Jacobs asked the rest of the Board what they preferred to do. The Board decided to move the meeting up one week to Monday, May 18<sup>th</sup>, 2015. It will be held at the Town Offices at 5:30pm

Tom Jacobs stated there was need for Executive Session.

**Motion:** Justin Corcoran motioned and Jim Carroll seconded to close the meeting and move into Executive Session. Motion passed unanimously (*Sharyn Brush absent*)

## 11. EXECUTIVE SESSION

- A. Contracts
- B. Personnel Contract

Respectfully submitted,

Linda E. Bermudez  
Secretary