

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

***MONDAY, SEPTEMBER 14, 2015***

**MINUTES**

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

*Absent: None*

**ALSO PRESENT:** Stuart Hurd, Town Manager; Dan Monks, Zoning Administrator & Assistant Town Manager; Michael Harrington, Economic & Community Development Director; Linda E. Bermudez – Secretary; (11) Citizens

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

**1. PLEDGE OF ALLEGIENCE**

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

*A) Minutes – AUGUST 24, 2015  
AUGUST 26, 2015 (Special Meeting)  
SEPTEMBER 01, 2015 (Special Meeting)*

John McFadden noted one correction to the August 26, 2015 minutes. This meeting occurred on a Wednesday not a Monday as noted on the minutes submitted.

*B) Warrants*

There were no questions.

**Motion:** Michael Keane motioned and Justin Corcoran seconded to accept and approve the minutes of August 24<sup>th</sup>, 2015, August 26, 2015 (*with correction noted*) and September 01, 2015 as well as the warrant as submitted. **Motion passed** (*Sharyn Brush abstained from the vote for the minutes ONLY*)

*C) Proclamation - International Peace Day: September 21, 2015*

John McFadden read the proclamation aloud.

**Motion: Sharyn Brush motioned and Donald Campbell seconded to accept and approve the Proclamation of International Peace Day 2015. Motion passed unanimously.**

The Proclamation was circulated for signatures. The Manager stated this was being sponsored by both the Interfaith Council and the Peace Resource Center. On September 21, 2015 at 12:00pm the bell on the front lawn of the Town Office shall be rang in recognition. There will also be an evening event held at Merchant's Park on North Street (at Pleasant Street).

### **3. CITIZENS**

David Crowley thanked the Select Board for all their efforts for improving the pedestrian crossing at Dewey and Weeks Street. He wanted to report the new signage works even better now.

Mr. Crowley continued by suggesting the Town set up a scholarship fund for kids in the "Bridge to College" group. He suggested using money recently granted by the State & Federal Government to Bennington. Discussion continued on how Mr. Crowley proposes this be structured and to whom it would go to.

The Manager noted however that the money was not awarded to the Town and we have absolutely no control over how it is spent. It was awarded to the Alliance for Transformation and is meant to target substance abuse programs.

Tom Jacobs agreed that education is extremely important. The Board will do some due diligence and see if there are any options.

Loyal Wescott wanted to thank the Board for all their work so far on the many issues he has been speaking about. Mr. Wescott suggested licensing landlords. Tom Jacobs stated that would be a different conversation for the future. The Town is still doing their due diligence on some of the other suggestions Mr. Wescott made previously. He asked Mr. Wescott to be patient and hoped to have some developments soon.

Mr. Jacobs then thanked all who spoke this evening.

### **4. BENNINGTON COMMUNITY THEATRE**

Robert Ebert stepped forward and introduced Shea Francis. Together they have developed the Bennington Community Theatre. They are a grassroots non-profit organization that started in January 2015. Mr. Ebert did want the public to know however they are a legitimate business, registered with the State and have both a website and a Facebook page.

Mr. Ebert continued by reading their mission statement and stated they hope to be a permanent fixture in Bennington for many years to come. They provide an opportunity for anyone to try and have more involvement in culture. Anyone can come and try acting or behind the scenes work without any prior experience.

Shea Francis stepped forward to discuss some of the productions they have already finished as well as some of the upcoming events. Ms. Francis noted she even wrote and directed one of the productions herself.

To fund the events Bennington Community Theatre has done a lot of fundraising. It was noted that the local merchants and community have been very generous. Their next fundraising event will be a Family Bingo night held on October 1<sup>st</sup>, 2015 at the American Legion. There will also be the Haunted House/Nightmare in Bennington. The proceeds from the Haunted House will be going to the Cancer Crusaders. Their next play "Arsenic & Lace" will benefit the Free Library. Anyone can be a part of these. There are currently open auditions. They still need (7) male characters (actors).

Mr. Ebert also noted that they fund a scholarship for acting classes at Old Castle Theatre for anyone interested.

Tom Jacobs stated that they have come a long way in a short time. Mr. Ebert stated they try to speak to and work with as many other organizations in town as they can. Donald Campbell asked what kind of speed bumps they've encountered and what can be done to help. Mr. Ebert stated the Town's support is appreciated. They could use some help with traffic control at the Haunted House event. Also they hoped to have an official board set up next year and will need people to sit on that board.

Mr. Jacobs stated their work was very exciting and appreciated the information tonight. John McFadden commended the group on the incredible amount of work and fundraising they are doing; even when there is an opportunity to make money for themselves, BCT is donating the money to others.

## **5. TOWN PLAN PUBLIC HEARING (CONTINUED)**

Dan Monks reviewed information from the last several meetings. He noted that time is growing short and the Board needs to act. The Town Plan can be adopted tonight as presented or if there are going to be changes they need to be decided tonight. Mr. Monks would then address those changes and (2) additional hearings would need to be warned before it could be adopted in the allotted time.

**Motion: Justin Corcoran motioned and John McFadden seconded to approve the Town Plan with a zoning change to the former Johnson Controls site from Industrial to Commercial.**

### *Discussion:*

Tom Jacobs stated the goal is to pass this Town Plan on time. This discussion has been long in the tooth. Dan Monks noted if this motion passes the changes will be made and (2) more meetings will be warned in the paper before it can be voted upon.

Justin Corcoran stated it was time to step-up make a change where it is needed. This lot hasn't brought us anything in (25) years. We've wasted enough time.

John McFadden noted the broad nature of the Town Plan and that it's flexible for a reason. However, he would like to see an appendix developed of specific goals. He agrees with many of the points of Mr. Corcoran but asked if a combination of Industrial/Commercial zoning can be considered.

Jim Carroll stated that Mr. Corcoran and Mr. McFadden make good arguments. He believes a mixed use would be a good idea. Mr. Carroll stated he really would like to have the owner/developer present to answer questions directly.

“Spot Zoning” was discussed briefly. Mr. Monks noted that it could bring on several constitutional issues. He suggested instead of spot zoning this one parcel consider changing the zoning to “properties north of Route 279”.

Michael Keane stated he was tired of discussing the mythical creature. The Town Plan is much bigger than just a few lines in a document. His main concern is that the plan lacks achievable goals and results. The fact is that not a lot of people are coming anywhere in Vermont to fill empty spaces (cited several towns). He doubts this one parcel will save Bennington.

Donald Campbell stated that this one issue has had reasonable people disagreeing for years and will continue for a long time coming. He would like to see people focusing back on the Town Plan and for long-term goals and a vision. The Town Plan is a lot of information and can be overwhelming. It needs a structure, time lines and goals set up. Mr. Campbell wants this parcel open for good jobs and concerned that a hotel or retail jobs would take away from the downtown area and any potential for the redevelopment of the Hotel Putnam. He would like it to see it remain Industrial

Sharyn Brush stated she has thought about this particular parcel more than anyone on the Board. She appreciates the Town Plan but does not support “spot zoning”. She would like to pass the Town Plan as presented but not the zoning change.

Tom Jacobs stated that Bennington is “Where Vermont Begins”; however vehicles keep passing by. He would like to focus on attracting the vehicular traffic. They need a reason to stop and perhaps stay here. We need to take risks. If this zoning remains the same there is no risk. Mr. Jacobs stated that he does not feel its “spot zoning”. He feels it is the recognition of that parcel’s potential.

Mike Bethel wanted it known that the owner/developer has a good track record in town. That person/organization developed the K-Mart Plaza and the Home Depot Plaza. Those now brings in over \$100,000 in property taxes. Mr. Bethel feels he has done quality work. They don’t mess up.

**Vote: (5) In Favor vs. (2) Opposed (Sharyn Brush & Donald Campbell)**  
**Motion Passed**

## **6. MUNICIPAL PLANNING GRANT – 2<sup>ND</sup> READING**

Dan Monks noted the Planning Commission would like to apply for a \$16,000 Planning Grant for a Web Based and Printed Trail map of hiking and biking trails in Bennington. There would be a \$4,000 match from the Town required. However the BCRC has agreed to cover that match therefore no municipal funds would be required. The Board would need to sign the presented resolution as approval for the application. The Town would be notified in November or December if we were approved. The money would then be available and we would have (2) years to complete the maps.

**Motion: Justin Corcoran motioned and Sharyn Brush seconded to pass/approve the resolution presented regarding the Grant Application for a Web Based & Printed Hiking-Biking Trail Map of Bennington**

*Discussion:*

Donald Campbell noted this is well put together. There are a tremendous amount of trails in the area but they are not well documented or mapped. This is a great opportunity for VERY VERY low cost improvement with a big impact.

Michael Keane stated this was a great idea but we must market it also.

John McFadden agreed with Mr. Keane that it must be marketed. He would like to also have added some kind of notation of where the new trails will be (Ninja etc).

Tom Jacobs feels it needs to be a dynamic mapping. He also thanked all who got this idea to this point.

Jim Carroll stated this was a great idea and wants more people to know about it.

Sharyn Brush agrees it is a great idea.

**Vote: Motion Passed Unanimously**

Resolution was circulated for signatures.

**7. TRANSPORTATION ALTERNATIVE GRANT – 1<sup>ST</sup> READING**

Dan Monks again presented. He reviewed some previous information presented regarding the Benmont Avenue Improvement Area from the completed scoping study. There is a funding opportunity for a Federal Grant with an 80/20 (local match). The Grant application is due October 16<sup>th</sup>, 2015. The total project is projected at \$250-300,000. This would make the Town's portion approximately \$50,000. Donated goods and in-kind services (up to 50% worth) would reduce the Town's portion to approximately \$25,000. Plus the implementation period would be approximately 2-3 years. Some things may be done ahead much like the Ninja Trail further spreading the cost out.

Mr. Monks asked simply for the Board's preliminary thoughts on if this should move forward.

Tom Jacobs stated anything that will improve the community is important. He would just hope that the calendar is not too full and concerned focus would be lost. Mr. Monks noted that the grant allows for the hiring of a Municipal Planner; therefore Town Staff will only be overseeing the project and BCRC would be hired to work the details.

Donald Campbell stated he felt it was a great idea. This will be great for the community. He asked if the property owners had been contacted. Mr. Monks stated they were all invited to the meetings when the Scoping Study was being conducted. It was well received. Mr. Monks also noted that this could also be seen as an extension of both the Kocher Drive pedestrian improvement and the Ninja Path.

Michael Keane stated it would make that area much safer for pedestrians and was a great idea.

John McFadden agreed with Mr. Keane's statements

Jim Carroll stated this was long overdue and was a part of town that could really use it.

Justin Corcoran stated this would be a big improvement and significant for that part of town. If it could act as a tie in with the Ninja Trail etc it could be an even bigger draw for the community. He supports it.

Sharyn Brush stated she too supports it. Benmont Avenue is well traveled by pedestrians even now. This would improve the safety a great deal.

Dan Monks acknowledged the unanimous support of the Board to move forward. He stated he would come before the Board again on September 28<sup>th</sup>, 2015 with any additional information gathered.

## **8. ORAL HEALTH COMMISSION – 2<sup>ND</sup> READING**

Tom Jacobs reviewed the information from the first reading. He asked for public comment. There was none.

**Motion: Michael Keane motioned and Donald Campbell seconded to create the Oral Health Commission. Motion passed unanimously.**

Tom Jacobs then spoke about the installation process. We now need to get the word out, accept applications and interview applicants. The Manager stated the Town would post the announcement to the Town's website, send off to WBTV, Town Crier and to the Bennington Banner. He would include any applications received in the Board's next packet for review. Interviews would then be set up after that.

Mr. Jacobs announced to the public if there were any questions regarding the process to please contact the Town Manager.

Dr. Dundas stepped forward and questioned the criteria for selection. Mr. Jacobs stated all applicants will be considered dependent on their interest; expertise may or may not be considered.

Mary Lou Albert wanted confirmation that all seats were open to the public including average people (not professionals). Tom Jacobs stated that there would be (6) seats on the commission. Only (1) will be reserved for a local dentist. The remaining (5) seats will be open to the public regardless of their profession (as long as they are a local citizen).

## **9. 2015 GRAND LIST ERRORS AND OMISSIONS**

The Manager stated the Board of Listers discovered (2) errors after the Grand List had been set in April 2015. One parcel had been sold to the State and not changed. The other had a parcel number mix-up. The document was circulated for signatures.

## **10. MANAGER'S REPORT**

The Manager announced that there is now a vacancy on the Housing Authority Board. The term would expire in March 2018. The person who previously sat in this position had to resign because they could no longer make the meeting schedules.

The Manger then noted that the revised BBC Work Plan was in the Board's packet for review. It is a simple revision as the changes are all marked/crossed out. However, if the Board would like John Shannahan present to answer questions that can be accommodated.

Lastly the Manger noted that a new liquor license application was before the Board. It is for "2 Brews Café" to be located in the former Rattlesnake Café location on North Street. They will sell coffee and beer only, along with breakfast, lunch and dinner.

Michael Keane asked about the activity at the former Northside Diner. The Manager stated he believed they are rehabilitating that location for a new Asian restaurant.

Donald Campbell asked if a crosswalk could be considered for the crossing near the old Rattlesnake. There is a lot of activity in that area but the nearest crosswalk is quite a ways away. The Manager stated they would look into that. It seems like a worthwhile location.

## 11. OTHER BUSINESS

Jim Carroll stated he received some complaints and concerns regarding Pageant Street. Cars are speeding down the roadway and there is also a derelict car. Its location blocks the roadway and forces passing cars to go into the oncoming lane. The Manager stated they would look into it.

Tom Jacobs mentioned the RV on Main Street that is for sale. The Manager stated it is registered and tends to move every 72 hours as required. There is not much we can do.

Jim Carroll also noted a letter to the editor in the Banner from John Zink. This Saturday, September 19, 2015 is "Thank an Officer Day". This can be done with a handshake, some cookies or just a smile. Everyone please thank an officer.

Mr. Carroll lastly wanted to acknowledge the passing of Mr. John Paige. He was an outstanding citizen and served his community well. He sends his sincere condolences to his family.

Michael Keane stated GarlicFest seemed to be a great success. That speaks well of when we all work together. Mr. Keane then asked where the Town stood in regards to the Apple Hill Solar Farm. He wishes that they had taken Johnson Control property. The Manger stated that would have been very visible from the highway and no way to screen that location. At this time the Town has only filed a brief.

Discussion continued regarding the development of a solar energy ordinance. Mary Morrissey asked what that might look like as well as the appendix for the Town Plan. She also questioned if there would be public hearings. Mr. Jacobs noted it would be several months before that would be developed any further. Items before the Board now are the Town Manager's evaluation then budgets will follow almost immediately.

Land Use (based off the Town Plan) versus Select Board ordinances were debated. It was noted that a Land Use ordinance would be a much faster process and more useful.

Tom Jacobs stated there was a need to go into Executive Session for personnel reasons. The Town Manger's evaluation process was beginning.

**Motion:** Jim Carroll moved and Michael Keane seconded a motion to close the meeting and move into Executive Session. Motion passed unanimously.

- 12. Executive Session**
- A. Personnel**
  - B. Contract**
  - C. Real Estate**

Respectfully submitted,

Linda E. Bermudez  
Secretary