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

MONDAY, OCTOBER 26, 2015

#### **MINUTES**

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

Absent: None

**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; (9) Citizens

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

#### 1. PLEDGE OF ALLEGIANCE

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

A) Minutes – OCTOBER 5, 2015 OCTOBER 6, 2015 OCTOBER 12, 2015 OCTOBER 19, 2015

*B)* Warrants

There were no questions.

Motion: Sharyn Brush motioned and Jim Carroll seconded to accept and approve the minutes of October 5, 6, 12 & 19, 2015 as well as the warrant as submitted. Motion passed Unanimously

At this time Michael Keane asked to move an agenda item up due to a time conflict.

# 4. MIKE PIECIAK, SECURITIES COMMISSION, DEPARTMENT OF FINANCIAL REGULATION

Michael Keane introduced Mike Pieciak as a guest speaker this evening. Mr. Keane wanted a public discussion on the new regulations and flexibilities in the Securities Laws within Vermont. Vermonters can now invest in Vermont Businesses and New England Businesses.

Mr. Pieciak stated he was the Deputy Commissioner and gave his background in this position. He stated these changes came about a few years ago and seems to be the most progressive in the country. Mr. Pieciak gave the history of "Blue Sky Laws" and their start in Kansas in the early 1920's. For investor's protection investment laws became both Federal based as well as State based.

Ben & Jerry's became the first to seek local investors only, in the 1980's. Mr. Pieciak compared the securities laws back in the 1980's to now and spoke of the new different level caps in place. The Securities Commission and the Department of Finance are to reaching out to communities across the state to promote these new investment capabilities.

Mr. Pieciak gave examples (but did not endorse those examples) of these types of investments. He noted that 50% of the Vermont workforce comes from small businesses and 50% of the State's Gross Domestic Product comes from small businesses. They are a critical piece of both the state's and local economy.

Mr. Keane and Mr. Pieciak continued by discussing the different levels of investment, their protections and the definition of "accredited investors".

Tom Jacobs asked how the local businesses that are seeking investors are promoted. Mr. Pieciak stated that many of them are now done through social media sites such as "Milk Money" and "Design Book". Mr. Pieciak continued by stating if there was a local business in the Bennington or Southern Vermont area that could be interested in raising funds this way to contact him to see if they could be a good candidate.

Mr. Jacobs thanked Mr. Pieciak for speaking this evening. There was a lot of good information and opportunity. This could be very helpful moving forward.

### 3. CITIZENS

Loyal Wescott stepped forward. Mr. Jacobs reminded him that the next regularly scheduled meeting on November 9<sup>th</sup>, 2015, the Chief of Police would be presenting his annual report. Many of Mr. Wescott's questions/concerns will be addressed then. Any additional ones should be held till then so the Chief may address them directly.

Mr. Jacobs then thanked all who spoke this evening.

#### 5. STORM WATER INFRASTRUCTURE MAPPING PROJECT

Dan Monks introduced Dana Allen for presentation. Mr. Allen explained this project was issued by Vermont's Agency of Natural Resources and is ultimately part of the Lake Champlain Clean Water Initiative. This portion of the project covered from Pownal to the North Bennington/Shaftsbury area and included Old Bennington.

A variety of methods were used to gather information including GPS Sub-metering, existing data within the municipalities, Stormwater Permit Plan review, VTrans existing data base and municipal knowledge (ie. Terry Morse, Water Resources Superintendent and RJ Joly,

Highway Superintendent). Mr. Allen noted that the Town of Bennington's Sewer Mapping System was excellent.

All of the information gathered and compiled by Mr. Allen will be free and available through the Agency of Natural Resources website. The Natural Resource Atlas covers both watersheds and stormwater information. The Town of Bennington's completed information should be available through this site in about two months. This is a great resource, however it does have some limitations. For example, pipe locations are only approximate; this resource should not replace Dig Safe.

Mr. Allen described some of the uses of the information gathered. These include flow reduction planning, infrastructure maintenance, stormwater master planning and infiltration elimination. During the survey work Mr. Allen was able to assist the Town in immediately identifying and thereby repairing, some more important infiltration issues. The infiltration report will be available in December 2015.

Sharyn Brush thanked Mr. Allen for his hard work.

#### 6. SOLAR NET METERING PROPOSAL – ENCORE REDEVELOPMENT

Dan Monks introduced Derek Moretz of Encore. Tom Jacobs recused himself from this agenda item, however noted that he would remain to listen in.

Mr. Moretz noted there have been several locations considered for a project in Bennington over the last several years. Some did not end up being cost effective and some turned up with regulatory issues. This project is a net-metering proposal with a location on Route 7 South for the benefit to the Wastewater Treatment Plant (WWTP). It is a small 3-4 acre site and would offset the WWTP's electric bill. There is no risk to the Town and would hold a 15% royalty.

Jim Carroll asked if Mr. Moretz thought his company could uphold the proposed conditions in the ordinance that would be presented this evening. Mr. Moretz believed there would not be much difficulty in that.

Discussion continued regarding the net metering process and how it works. It was also noted that 15% is the highest amount allowable; 10% is the normal rate. Mr. Keane noted electricity would only be going up. The Public Service Board (PSB) has stated they foresee electric rates increasing each year at 3.1% through 2040.

John McFadden asked Mr. Moretz if they had reached out to the neighbors of this site regarding any concerns they may have. Mr. Moretz noted that it has been limited and would be until they receive the "ok". Once approval is given they would then meet with the neighbors more extensively and meet their concerns.

Jim Carroll asked how long the contract would be. Mr. Moretz stated it is a 25-year contract with a fixed percentage.

Dan Monks noted that this is the third project Encore has been trying to negotiate with the Town of Bennington. If the Board is interested in continuing negotiations they should express that this evening. The Town Staff, Town Manager and Mr. Moretz will then continue to negotiate. However if the Board is definitely not interested in trying to move forward, they should not waste any more time, effort or money on either side and cut Encore loose.

Mary Morrissey stepped forward with several questions including if they would be selling the renewable energy credits (REC) from this project. Mr. Moretz stated they have not been allocated, and would not be until the project is on-line.

Chris Wright told the Board to "slow down". He would like the Board to ask more questions like he does.

John McFadden reminded the public this was not a decision making meeting; only informational.

Jerry Bird stepped forward and identified himself from the Southshire Solar Development. He stated he was surprised something hasn't been done sooner in Southern Vermont. Northern Vermont has already been doing this. Mr. Bird encouraged the consideration process but urged them to make a decision.

Mr. Moretz stated if the Town is not interested in continuing negotiations they could find other customers for net metering project. Southern Vermont Medical Center (SVMC-Hospital), Southern Vermont College (SVC) and other industries in the area have all expressed interest.

Jim Carroll asked about the timing of the proposed ordinance and if it could be applicable. Dan Monks stated it could be made part of the negotiations.

Donald Campbell stated he would like to see the next level inquiry. There is some good here.

The Board reached a consensus to discuss contract parts in Executive Session this evening.

# 7. SOLAR SCREENING ORDINANCE 1ST READING

Dan Monks recognized the "sub-committee" that developed the proposed ordinance. They included Donald Campbell, Jim Carroll, John McFadden and citizens Rick Carroll and Marry Morrissey. Mr. Monks then reviewed the recent state statute regarding "ground solar". Municipalities cannot prohibit a project but will have power over screening. The PSB will enforce what the Select Board recommends for screening.

Mr. Monks stated this is an aggressive ordinance similar to what is required by the DRB (Design Review Board) for commercial development. Town Counsel did review the proposed ordinance and found it to be fair. Mr. Monks is unsure, however, how the PSB will view it.

Discussion continued regarding different sections and specific wording within them. Corrections were suggested and noted for the next reading.

Justin Corcoran stated he thought this basically hit all the important points. Michael Keane stated that he thought renewable energy was to combat global warming but has been informed it is more to stabilize energy costs.

Donald Campbell stated he feels good about this ordinance. However he would like to see a size requirement involved. Mr. Campbell is concerned that the private homeowner (small 4-panel system) would be required to come before the Board.

Mr. Monks reviewed some of the changes suggested. He will bring them to Town Counsel for review and get advice regarding the ordinance. The Town Plan's addition regarding renewable energy is still being worked on.

# 8. MANAGER'S REPORT

The Manager noted one action item this evening. Melissa Currier, Finance Director, has been working with the Bonk Bank and Peoples United Bank for the repayment of the Hurricane Irene debt. It is recommended to not exceed a 15-year payback schedule. Anything longer

would result in much higher interest payments. The Manager noted he would need approval for he and Ms. Currier to continue negotiations with the Bond Bank for the payback schedule. Once the negotiations have been completed, the Manager would return in the spring with the official proposal

Motion: Michael Keane moved and Sharyn Brush seconded a motion to approve the Town Manager and Melissa Currier, Finance Director to continue to work with the Bond Bank for a 15-Year payback schedule for monies owed by Hurricane Irene damage. Motion passed unanimously

The Manager continued with some suggested dates for the Oral Health Commission interviews. Board members present agreed Monday November 2, 2015 would work best. They will be conducted at the Town Offices beginning at 5:30pm

#### 9. OTHER BUSINESS

Sharyn Brush reminded the public that the Hunt Street/Benmont Avenue Bridge would be closed Tuesday October 27, 2015. It was discussed that beginning in early November traffic would change lanes on that bridge. The expected end date for this project is October 2016.

Donald Campbell praised the GVH Studio production at the Old Castle Theatre with Starline Rythem Boys. It was a sold out event and a lot of fun. Fallapalooza also seem well attended.

Tom Jacobs advised the board that there was a need to go into Executive Session to discuss a contracts matter and request that the board find that premature general public knowledge would place a person involved at a substantial disadvantage and move into Executive Session.

The Manager also noted that a few moments would be needed to discuss a real estate matter as well.

Motion: Justin Corcoran moved and Sharyn Brush seconded a motion and finding that an Executive Session be held on a contracts matter and a real estate matter as premature general public knowledge would place a person involved in the subject matter at a substantial disadvantage. Motion passed unanimously

#### 10. Executive Session

- A. Contracts
- B. Real Estate

Respectfully submitted,

Linda E. Bermudez Secretary