

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

MONDAY, MARCH 14, 2016

MINUTES

BOARD MEMBERS PRESENT: Tom Jacobs – Chair; Sharyn Brush; Jim Carroll; Justin Corcoran; Donald Campbell; Michael Keane

Absent: John McFadden;

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; (20) Citizens

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

1. PLEDGE OF ALLEGIANCE

2. CONSENT AGENDA (A-B)

*A) Minutes – February 22, 2016
February 25, 2016*

B) Warrants

There were no questions.

MOTION: Michael Keane motioned and Donald Campbell seconded to accept and approve the minutes of February 22, 2016 & February 25, 2016, as well as the warrant as submitted. **Motion passed** (*John McFadden absent*)

3. CITIZENS

Tom Jacobs thanked and acknowledge citizen Christopher Wright for his multiple photograph submittals to several local news stations that have been utilized on-air. They have brought very nice media acknowledgement of Bennington and help put on us “on the map”.

Rick Carroll began to ask questions regarding the solar project on this evening’s agenda. Mr. Jacobs asked him to hold the questions until that agenda item is brought forth.

There were no further citizens.

At this time it was recognized that the appropriate personnel were not present to discuss the next scheduled agenda item. Therefore the meeting's agenda continued as follows:

5. AMENDMENTS TO THE LAND USE REGULATIONS

Dan Monks stepped forward to present. He explained the amendment was at the request of a property owner on Benmont Avenue. They would like to increase the usage type along this corridor. By re-zoning this area as "Mixed Use" it will make it more developable. The area in reference is Benmont Avenue from Kocher Drive to the County Street/McKinley Street intersections.

Mr. Monks advised the Board that at least one hearing is required by the Select Board before a decision can be made. If/when it is approved, the new zoning shall go into effect (21) days later.

Donald Campbell asked why the retail option is restricted to existing buildings only. Mr. Monks stated they felt that this type of use is best suited to remain in either the Downtown area or the Northside Drive corridor. The Planning Commission did not want to create an area that would compete with the existing retail space/zones. Michael Keane likes the idea that all must meet DRB (Design Review Board) approval. This will ensure the changes remain attractive.

Tom Jacobs noted it has been this board's practice to have two meetings to consider the information and allow residents to ask questions. He does not want to deviate from this practice. This agenda item shall be placed on the next scheduled meeting's agenda for consideration and possible decision.

Tom Jacobs then asked Michael Keane to read a proclamation regarding Multiple Myaloma Awareness Month.

MOTION: Sharyn Brush moved and Michael Keane seconded a motion to accept and sign the Multiple Myaloma Awareness Month Proclamation as presented tonight. Motion passed Unanimously (John McFadden absent)

6. NINJA PATH UPDATE – BENNINGTON COLLEGE TO HANNAFORD PLAZA

Dan Monks along with Jason Dolmetsch, MSK Engineering and Mark Anders of BCRC stepped forward to present. This is an update on the First Phase of the Ninja Path. It will be from the Bennington College entrance to the Hannaford's Plaza. To accomplish this we will be using Federal funds, Private donations, Bennington College funds and some Town labor. Any additional private donations are welcome to continue this path. They may be sent to the Town of Bennington c/o NINJA Trail Donation P.O. Box 469 Bennington VT 05201

Work is scheduled to begin May 2016 contingent on the State Permit approval. The application has been submitted and we have been working with them for (8) months to ensure it meets their requirements.

Jim Carroll asked if the trail would be lighted. Mr. Monks stated that it would be extremely expensive to light the entire trail and therefore not in the design. This section however will have some lighting as a portion runs along the roadside.

Mark Anders continued by providing an overview of the trail and describing the (5) Phases of the trail that will complete it. Phase I will include two crossing areas from Bennington

College over Rte 67A to Silk Road. This shall include a pedestrian island for refuge and flashing light system to warn vehicular traffic of pedestrian crossing. There will also be an additional crossing separate for bike traffic to cross.

Jim Carroll asked what the total timeframe might be. Mr. Anders stated that Phase I & II expect to be complete within this year. The remaining (3) Phases will be hard to determine due to additional State Permits that will be needed. The goal, however, is to have it complete by 2018.

Mr. Monks again reminded the Board that this is just an update. He did want to thank Bennington College for their assistance and work on this project. They will be donating approximately half of the cost to complete this phase. They have been very cooperative and patient. It is a great example of what a public-private collaboration can do and has been a great experience. He also wanted to acknowledge Mr. Harwood, a citizen along the route whose property will be greatly impacted but has been very cooperative and supportive of this project. And lastly, Mr. Monks wanted to also acknowledge the owner of the Hannaford Plaza, Mr. Jeff Gordon who also has been very cooperative and supportive of this project. Mr. Gordon stated he "Loves" this project.

Sharyn Brush agreed. This is a great project and she is very pleased it is finally moving forward.

4. PUBLIC HEARING – NEIGHBOR WORKS CDBG

Michael Harrington stepped forward with representatives of Neighbor Works, Ludy Biddle and Greg Over. Mr. Harrington reviewed by stating the Select Board had approved moving forward with this application several months ago. The funds would be to develop a physical office in Bennington to help better serve the community. Currently this organization is doing so out of Rutland. To increase service and probability of receiving these funds a New Pilot Renter's Program shall be run out of this office for Bennington as well. It will work with specifically landlords and (rental) property owners to improve their units. The program focuses on the smaller scale rental buildings with (1-4) rental units in a building. Landlords with multiple buildings may apply but only for a total of (8) units across multiple buildings will be allowed. If they meet the additional qualifications, they could access to up to \$8,500 per unit in grant money. However, they must borrow (2x) that amount (2:1 ratio loan) in total (per unit) for the renovation/energy efficiency project.

The Board continued with several question regarding outstanding loans and Neighbor Works' delinquency rate. Ms. Biddle stated they are reviewed every year and have exemplary status. They have less than a 1% delinquency rate.

The Board and Mr. Harrington reviewed how the Community Development Block Grants work overall (how monies are dispersed, deferments etc).

Sharyn Brush asked for clarification. Although the organization does work with single-family homeowners, this new Pilot program is strictly for the renters/landlords. Ms. Biddle confirmed this. Tom Jacobs asked what some of the other qualifications were. Ms. Biddle stated another example qualifier would be that the renters would have income thresholds of 80% below median income.

Mr. Jacobs then asked how often an accounting report would be presented to the Select Board. Mr. Harrington stated it would be the Select Board's decision. They can schedule regular communications and updates as often as they would like. The State regularly does annual reporting.

A citizen stepped forward (identified only as Bill) asked would the improvements then increase the property's value, which would then increase the Grand List value (perhaps lowering taxes)? The Manager stated any improvements to a property would warrant a review by the Chief Assessor and could increase the property's value, which would impact the Grand List.

Jim Carroll asked if local contractors would be used. Ms. Biddle and Mr. Over both stated that there is a procurement process they must follow. Three bids must be received and ultimately it is up to the property owner to decide who receives the work. With that said, because these are relatively small projects (approximately \$30,000 per unit) they would likely attract the smaller more local contractors (not large out-of-state companies).

Jeanne McKenna stepped forward with a series of questions regarding future funding, and finding the "need" in this area for this type of program. Ms. Biddle explained one of their sources to see if there is "need" is local hospitals. For example those who are handicapped in some fashion (breathing issues ie. COPD, asthma, physical disability) and the elderly (rehab centers etc) who would now need a modification of their unit to continue living there would show need. Their landlords are the potential customers. Modifications begin to accommodate the changes needed and then often include energy efficiency upgrades while making those modifications.

Justin Corcoran asked if we could make a stipulation of the grant money that the occupants already be residents of Bennington. Mr. Harrington stated he was not sure if that could be done but he would look into this idea.

Resident Joey Kulkin stepped forward and asked for clarification on the grant amount. If someone had a four-unit apartment building they could receive almost \$34,000 in grant money. Ms. Biddle confirmed this but explained only if they took out an almost \$100,000 improvement loan. The loan to grant must be a 2:1 ratio.

Tom Jacobs stated a decision shall be made at the next regularly scheduled meeting. Any questions may be directed to Michael Harrington at the Town Offices.

7. ENCORE SOLAR PROJECT

Tom Jacobs recused himself from this agenda item, as there is a conflict of interest. Dan Monks stepped forward with Derek Moretz of Encore to present. This was a long journey to find the right project. After several years we have come to this final project, which shall be a significant benefit to the Town of Bennington. It is a 25-year net metering lease agreement that shall produce a 15% discount to the Town.

A preliminary review by the Board took place in October 2015. Planning Commission reviewed the site plan and requested more screening be added (from the roadway). Encore has provided the additional screening as requested.

Mr. Moretz stated Encore is ready to move forward with this project. At this time if the Town decides not to move forward, Encore will have to move on to another project elsewhere.

Sharyn Brush asked if the screening would be all evergreen plantings. Mr. Moretz explained the screening shall be a mix of several native plants including evergreens. The property slopes away from the roadway so this will also help with the view.

Michael Keane asked Mr. Moretz to list some of the other projects Encore has done in Vermont. He listed multiple including Middlebury College, National Life Group in Montpelier, Burlington Airport and several hospitals, schools and other towns in Vermont.

Mr. Keane continued with questions regarding the Renewable Energy Credits (REC's). Mr. Moretz stated Vermont now has their own "open market" for REC's. The ultimate destination for these particular REC's is unknown.

Donald Campbell spent time discussing the special soil in this area. He supports this project but would like to request a modification in the design so that this "super" soil could still be utilized for agriculture. Discussion continued by describing the make-up of the surround areas (wetlands etc). The State designation of those areas as wetlands does not allow for that modification.

Mary Morrissey stepped forward with several questions about the REC's and Decommissioning Plan. Mr. Moretz explained that the size of this project does not require a formally funded Decommissioning Plan. There will be an arrangement with the landowner as required by the Certificate of Public Good (Public Service Board). The salvage money from the aluminum and galvanized steel will be more than enough to cover the cost of the decommissioning.

Rick Carroll had questions and concerns regarding the screening. He would like to see more natural height differentials in the native plants. It was explained that on the mapping the size of the screening plants was not their ultimate or "maintenance height". What is printed is the height at which they will be planted. Healthy pruning/maintenance will occur but they will be allowed to grow to their natural heights.

Keith Armstrong (local farmer) agreed with Donald Campbell regarding the "super" agricultural soil. He too asked if the panel arrangement could be changed to allow for continued agricultural use of that soil. Mr. Moretz stated the State would only allow development in a wetlands designated area if it were unavoidable.

MOTION: Sharyn Brush moved and Michael Keane seconded a motion to accept the Net Metering Lease Agreement as presented by Encore this evening

Motion Passed (*John McFadden absent; Tom Jacobs abstained*)

8. HEALTH OFFICER APPOINTMENT

The Manager noted this is a three-year appointment. Larry McLeod is re-applying for the position. The Town recommends a candidate, the State does the actual appointment.

MOTION: Sharyn Brush moved and Michael Keane seconded to recommend Larry McLeod for re-appointment as Town Health Officer
Motion Passed Unanimously (*John McFadden absent*)

9. 2016 LIQUOR LICENSE APPLICATIONS

The Manager noted there were (14) renewals and (1) new application. This is for the new Fuji Hibachi Asian Bistro on Northside Drive.

MOTION: Sharyn Brush moved to accept and sign the Liquor License applications presented this evening.

Applications were circulated for signatures.

10. MANAGER'S REPORT

The Manager announced that Water Department crews would be out in the community beginning this week to assess water service lines. Since Flint, MI the Federal EPA has asked certain regions to better identify if lead service lines exist. To clarify, the service line is the private portion of the water line, which runs from the main to the home. The Town of Bennington has treated the municipal water system successfully for over 25 years to protect those who *may* have lead service lines (or lead internal plumbing). We currently use a lime solution to protect/coat the pipes from any possible lead leaching.

The Federal EPA is considering releasing money to help homeowners remove those lines if they exist. However, those monies will go to "at risk" communities first. Bennington is not considered an "at risk" community. There are many water systems in the State of Vermont that do not treat the water as Bennington has for over 25 years. The Town has decided we will gather the information anyway and perhaps use it to assist with our own loan programs.

Once the Townwide assessment is complete we will then work with individual homeowners who need further investigation.

11. OTHER BUSINESS

Michael Keane wanted to acknowledge the new Fuji restaurant that opened on Northside Drive.

Jim Carroll congratulated Scott Legacy on his 28th Consecutive State Wrestling Championship.

Sharyn Brush wished everyone a Happy St. Patrick's Day.

Tom Jacobs stated despite the weather the SnoCross event seemed successful and thanked the Town Crews for their assistance. He then asked which Town employees brought this organization to Bennington. The Manager stated Mark Sawyer from Buildings & Grounds Department and Dan Cornell from Highway Department are avid snowmobilers. They had attended this event when it was in North Adams several times and knew they were looking for a new location. The organizers loved the Willow Park location.

Tom Jacobs noted there was no need for Executive Session

Motion: Michael Keane moved and Justin Corcoran seconded a motion to close the meeting. Motion passed Unanimously (John McFadden absent).

Respectfully submitted,

Linda E. Bermudez
Secretary