

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

MONDAY, JULY 24, 2017

MINUTES

BOARD MEMBERS PRESENT: Tom Jacobs-Chair; Donald Campbell-Vice Chair; Jim Carroll; Jeanne Conner; Chad Gordon; Carson Thurber

Absent: Jeannie Jenkins;

ALSO PRESENT: Stuart Hurd, Town Manager; Dan Monks, Zoning Administrator & Assistant Town Manager; Linda E. Bermudez – Secretary; (30) Citizens

At 6:00 P.M., **Tom Jacobs** called the meeting to order. He noted tonight's meeting holds a heavy agenda. The Chair and Vice Chair will do their best to stay strict on the allotted time for each item.

1. PLEDGE OF ALLEGIANCE

2. CONSENT AGENDA (A-C)

A) Minutes – July 10, 2017

Jeanne Conner noted name (spelling) correction for Lynn Greene.

B) Warrants

C) Second Class Liquor License Applications

MOTION: Donald Campbell motioned and Chad Gordon seconded to accept and approve the Minutes of July 10th 2017 as amended well as the warrants and Liquor Licenses as submitted. Motion passed unanimously (*Carson Thurber late arrival: Jeannie Jenkins absent*)

3. CITIZENS

Donald Campbell began by stating the Select Board would not be taking any vote this evening. Tonight's Executive Session is an information gathering with Town's Counsel only. Any voting would be done in open public meeting.

Chad Gordon requested that any vote regarding this matter be done at a regularly scheduled Select Board meeting and not the properly warned "Special Meetings".

Bill Stewart asked for some clarifications regarding information shared at the July 10th, 2017 meeting. He asked where the \$18 million-dollar water bottling plant was being built that the Manager referenced. The Manager stated that was in Florida. Mr. Stewart argued that the cost could be different for Bennington as the water is plentiful here. The Manager stated it was one example to show that it would take millions of dollars to build a facility and we would need to understand the market. We cannot compete with the big companies. Mr. Stewart believes as a former carpenter that he could get better quotes and costs for Bennington.

Bill Knight, Apple Hill HOA stated he is still opposed to the Apple Hill and Chelsea solar projects. He asked if the Town decides to negotiate with the developer to please notify them of anything that may be offensive.

Libby Harris, Apple Hill resident distributed a printed copy of an e-mail she sent to the Select Board earlier in the week.

Lora Block, Apple Hill resident, stated she hopes the Select Board will not enter into negotiations and stay firm in their support of the Town Plan. We have a good chance the objections will hold up in the Supreme Court regarding Chelsea Hill.

Ms. Block then stated that if the Board does negotiate with the developer, she suggests putting the money received in a Legal Fund reserved solely for fighting projects such as these.

Diana Leezer, Apple Hill resident hopes the Select Board understands the importance of their decision. It will affect not only Bennington and its future but also other Towns within Vermont.

Joe Schoenig, Apple Hill resident, stated many citizens are against these projects. He then reminded the Board that we are their constituents, not the out of state developers.

Rory Price updated the Board on the Harvest for Kids program. This Saturday is the first distribution day. One location will be in Pownal, the other in Bennington.

Jim Carroll asked if they have partnered with Price Chopper or Hannaford's. Ms. Price stated they have through the VT Food Bank.

To find out more about donations or volunteer efforts, Rory Price may be reached via e-mail at bennkitchencupboard@gmail.com.

Mary Morrissey reminded the Board that if they decide anything tonight they must come out of Executive Session and vote in public. It was noted again there would be no vote this evening.

Peter Lawrence clarified by stating the Board would simply discuss the issue. They will discuss what they are thinking at a public meeting, take public comment and then vote.

No other citizens spoke this evening.

4. BENNINGTON ORAL HEALTH COALITION PRESENTATION

Charlie Gingo began the presentation by reviewing the different facets of poverty. This presentation will focus on the oral health aspect.

Rory Price, Coalition member reviewed the history of how the coalition came together. There are currently (20) member in the Coalition and hey have partnered with other organizations such as SVSU, SVMC and Williams College. In recent years, they have been able establish a dental clinic in Bennington's Middle School and establish a Dental Case Manager to

work in both the Middle School and High School in Bennington. This has resulted in less students needing immediate help.

Sue Andrews discussed the connection between poverty and oral health. Overall Bennington's oral health is worse than in other parts of Vermont. All ages receive fewer preventative treatments than in the rest of Vermont. Waiting to care for issues become problems that are much more expensive to treat later. Residents are not receiving the benefits of fluoridated water. This is an example of the burden of poverty.

Grace Winslow explained her part in the coalition. She surveys and track the results over the last (18) months of second and third graders who then become third and fourth graders. She feels however that when the surveys were administered by teachers it effects the results.

They distributed free toothbrushes and floss but found even then some did not use them. It had not been considered that some families could not afford toothpaste. Additionally, some teachers are undermining any educational work (or at home practices) by handing out candy as a reward in the classroom. Ms. Winslow would like to see children be allowed to brush their teeth at school. Physical health is worked into the school day with a gym class at approximately ½ to 1-hour long class. Brushing their teeth would only take 2 minutes and contribute to their oral health.

Dr. Richard Dundas spoke of community water fluoridation. He feels the Select Board should be concerned about the public's oral health. Dr. Dundas feels Bennington has the worst oral health in the State of Vermont fueled by anti-fluoridation. Tooth decay is an epidemic.

Thirty percent of children in Bennington live in poverty. We cannot reach those parents because they are more concerned about making rent or putting food on table. Oral health becomes low on their priority list. Fluoridation currently reaches 211 million people and has been around approximately 70 years. It is economical and costs less than going to a dentist.

Charlie Gingo stated that many people don't listen to facts or science. They look to political leaders to speak about values and aspirations. The Board needs to inspire the community. A child's life is better with teeth.

Several of the Select Board members agreed there is a connection between oral health and poverty. Jeanne Conner stated she grew up on fluoridated water and believes it contributed to her good teeth. She appreciates all the hard work the coalition is doing.

Mike Bethel stated that a dental clinic has opened in Arlington thanks to Senator Bernie Sanders. Anyone can go; it is called Battenkill Valley Health Center.

Mr. Bethel continued by saying he is part of the "Anti-Fluoridation" belief and would like to know when they can be on the agenda to speak.

Tom Jacobs stated that SVMC will also be opening a dental clinic in Bennington.

Mr. Bethel then stated this community needs to focus the drug issue more than cavities. Bennington needs a YMCA and/or Boys and Girls club. They can discuss oral health there. They need to build something that makes people want to stay not move away.

5. PLANTATION LOT SALE PROPOSAL

The Manager reviewed the Board's approval to accept sealed bids from property abutters. The minimum bid must match the assessed value of \$50,000. The Town received only 2 bids. The highest bidder was Rose Morrison at \$26,400. She would still like the Board to consider the offer.

Ms. Morrison stated she has lived there for approximately 25 years. The clearing has greatly affected her property. Water levels have changed and her basement is flooding during rain events. Also, there were a great number of owl families that are no longer in the area.

There had been a field that was utilized for crops. That has now been damaged and the crops are no longer doing well.

Lastly Ms. Morrison stated that the “slash” (debris) left behind has not been ethically cleaned up. There is a big mess left that effects both her and an additional abutter’s property. She is also concerned that if conditions become dry this could become a fire/lightening hazard to her home etc.

Ms. Morrison wants to invest in this property to protect it from development and her privacy as her home sits very close to the property line. If she were to buy the property, she would be contributing additional money to property taxes and would donate access to the High School’s CDC program and Science Department for outdoor classroom opportunities. She asked the Board to please honor her bid.

Donald Campbell recused himself from the discussion as he has been in discussion with Ms. Morrison from the aspect of Vermont Land Trust organization.

Carson Thurber asked about accountability for the mess left behind. The Manager stated he has seen some of the pictures of the conditions. Some “slash” left behind is necessary for healthy regrowth. However, we owe it to the abutters to go back and improve the view.

Tom Jacobs thinks perhaps the bid should have been opened to the public not just the abutters. We may have gotten closer to the assessed value.

The Manager’s reviewed his recommendation to the Select Board. If the Board was unwilling to accept Ms. Morrison’s offer, the Town should continue to hold the property and use it as the outdoor classroom as discussed. The property holds some primary agricultural soils and large amount of ledge. There would only be potential for one home to be developed here.

Several Board members agreed with the recommendation. Ms. Morrison also stated she could support that recommendation.

Mike Bethel suggested the Town then lease part of the land to Ms. Morrison. Tom Jacobs stated that option was not part of the decision this evening. Only to accept the bid offer or not. A lease option could be a discussion but it would be for a different evening.

MOTION: Jeanne Conner motioned and Carson Thurber seconded to NOT accept the highest bid for the Plantation property as submitted. Motion passed (Jeannie Jenkins absent; Donald Campbell abstained; Jim Carroll Opposed)

6. ENCORE REDEVELOPMENT (FORMER LANDFILL SOLAR FARM)

Dan Monks stated this was not a request for a decision this evening. There is no proposal or negotiations proposed. The request this evening is to see if the Select Board would like to utilize Town Staff to discuss options with this company for a possible recommended lease.

Tom Jacobs stated the Board could be open and willing for a discussion for this site. However, he is not comfortable with just a one company option. There may be other companies interested.

Donald Campbell agreed. This particular site has been identified as one of the best for a solar site. However, he would like to see it maximized. Mr. Campbell asked if the Town has put out an RFP (Request For Proposal). Mr. Monks stated there is not. That too could be discussed if that was the wish of the Board. He would need to know what the parameters the Board would like etc.

The Board agreed to not move forward with Encore Development discussion for this site at this time.

7. HAZARD MITIGATION PLAN REVIEW

Dan Monks introduced Mike Batcher, BCRC to discuss the document. Mr. Batcher's presentation is for the Board to authorize the presentation of this draft to be sent to FEMA. Once FEMA accepts and approves the draft, it would be presented to the Board for adoption and would be in place for five years. The whole process would take approximately eight months. This is not required document by FEMA, however if the Town has one in place it opens more doors for funding and grants by FEMA. It may also reduce some homeowner's flood insurance premiums once in place.

Donald Campbell stated there seemed to be no downside for this.

MOTION: Donald Campbell motioned and Jim Carroll seconded to authorize moving forward with the presentation of the Hazard Mitigation Plan to FEMA. Motion passed unanimously (Jeannie Jenkins absent)

8. SET TAX RATES

The Manager explained the proposed tax rates. The General Fund is expected to increase by \$0.042. Most of this (\$0.033) is due to the voters' approval of the Bennington Rescue Squad's request (\$207,000) and the other agency requests that total over \$300,000.

If all the agencies had not been approved, the tax rate would have only risen less than 2% which would be less than the cost of living increase. The voters were very generous however and approved all of them.

Jim Carroll asked for clarification in the large jump. The Manager again stated the majority of the jump was due to the approval of the Rescue Squad's request.

The Total Town Tax rate proposed is at total of \$1.1397. This would include the General Fund (discussed above) plus the Highway Fund and the Police and Fire Funds. The Homestead Education tax rate (set by the State of Vermont) expects to go down by \$0.01. This could bring some relief to the Taxpayers to offset the large jump.

MOTION: Jim Carroll motioned and Chad Gordon seconded to accept the General Fund, Highway Fund and Police Fund Tax Rates as submitted.

Discussion:

Carson Thurber urged the public to recognize what is on those ballots when voting. Know what you are voting for and please vote!

Donald Campbell wanted to recognize the Town Staff for working very hard to keep the budgets below inflation. They did all they could and it was admirable work.

Jackie Kelley, resident suggested agencies in the future should submit financials so the Town can see how they spend their money and if they are being responsible.

Tom Jacobs noted that they do normally ask for that information. However, Bennington Rescue Squad petitioned to be on the Ballot and received the proper number of signatures. This means they were not required to submit financials at that time.

VOTE: Motion passed unanimously (Jeannie Jenkins absent)

9. MANAGER'S REPORT

The Manager announced the State of Vermont Agency of Natural Resources (ANR) will be at Bennington College Wednesday July 26, 2017 at 7:00pm to discuss further developments in the PFOA contamination issue.

Rob Wilmington, Town Council recommended Attorney Jim Barlow to work with the Charter Committee on any legal consult needed. Unfortunately, Mr. Wilmington himself currently is unable to assist at this time.

Donald Campbell asked how long would Mr. Barlow be needed. The Manager stated the committee will be meeting each week on Wednesday's at the Town Office at noon. Mr. Barlow would not be needed each week. Some of the work could be done remotely via phone or e-mail request. The Select Board has set aside approximately \$2,500 to cover expenses for this committee.

MOTION: Donald Campbell motioned and Jim Carroll seconded to authorize the Town Manager to hire Jim Barlow for the purpose of Legal Council for the Charter Committee. Motion passed unanimously (*Jeannie Jenkins absent*)

At this time an unidentified citizen in the audience asked for further clarification of the General Fund. The Manager briefly described some of the additional departments covered by the General Fund. These include the Recreation Center and Senior Center. The Manager stated it is not just Bennington residents that contribute to this fund. Village of Old Bennington and the Village of North Bennington are also sent General Fund Tax Bill so they may contribute as well.

10. OTHER BUSINESS

Carson Thurber had multiple questions for the Manager. He asked how the recent (rain) storm damage could affect the budget. The Manager explained most of the repairs have already been completed and is not expected to have a large impact on the budget. Bennington County as a whole had significant damage, however the Town of Bennington was not hit as hard as other towns within the county.

Mr. Thurber asked about the new DPW facility and if there are any unexpected costs coming up. The Manager stated there were none so far. Crews are projected right now to be in the facility this fall. Mr. Thurber then asked about the former garages. The Manager stated once they have been vacated the Town will develop RFP's to get proposed ideas and business plans. The Board will then decide what would be best suited for the community.

Mr. Thurber suggested having the new Community Development Director come to the next meeting. He feels it would be helpful for the community to meet and see her. The Manager stated her first day will be July 31st. Michael McDonough, will be staying on on a contract basis to assist with some on-going projects such as the TIF Designation and certain proposals.

Lastly, Mr. Thurber asked for any updates on the Wastewater Treatment Plant (WWTP). The Manager briefly reviewed the much-needed improvements to the plant. We will need to replace (30) of the (32) RBC (Rotating Biological Contactors), improve the Pre-treatment unit at the Headworks building and make significant electrical and digester upgrades. Once the State of Vermont has approved the design there will be two meetings. This first of these meetings is expected to be in August.

Carson Thurber stated it is very important the public pay attention. This is a very important issue.

Donald Campbell congratulated all the business owners on a good job for Midnight Madness.

There was no other business this evening

Tom Jacobs stated there was a need for Executive Session.

Motion: Donald Campbell moved and Carson Thurber seconded a motion finding that an Executive Session be held on a litigation and contracts matter and that premature general public knowledge of either of these matters would place person(s) involved at a substantial disadvantage. Motion passed unanimously (Jeannie Jenkins absent)

11. Executive Session

- A. Litigation**
- B. Contracts**

Respectfully submitted,

Linda E. Bermudez
Secretary