

1 **BENNINGTON SELECT BOARD MEETING**

2 **BENNINGTON FIRE FACILITY**

3 **130 RIVER STREET**

4 **BENNINGTON, VERMONT 05201**

5 **MAY 22, 2017**

6 **MINUTES**

7 **BOARD MEMBERS PRESENT:** Thomas Jacobs-Chair; Donald Campbell-Vice Chair; Jim Carroll; Jeanne Conner;
8 Chad Gordon and Carson Thurber.

9 **BOARD MEMBERS ABSENT:** Jeannie Jenkins.

10 **ALSO PRESENT:** Stuart Hurd-Town Manager; Michael McDonough; John Shannahan; Mary Morrissey; Forest
11 Weyens; 1 citizen; Mike Cutler-CAT-TV and Nancy Lively-Secretary.

12 At 6:02 PM, Chairman Tom Jacobs called the meeting to order.

13 **1. PLEDGE OF ALLEGIANCE**

14 Recited by all present.

15
16 **2. CONSENT AGENDA**

17 **A. MINUTES – MAY 8, 2017**

18 **B. WARRANTS**

19 *Jim Carroll moved and Jeanne Conner seconded to accept the Consent Agenda as submitted.*
20 *The motion carried with Jeannie Jenkins absent.*

21 **3. CITIZENS**

22 Mary Morrissey stated that she had been before the Board a month ago on water issues in the Town,
23 and, since then, we have incurred a fine at the Water Treatment Plant. The understanding is that all of the
24 lead water lines have been replaced but there was a list of water related projects that had gone to the State
25 that totaled \$60M and Ms. Morrissey was wondering what the plan was.

26 Mr. Hurd clarified that that was a list of projects for the future that was requested by the Federal
27 government at the State level. For the current time, we have a \$300,000 South End Tank project that has
28 been completed, a \$3.9M water pressure project at Jefferson Heights that will be in the FY18 budget, and
29 \$9.5M for the priority projects at the Water Treatment Plant so that we can remain in compliance more
30 efficiently. To do all of the upgrades would probably be ~\$13M. The State has \$60M for water treatment
31 programs so there is sufficient funding available for our projects.

32 Mr. Hurd further explained that the only lead water lines are to private residences which we are
33 working with the EPA on and would require a contribution from the homeowner. There are no lead water
34 lines in the community.

35 Ms. Morrissey asked about the \$15,000 fine, and Mr. Hurd explained that \$3,750 goes to the Agency as
36 a fine and the remaining \$11,250 goes towards local water quality projects. Ms. Morrissey also asked about

37 the bond payment schedule, and Mr. Jacobs said that this will be an agenda item before the October vote with
38 all information available to the public at that time.

39 Forest Weyen noted two awards that were issued to the Bennington Rescue Squad. Michael Congdon
40 was selected as the Vermont ALS Provider of the Year and the Bennington Rescue Squad was awarded the
41 Vermont 2017 Mission Life Line Gold Plus Award - the highest award the Rescue Squad has ever received.
42 They had received the Silver Plus Award last year.

43 The Board extended their congratulations to the BRS.

44 **4. PROPERTY SALES**
45 **A. WOODLOT (NILES ROAD)**

46 Mr. Campbell recused himself from the Niles Road Woodlot discussion.

47 Mr. Hurd reported that the Niles Road Woodlot is a land-locked parcel of approximately 44.4 acres that
48 has been cleared by a qualified contractor. Sale of the wood brought in \$128,000 with the Town netting
49 \$116,858 the goes into our Capital Facilities Reserve. The assessed value is \$76,600 and will not be logged
50 again for another 25 years. Mr. Hurd proposed that we advertise an open sealed bid process to all abutting
51 landowners because it isn't clear on our deed that we have access to the property. Sale would be to the
52 highest, qualified bidder.

53 *Carson Thurber moved and Jim Carroll seconded to authorize the Town Manager to enter into*
54 *the bidding process with the abutting landowners of the Niles Road Woodlot. The motion carried with*
55 *Donald Campbell abstaining and Jeannie Jenkins absent.*

56 **B. HIGHWAY PROPERTIES (DEPOT STREET AND ORCHARD ROAD)**

57 Mr. Campbell recused himself from the Depot Street Highway Property discussion.

58 Michael McDonough stated that the upcoming vacant facilities on Depot Street and Orchard Road
59 could present some options and opportunities for the Town.

60 *Depot Street:* A study was done three years ago and identified the Depot Street facility – with its clear-
61 span open truss structure – to be used as an arts facility. A design concept was done by a local student
62 studying architecture in New York City and was presented to the Board at that time. The “Bennington Arts
63 Shed” was to spark enthusiasm for the rehabilitation of the structure and not as a final solution.

64 Other options are:

- 65 1. Demolition and Parking Lot Expansion. To demolish the building and create an additional 34
66 parking spaces, which added to the existing 69, would give that area 103 parking spaces. The cost
67 of that is estimated to be \$57,300, unless asbestos is present in the building, which would bring the
68 estimated cost up to \$95,300. A pro to doing this would be more parking for the Putnam Project,
69 whereas a con would be the visual of the Town from the western entrance.
- 70 2. Garage Rehabilitation for Adaptive Reuse. Minimum necessary repairs were estimated at
71 \$103,500. A pro would be long term control of a high developmental potential building. A con
72 would be that the Town would require significant up-front investment, retains risk, liability and
73 ownership of the building, and it remains non-taxable.

- 74 3. Retain Ownership, Lease As-Is for Adaptive Reuse. Similar to #2 except the rehab investment is the
75 responsibility of the lessee. A pro being that the rehab could be occupant specific with the cons as
76 listed in #2.
- 77 4. Seek Proposals for Adaptive Reuse. To sell or lease the property and seek proposals – not bids – for
78 the adaptive reuse of the property based on criteria established by the Town, such as jobs created,
79 public vs. private use, impact on the community, business plan and sustainability. At the very
80 earliest, we will not be leaving the building until October. This will give us time to develop the
81 criteria and allow the 30-60 days for the RFP's.

82 Board comments were:

- 83 - Mr. Thurber: Make it into a contest. Also suggested forming a committee with members to
84 come from more than the Select Board to review the RFP's.
- 85 - Ms. Conner: Good ideas but we don't need another "eyesore" in the downtown. The Tuttle's
86 lot is privately owned, however, there may be potential parking possibilities there in the
87 future.
- 88 - Mr. Carroll: Is supportive of Option #4.
- 89 - Mr. Jacobs: Does not want to put any more money into the building or rush into a sale. We
90 should seek RFP's that indicate an ROI and would like to see the building on the tax role.

91 It was the consensus of the Board to pursue Option #4. Seek Proposals for Adaptive Reuse of
92 the Depot Street Highway Property.

93 *Orchard Road:*

- 94 1. Site Conflicts and Opportunities: The present size and configuration of the garage and site are not
95 compatible with Molly Stark Elementary School. Conversations with both the Bennington School
96 District and the Bennington Rural Fire District could result in acquisition of the property to meet the
97 needs of one facility or both, although these conversations have not yet taken place. The property is
98 4.53 acres and it is believed that we had allowed the fire department to put something on that land.
99 This will have to be researched for details. And, there is a well that will be closed on the southwest
100 area of the property. There had been some contamination from an underground gasoline tank 15
101 years ago. That tank was also removed at that time.
- 102 2. Development Options.
- 103 A. Appraise and offer to the BSD and/or the Rural Fire District. Investigate interest of both parties in
104 the property, negotiate transfer of property. Site remains non-taxable.
 - 105 B. Seek Development Proposals for the Site. As with Depot Street, develop criteria insuring
106 compatibility with the school campus and the Multiple-Residential Zoning District. Site may
107 become taxable.
 - 108 C. Auction or Otherwise Market the Property without restrictions (other than Land Use Regulations)
109 to highest bidder/offer.

110 Board comments were:

- 111 - Mr. Gordon: As good neighbors, offer to BSD and Rural Fire District first.
- 112 - Mr. Campbell: Combine 2A. and 2B. with RFP's from the BSD, the Rural Fire District, and all
113 other entities on the road.
- 114 - Ms. Conner: Whatever goes in there must be considerate of school safety.

115 The Board would like to go with Options 2A. and 2B. on the Orchard Road Highway Property
116 and eliminate Option 2C.

117 **C. TAX SALE ACQUIRED PROPERTIES (STAFF)**

118 Mr. Hurd stated that, once the tax sale properties are acquired, a sealed public bid process will be
119 developed, advertised with a 30-day announcement of intent to convey posted in three (3) public places – one
120 of which is near the municipal clerk’s office – and will be conducted at a given location. Each property would
121 be sold separately with the sale going to the highest, qualified bid. The bids are then brought to the Board for
122 their approval. Should bids not meet the minimum taxes due because many of the properties have been
123 abandoned and deteriorated, Mr. Hurd is seeking permission from the Board to sell to the highest bid that falls
124 below the minimum. He will not be accepting \$1 bids and will meet with the Town Assessor to get a low end
125 value of the properties. Mr. Hurd feels that this process can be completed by mid-September.

126 ***Donald Campbell moved and Jeanne Conner seconded to authorize the Town Manager to***
127 ***accept the highest qualified bid on the Tax Sale Acquired Properties even if it is less than the taxes that are***
128 ***due. All bids will be brought back to the Board. The motion carried with Jeannie Jenkins absent.***

129 **5. BOND ANTICIPATION BORROWING**

130 ***Jim Carroll moved and Chad Gordon seconded to waive the reading of the Resolution Bond***
131 ***Anticipation Borrowing, approve the Bond Anticipation Note of \$2,200,000.00 at an interest rate of***
132 ***1.55% with a maturity date of August 15, 2017, the Tax Certificate Bond Anticipation Borrowing, and***
133 ***to authorize the Chair to sign for the opening of a new account at People’s United Bank for this Note.***
134 ***The motion carried with Jeannie Jenkins absent.***

135 **6. MANAGER’S REPORT**

136 Mr. Hurd reported that there were no action items at this time and that a basic Fiscal Year Annual
137 Calendar was included. Ms. Conner, Ms. Jenkins and Mr. Campbell will add other important items to the
138 calendar and make it available to the public, as well as, the Board.

139 **7. OTHER BUSINESS**

140 Ms. Conner noted the great success of Youth Appreciation Day.

141 Mr. Thurber expressed the importance of keeping the community informed on the Waste Water
142 Treatment Plant bond on a regular basis. Mr. Hurd added that there will be two public hearings with very
143 detailed information prior to the vote which will take place on October 10th. We do need to “pick up the
144 pace” on getting our estimates from the engineers. The Waste Water Project was first presented to the Board
145 in 2010 but the Southern Vermont College project took priority at that time.

146 Mr. Campbell extended kudos to the group that put together the Grow Bennington Initiatives, and Mr.
147 Jacobs concurred.

148 Mr. Gordon reminded everyone that Mayfest is on May 27th and that there is a dunk booth fundraiser
149 for the football team.

150 Mr. Jacobs stated that the Board had asked Town Counsel to come up with an Immigration Policy, and
151 it was Mr. Woolmington’s recommendation that we adhere to our Fairness and Impartial Policing Policy
152 enforcement and not “layer anything on top of that”. Mr. Hurd added that we were commended on that
153 policy last year, but he will look at the Immigration Policy that was just passed to make sure that we are still in
154 compliance. We could also invite the Police Chief to a meeting to be sure he is aware of any changes that may
155 affect that Fairness and Impartial Policing Policy.

156 *At 7:37 PM, Chad Gordon moved and Jeanne Conner seconded the adjournment of the meeting. The*
157 *motion carried with Jeannie Jenkins absent.*

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159

160 Respectfully submitted,

161

162 Nancy H. Lively

163 Secretary

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