

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

MONDAY, JUNE 13, 2016

MINUTES

BOARD MEMBERS PRESENT: Tom Jacobs – Chair; Michael Keane-Vice Chair; Jim Carroll; Donald Campbell; Jeanne Conner; Jeannie Jenkins; Justin Corcoran

Absent: None

ALSO PRESENT: Stuart Hurd, Town Manager; Dan Monks, Zoning Administrator & Assistant Town Manager; Michael Harrington, Economic & Community Development Director; Cassandra Barbeau, Town Clerk; Joan Pinsonneault, Collections Manager; Melissa Currier Finance Director; Keith Whitcomb, Bennington Banner; Linda E. Bermudez – Secretary; (20) Citizens

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

Mr. Jacobs read a prepared statement acknowledging the recent tragedy in Orlando Florida. He asked for a moment of silence for the victims.

1. PLEDGE OF ALLEGIANCE

2. CONSENT AGENDA (A-B)

A) Minutes – May 23, 2016

B) Warrants

There were no questions.

MOTION: Justin Corcoran motioned and Jim Carroll seconded to accept and approve the minutes of May 23, 2016 as well as the warrant as submitted. Motion passed unanimously

3. CITIZENS

Chris Bates stepped forward and invited the public to an event called the Southern Vermont Cooking Challenge. It will be held at Madison's Brewery on June 26, 2016 from 1:00pm – 4:00pm. This event will benefit the Coalition for the Homeless. Only 100 tickets will be sold and are available for \$30 each or two for \$50. There will be live music, raffles and the ability to sample some of the best home cooks around.

Jackie Kelly introduced herself as the Secretary for the Bennington County Democrats. There is a Lt. Governor candidate meet and greet set up for Wednesday June 15, 2016. This will be held at 6:30pm at the Madison's Brewery. If you wish for more information please contact Michael Keane.

Mary Garesh has some questions regarding an upcoming agenda item and asked if there would be time during that item for questions. Mr. Jacobs stated he would allow questions if there were time.

4. EFFICIENCY VERMONT PRESENTATION

Meghan Chambers, Efficiency Vermont Account Manager stepped forward to present. She noted she has worked very closely with Town officials over the last five months on this initiative. The report presented in the packet to the Select Board show only the results of first three months' work. Additional workshops, activities and communications have occurred with the public since the report was completed.

Ms. Chambers continued by giving an overview of their activities and different ways they have reached out to the community. This included a door-to-door campaign to mobile homes changing out over 200 lights to LED.

Michael Keane asked how she measures their success. Ms. Chambers stated this is a PILOT program in Bennington. Spreading awareness of efficiency alone makes this a success. Additionally they have partnered to educate landlords as well as real estate agents in the importance of efficiency. Mr. Keane asked when this would be a full fledge program. Ms. Chambers stated there were three more towns designated for PILOT programs. Those must be completed first.

Jeanne Conner asked what plans there might be to keep this going after they physically leave town. Ms. Chambers stated they plan to continue print ads and work with organizations like the Chamber of Commerce to set up at special events. They also plan to make visits and are always open to new/more suggestions.

Jeannie Jenkins stated she was excited to see they were working with landlords specifically on the importance of efficiency.

Tom Jacobs asked if the Town incorporates any Efficiency Vermont into the code process. Dan Monks stated in the new construction architects certify a building is compliant with efficiency codes. He hopes in the future more will happen at the residential level.

Mr. Monks also mentioned that the Town's Facilities Director Larry McLeod and Buildings & Grounds Forman, Mark Sawyer both work closely with Efficiency Vermont to improve any and all areas they can within town facilities. Bennington was the first town in Vermont to have all our street lights go to LED.

Mr. Jacobs thanked Ms. Chambers for coming this evening.

5. JOHN SHANNAHAN – BETTER BENNINGTON CORPORATION (BBC) PRESENTATION

Tom Jacobs and the Manager reviewed the background on the BBC. Although BBC is in existence longer than 10 years, approximately ten years ago (by vote) there was a charter change to make the downtown area a taxing district. This additional tax funds a portion of the BBC budget. There was further discussion on the designation map and expanding that area. The Manager explained any changes in the map would have to be approved by the State.

John Shannahan stepped forward to present. He noted that CAT-TV was having some sound issues this evening. There would be a second/longer presentation filmed by CAT-TV in the near future on this same material and would be re-aired.

Mr. Shannahan continued by explaining how this evening's presentation came to be. It started with a Berkshire Eagle reporter noticing more activity in Downtown Bennington yet many negative discussions to the contrary on social media. He decided to find out more.

Mr. Shannahan discussed the different guidelines he must follow and items he tracks to report to the State of Vermont each quarter over the years. These include events, new construction, investments, re-investments, and businesses opening, closing and moving. These are also reported nationally to track trends. He works closely with the National Trust Historic Preservation, Main Street America and other organizations. This allows access for both the Town and business/property owners to such things as grant money and tax credits.

Jim Carroll had questions regarding accreditation with certain downtown focused organizations. Mr. Shannahan stated they are currently accredited with one organization with a similar name to the one Mr. Carroll was questioning. He also explained that Vermont may no longer subscribe to Main Street America programing due to costs. If they part ways the accreditation would end at the end of its annual term year. Bennington would still be a member, and participate however the State will not pay for the accreditation. All states are charged an equal fee. Vermont feels it is unfair/unable to pay the same amount as the much larger states such as New York and California.

Mr. Shannahan continued by discussing relationships with the business owners. It is important to find out why a business opens, closes or moves. Economy proves to be the reason only half of the time. Many other reasons are out of some people's control for example divorce or health reasons. When it is financial they will set an appointment with the Small Business Development Center to help them analyze, re-evaluate and create a new business plan. Sometimes this works and sometimes, bad habits are hard to break.

Discussion continued with what the future of downtowns in general were. In the old days everyone had only one choice, then strip malls were developed, followed by large malls and big box stores and now the internet. The theme now is to make downtowns "experiential". To market the experience, enjoying the community again, events, being able to go to dinner at a restaurant then walk down street to a show. Get people to participate in their own community.

Michael Keane asked about Mayfest this year. Mr. Shannahan stated it seemed to be a good turnout. It is hard however to calculate how many attended as it a free attendance event.

Jeannie Jenkins identified herself as the BBC Board President. She asked if the State collects data on Town's economic indicators. Mr. Shannahan stated the amount of resources needed to do that would be incredible.

Donald Campbell asked for clarification on how the downtown properties are taxed in the downtown district. Mr. Shannahan stated only first floor portion of buildings are assessed the extra tax. If there is living space on the second floor it is not assessed for the additional tax.

Jeanne Conner asked about the marketing study recently conducted and what are we missing. Mr. Shannahan stated that the Greenberg study implemented by the BCRC (Bennington

County Regional Commission) showed Downtown Bennington needs much more residential living space (ideally second floors) and additional office space.

Tom Jacobs opened the discussion to the public. Mary Garesh stepped forward and asked if the BBC were a governmental agency. Mr. Shannahan stated they are not. They are funded in part by the property owners. Ms. Garesh also asked about membership with a Main Street organization. Mr. Shannahan again tried to explain there are several "Main Street" organizations. National Main Street Alliance is a different/separate organization. We are not members because they are not affiliated with the National Trust organization. National Main Street America is a separate/different organization from National Main Street Alliance. The names can be easily confused.

Mike Bethel moved forward and suggested the Select Board hold a forum for Downtown businesses to discuss what they would like to see moving forward. He offered to help arrange this.

Tom Jacobs stated he would like to see how the summer goes with the season's events etc already in place. He would also like to see the downtown taxing district grow and expand. He looks forward to seeing more activities outside and many more people involved.

Mr. Jacobs thanked Mr. Shannahan for his presentation this evening.

6. BORROWINGS

A) T.S. IRENE

The Manager explained this is the re-funding of the money borrowed to clean-up after Hurricane Irene. The Town received final payment of \$100,000 recently. The last of the unreimbursable money is \$1.4 million dollars. Re-funding this loan can be done through the Bond Bank or through People's United Bank. The interest rates are very close for 15-year terms, however the Bond Bank does not allow for early pay-off's or refinancing. People's United Bank would allow us to pay down early and/or re-financing after 10 years' worth of payments. Early pay down would save several thousands of dollars in interest payments.

Motion: Jim Carroll moved and Justin Corcoran seconded to waive the reading of the resolution and approve the borrowing for Irene.

Discussion:

Donald Campbell questioned other options such as two loans. Michael Keane asked for the Town's history of loans with the Bond Bank. The Manager noted that the Town looks to the Bond Bank for larger projects/amounts because they allow us to go to 20-30 year loans such as the Filtration Plant Upgrade, which was approximately \$7 million dollars.

Donald Campbell asked how often the Town has excess funds to pay down the loan. The Manager stated not that often. Melissa Currier, Finance Director stepped forward and explained that currently the annual budget includes a \$40,000 payment to pay off the Recreation Center loan for upgrades. This will be finished (paid off) in approximately (4) years. That money can then be redirected to pay off Irene early and save approximately \$25,000 in interest payments.

VOTE: Motion passed Unanimously

Documents was circulated for signatures

B) TAX ANTICIPATION

The Manager noted this is the annual request for funding to get us through until real estate taxes are collected. In recent years we have been able to pay off by December and only carry for six months. Previously the Town would carry this for a whole year.

People's United has offered us a rate of 1.2%.

Motion: Michael Keane moved and Jim Carroll seconded to wave the reading of the resolution and approve Tax Anticipation borrowing. Motion passed Unanimously

Tom Jacobs asked about the upcoming Tax Sale. The Manager stated it is set for Thursday June 23, 2016. The list is still shrinking but he will circulate the final list to the Board shortly. The Town works with people for agreements and payment plans. These people however have not kept up with them.

Michael Keane asked how we compare to other communities in the State. The Manager stated both Pownal and Arlington recently conducted tax sales. Joan Pinsonneault noted North Bennington has recently contacted her about conducting their own in the near future.

7. PAPER MILL SOLAR ARRAY / ENCORE REDEVELOPMENT (1st MEETING)

Tom Jacobs recused himself from this discussion as he is in representation with the family estate. Donald Campbell also recused himself due to his position at his full time job.

Dan Monks explained this is proposed to be a 3-4 acre array on Murphy Road. The "45-day Notice" has been issued to apply to the Public Service Board (PSB). There will be additional opportunity to comment even after the application has been made to the PSB. This is a preliminary plan and Mr. Monks suggest only preliminary comments be made.

The Planning Commission has no major issues with this plan submitted. They have requested additional information regarding the screening plan, "Ag Soils" (Agricultural Soils) etc. Michael Keane asked if those requests have been satisfied. Mr. Monks stated the screening information is still coming.

Mr. Monks stated the Select Board could endorse the Planning Commissions comments, make any additional comments or none at all at this time.

Chad Nicols, Encore Redevelopment representative stepped forward to present. He discussed the layout of the entire 56-acre parcel and explained where the small 3-4 acre array would be placed.

Mr. Keane asked about the REC's (Renewable Energy Credits). Mr. Nicols explained the project is expected to have a local commercial or industrial company off-take the energy, however the REC's are still to be determined. It is too early to know at this point.

Mr. Nicols continued by stating the location chosen has a robust existing screening on all but the east side. They will add whatever is needed to accommodate that.

Mr. Keane asked what the timeline was like for this project. Mr. Nicols stated he would like to meet with the Town and neighbors early and often to ensure they get this right. It is at least a few months out but would like to have it installed by the end of the year.

Justin Corcoran stated he would like to hold comment until he sees what the Planning Commission's position is.

Jim Carroll had additional questions on screening and fencing of this project.

Jeanie Jenkins stated this project sounded like a good one and had additional questions regarding the acreage. Ms. Jenkins also noted that if the REC's were to be sold out of state it would not contribute to Vermont's own goals and quotas.

Michael Keane stated we are sensitive to the Planning Commission's comments. We need to ensure we make a consistent "pov". The Planning Commission has requested a narrative of how this project applies to our Town Plan and Ordinances. He would like to see that at the next meeting. Mr. Nicols agreed.

Jeanne Conner had questions regarding who keeps track of the requirements, checklists and compliance/ordinance issues. Mr. Nicols stated it is an on-going process to make sure they are in compliance.

Mr. Keane thanked Mr. Nicols for his presentation.

8. SET WATER/SEWER FUND WORK SESSION(S)

The Manager asked the Select Board for suggestions on a work session dates for Water/Sewer budgets. Rates must be in place before July 1, 2016. Mr. Jacobs feels one session should be enough to set the rates. He suggested Monday, June 20, 2016 at the Town Office Conference Room at 5:15pm. Two members stated they might not be able to attend. Other dates suggested were even less compatible. Mr. Jacobs asked the Manager to move forward with the June 20 date.

9. MANAGER'S REPORT

The Manager stated there was not much update on the PFOA issue. The State continues to test wells with more and more coming up "non-detectable". The Department of Environmental Conservation (DEC) will be present on June 27, 2016 to speak with the Select Board and the public. Another round of blood tests will be conducted in July.

10. OTHER BUSINESS

Tom Jacobs noted that he and a few other Select Board members last year took a tour of the Water and Wastewater Treatment Plants. He encourages other members to do the same. It is very impressive and helpful to see why "reserve monies" are so important.

Michael Keane would like to schedule the VLCT Select Board workshop soon. The Manager stated there have been several scheduling conflicts. It is important to have as many members present as possible.

Jim Carroll mentioned a posting from social media regarding developing a dog park next to the old Stewart's on Main Street. He would like to see this on a future agenda.

Mr. Carroll also discussed several phone calls he received regarding what seems to be a large amount of "feral" cats on (West) Main Street (near Benmont Avenue). The Manager stated unfortunately there are no laws to address this. Additionally, he believes that not all the cats are feral; some are pets. There is no assistance from Humane Society and Second Chance Animal

Shelter is a saving organization. They would be completely overwhelmed with this situation. Mr. Carroll stated he has seen other communities capture and sterilize the animals. The Manager stated we only have a part-time Animal Control Officer and lack the equipment to do this. Additionally it can be very costly.

Donald Campbell reminded the public to capture an animal and release it elsewhere is illegal. He noted how often people capture woodchucks and release them on his property in Woodford.

Tom Jacobs suggested several dates for the VLCT Select Board workshop. Although there was no date where all members could attend, Mr. Jacobs asked the Manager to try to schedule July 13th, 2016 with the VLCT members.

Donald Campbell announced that the Citizens for a Greater Bennington are now accepting proposals through August 1, 2016 for projects that support the economic vitality of Downtown Bennington. They must be received by 1:00pm. For more information, please contact Meg Campbell, meg@ptvermont.org, 802-442-8951.

Jeanne Conner reminded the public that schools are out. Be mindful of children on bikes etc. and for children to wear their helmets.

Tom Jacobs reminded the public that the Benmont Avenue Bridge would be closed completely for a two-week period beginning today. Two-way traffic is expected in August. This is also when the Wal-Mart roundabout is expected to be complete.

Tom Jacobs noted there was no need for Executive Session

Motion: Jim Carroll moved and Donald Campbell seconded to close this evening's meeting. Motion passed unanimously

Respectfully submitted,

Linda E. Bermudez
Secretary