

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

*MONDAY, JANUARY 25, 2016*

**MINUTES**

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

*Absent: Donald Campbell;*

**ALSO PRESENT:** Stuart Hurd, Town Manager; Dan Monks, Zoning Administrator & Assistant Town Manager; Michael Harrington, Economic & Community Development Director; Linda E. Bermudez – Secretary; Keith Whitcomb, Bennington Banner; (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 – January 09, 2016  
January 11, 2016  
January 16, 2016  
January 18, 2016*

*B) Warrants*

There were no questions.

**MOTION: Michael Keane motioned and Jim Carroll seconded to accept and approve the minutes of January 09, 2016, January 11, 2016, January 16, 2016, January 18, 2016 as well as the warrant as submitted. Motion passed unanimously (Donald Campbell absent)**

**3. CITIZENS**

Larry Robertson identified himself as a new resident of Bennington. He has some questions regarding the Audit and asked when he should present them. Tom Jacobs asked him to hold those questions for the presentation. Jim Carroll asked Mr. Robertson to explain why he chose Bennington. Mr. Robertson explained he has family in the Albany, NY area. After

several years of exploring communities in the surrounding area, he and his wife found Bennington best suited them. It was of similar size to their community in Texas and people were friendly and welcoming. They also found that the overall attitude was positive here. The key to a community is working together and to look for the positive. Mr. Robertson plans on being very involved. At this time he is just learning the “lay of the land”.

Chris Wright stepped forward to ask about the activity on the floodwall on Branch Street. The Manager explained the Town is required by the Army Corp of Engineers to keep the tree and brush growth down along that wall. We were taking advantage of the extended weather to clean up that area.

There were no further citizens.

#### **4. AUDIT PRESENTATION**

Steve Love of Love, Cody and Company stepped forward to present the annual audit. In his discussion he highlighted certain pages. He began by discussing both the Town’s Governmental type and Business type assets, liabilities and total net positions. He noted that the Town’s Total Net Position is at approximately \$22 Million. This is up from last year.

Mr. Love continued by reviewing the Town’s Governmental and Business activities as well as where specific funds stand. Larry Robertson (resident) questioned the Town’s Line of Credit. The Manager explained this was the remaining un-reimbursed amount from Hurricane Irene. The Town has budgeted for the interest payments this year but is pursuing permanent financing. This shall be through either the Vermont Bond Bank or People’s United Bank over a 15-year term. Tom Jacobs noted that the State of Vermont has one of the highest ratings in the nation. The rating stands at (AA+) for Vermont (individual town’s do not have ratings).

Steve Love continued by discussing the Water/Sewer and Parking Meter Fund. The Town Manager explained that the Parking Meter Fund was previously funded by the downtown parking meters and tickets issued. The funds are then spent of the repair and maintenance of the Town’s public parking lots. The meters have now been removed, however funding still is received by way of tickets and a set dollar amount from the General Fund budgeted each year.

Discussion continued by explaining that the State of Vermont controls the payments of tickets. When a ticket is issued the money is not directly paid to the Town. It is paid to the court, and then the State of Vermont reimburses the Town. However, in recent years the State has not been aggressive in their collections of these tickets. Therefore there are significant funds owed to the Town, not paid as of yet. The Town used to collect approximately \$65,000 per year; now we are receiving only approximately \$4,000-7,000 per quarter. Mr. Love continued by noting the Parking Meter fund therefore falls short. At this time the costs of the repairs are more than the revenue received.

Mr. Love reported the Water Fund stands at a Net Position of approximately \$700,000, while the Sewer Fund has a Net Position of \$200,000.

Jim Carroll asked what the basic “State of the Union” was for the Town of Bennington. Mr. Love stated overall the Town is in a good position. It is actually better than most. There was discussion regarding depreciation and any surplus funds (if any). It was explained that each year if there are any excess funds, for example if less money is spent on salt due to low snow fall, then those “excess funds” remain in the Highway Budget to offset a different expense in that year or for anticipated cost in the coming year. They do not cross departments. The Manager noted the Finance Director is very conservative and keeps everyone (including him) in check.

Tom Jacobs asked if Mr. Love had full cooperation from all management/staff. Mr. Love stated he did. He also noted that each department has some individual detail transaction control. In their audit they saw nothing that needed to be brought to the attention of the Board.

**MOTION:** Jim Carroll moved and Sharyn Brush seconded a motion to accept the annual audit as presented. Motion passed unanimously (*Donald Campbell absent*)

## **5. HEADWATERS PARK MANAGEMENT PLAN – 1<sup>st</sup> READING**

Dan Monks stepped forward to present. He acknowledged those present in the audience who assisted with the development of this plan. Mr. Monks also wanted to announce that the Town had been awarded the \$250,000 grant for the Benmont Avenue Improvement project.

He continued by noting that the Headwaters project has cost the taxpayers \$0 (zero). This project has been completely funded at this point through State funding opportunities and private (generous) donations. Mr. Monks reviewed several maps of this area showing the different Management Zones (Ecological Preservation & Active Management). The Goal is to present a low-impact recreational opportunities.

The funding so far has accomplished cleaning the existing trails, significant trash removal (including tent homes), a GPS mapping of the area and the design and purchase of (3) Kiosks to be completed in the coming weeks. Future funding shall go towards new trails, an expansion of the parking area near the Beech Street Ball field and a new parking lot at the Belvedere Street access area. Bog bridges and more formal kayak launches are also being planned for better access.

Discussion continued about the possibilities of usage fees. An audience member suggested a “donation box” at each Kiosk. Mr. Monks stated public access would always be granted. If fees were ever required they would be very reasonable.

Chris Wright asked if hunting and fishing would be allowed. He is concerned about wildlife management and overpopulation. Mr. Monks stated that fishing would be allowed. Rifle hunting is NOT allowed; however they may consider bow/arrow. It is not likely that the wildlife will reach a point of overpopulation in that area. As more people use the area, that type of wildlife may migrate elsewhere due to increase activity. Mr. Monks also noted it has been recognized by the Audubon Society as a highly active bird area and will be protected as such.

The Management plan will be posted to the Town’s website for further review.

## **6. VACANT BUILDING MAINTENANCE ORDINANCE – PRELIMINARY DISCUSSION**

Michael Harrington stepped forward and began the discussion. He stated this evening he was only looking for interest and direction from the Board to move forward with this development. Initial interest was gathered around vacant commercial properties. Mr. Harrington asked in further developing this ordinance would the Board wish to keep commercial properties as their focus or expand to include residential buildings. He has been working with other communities to see how they handle this issue as well as the Better Bennington Corporation

(BBC). Additional questions regarding whether to focus on truly vacant properties only or also include occupied/partially occupied but not maintained well properties as well.

Sharyn Brush stated that the Town needs something in place. Her concern however is who would be enforcing the ordinance and how. Mr. Harrington stated that the Town Building Inspectors actively enforce the Zoning Bylaws and Building Codes. This would be another tool to encourage property owners to adhere to the regulations.

Ms. Brush stated she would like to see more incentives first to encourage the property owners. If or when those fail then the next level could be a fine etc. Mr. Harrington discussed some of the incentives that could be used for example reducing or waiving a fine if completed by a certain date or specific/special loans with fixed interest rates. The use of imposing an “impact fee” was also discussed.

Justin Corcoran stated that this was originally discussed regarding Downtown properties. He feels the focus should remain on commercial properties. To try to manage this town wide and include residential properties as well would be overwhelming.

Jim Carroll discussed the system of fining property owners. He was conflicted with what he felt would be an unequal fining system. There are landlords who get a tax right offs for letting buildings go and then there are landlords who work hard to get and keep tenants. He feels they should not be fined in the same manner. Specific property owners were discussed, however Tom Jacobs stated that this evening’s discussion would not be about specific properties nor is this the place to name them.

Justin Corcoran asked how more specifically other Towns were dealing with this same issue. Mr. Harrington stated they run a full spectrum from very general (no garbage on lawn) to very specific (how high grass can be before it must be mowed).

John McFadden reminded the Board that at this point they are just speculating/looking for interest. He would like to see (3) sections defined: *Vacant, Partially Vacant and Occupied*. If this were a tool that Mr. Harrington can use to further Economic Development then he would like to see that presentation. Mr. McFadden stated he trusts Mr. Harrington to guide them and believes he is talented in his field.

Tom Jacobs asked Mr. Harrington to consult with Town’s Counsel to be sure it could hold water. If legally it cannot, he doesn’t want to spend too much time on this.

Michael Keane asked how many “blight” properties are in Bennington. The Manager stated he did not have those figures. We do not have an inventory as of yet, and owners do not register with the Town that they’ve abandoned a property.

Tom Jacobs asked Mr. Harrington to keep this moving, gather more information and return to the Board with what he has learned.

## **7. FY 2017 BUDGET – BOARD ACTION**

The Manager stated in the Board’s packet was a summary of all the actions made during the three recent budget meetings. Presented this evening is the budget with those changes.

**MOTION: Jim Carroll moved and Justin Corcoran seconded a motion to approve the FY 2017 Budget as presented this evening.  
Motion passed Unanimously (Donald Campbell absent)**

## **8. 2016 ANNUAL TOWN MEETING WARNING ADOPTION**

The Manager asked the Board this evening to then adopt the 2016 Annual Town Meeting Warning. He noted that the Town's budget accepted this evening is approximately \$12 Million Dollars. Based on LAST Year's Grand List that would increase the proposed tax rate by \$0.025 cents (for the Municipal/Town's portion only). However, this year's Grand List is expected to increase by 1%.

**MOTION:** Sharyn Brush moved and Jim Carroll seconded a motion to adopt the 2016 Annual Town Meeting Warning as presented this evening.  
Motion passed Unanimously (*Donald Campbell absent*)

## **9. 2016 LIQUOR LICENSE APPLICATIONS**

The Manager noted there was one last minute addition this afternoon to the original list for signatures. It was a NEW license request for a New Pub to be located at 201 South Street (former Domino's Pizza location). It is both a First Class & Second Class request.

The new list was circulated for signatures.

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

The Manager had no additional report this evening.

## **11. OTHER BUSINESS**

Jim Carroll wanted to discuss the recent marijuana forum in Bennington. There are still a lot of questions that need to be answered. The Town should make a decision whether it would be a dry/smoke-free town or if they will allow it. The tax money could be significant. It should be discussed sooner rather than later. He then questioned if they would put it out to vote to the people?

Michael Keane briefly discussed a meeting at the Bennington College CAPA building regarding Economic Development Strategies for Southern Vermont and the South-Shires area. There will be more meetings coming and recommendations will be included in a report.

Mr. Keane continued by stating at this time he would not like to comment on the issue of legalizing marijuana except that he feels that the tax benefits may not be the right reason to do it.

Mr. Carroll suggested that some of the tax money be put specifically for opiate rehabilitation.

Tom Jacobs simply stated he felt this was a discussion for another time.

Tom Jacobs noted there was no need for Executive Session

**Motion: Sharyn Brush moved and Justin Corcoran seconded a motion to close the meeting. Motion passed Unanimously (*Donald Campbell absent*).**

Respectfully submitted,

Linda E. Bermudez  
Secretary