

1 **BENNINGTON SELECT BOARD MEETING**

2 **BENNINGTON FIRE FACILITY**

3 **130 RIVER STREET**

4 **BENNINGTON, VERMONT 05201**

5 **NOVEMBER 13, 2017**

6 **MINUTES**

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

9 **BOARD MEMBERS ABSENT:** None.

10 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Zoning Administrator and Assistant Town Manager;
11 Zirwat Chowdbury-Community Development Director; Randy Kinnas-YMCA; Jason Booth-Aldrich and Elliott;
12 Tim Finney and Alan Watson-Masonic Societies; Jim Martinez; Joey Kulkin; Dr. Richard Dundas; 13 citizens;
13 Mike Cutler-CAT-TV and Nancy H. Lively-Secretary.

14 At 6:00 pm, Chairman Thomas Jacobs called the meeting to order.

15 **1. PLEDGE OF ALLEGIANCE**

16 Recited by all present.

17
18 **2. CONSENT AGENDA**

19 **A. MINUTES – OCTOBER 23, 2017**

20 **B. WARRANTS**

21 **C. SMALL BUSINESS SATURDAY PROCLAMATION**

22 **D. NEW SECOND CLASS LIQUOR LICENSE AND TOBACCO APPLICATION - WALGREENS**

23 *Donald Campbell moved and Jim Carroll seconded to accept the Consent Agenda as submitted. The*
24 *motion carried with Chad Gordon abstaining.*

25 C. SMALL BUSINESS SATURDAY PROCLAMATION read by Mr. Campbell as follows:

26 "PROCLAMATION

27 Small Business Saturday - November 25, 2017

28 Whereas, according to the United States Small Business Administration, there are millions of small
29 businesses in the United States. They represent 99.7 percent of all businesses and are responsible for 63
30 percent of net new jobs created over the past 20 years, and

31 Whereas, small businesses employ 48 percent of the employees in the private sector in the United States;
32 and

33 Whereas, on average, 33 percent of consumers' holiday shopping will be done at small, independently-
34 owned retailers and restaurants; and

35 Whereas, 91 percent of all consumers believe that supporting small, independently-owned restaurants
36 and bars is important; and

37 Whereas, Bennington, Vermont supports our local businesses that create jobs, boost our local economy
38 and preserve our neighborhoods; and

39 Whereas, advocacy groups as well as public and private organizations across the country have endorsed
40 the Saturday after Thanksgiving as Small Business Saturday,

41 Now, therefore, we, The Select Board of the Town of Bennington, Vermont do hereby proclaim, November
42 25, 2017, as *SMALL BUSINESS SATURDAY* AND URGE THE RESIDENTS OF OUR COMMUNITY, AND
43 COMMUNITIES ACROSS THE COUNTRY, TO SUPPORT SMALL BUSINESSES AND MERCHANTS ON Small Business
44 Saturday and throughout the year.

45 Dated at Bennington, Vermont this 13th day of November, 2017.”

46 ***Jim Carroll moved and Carson Thurber seconded to accept the Proclamation, Small Business Saturday -***
47 ***November 25, 2017 as read. The motion carried unanimously.***

48 D. The New Second Class Liquor License and Tobacco Application - Walgreens was circulated for
49 signatures.

50 **3. CITIZENS**

51 Jim Martinez, President of the Tri-State Credit Union, a \$24M non-profit that has been in Hoosick Falls,
52 NY since 1953, is coming to Bennington. The building will be 2-stories and >3,000 square feet next to the Elks
53 on Washington Avenue. The land purchase was \$200,000 with an additional \$1M-\$1.2M to completion. The
54 expectation is that they will be hiring locally and be in the building in June 2018.

56 Joey Kulkin noted that the lead and copper results were in and asked how the test points were chosen
57 and at what time of day the samples were taken. He also added that Sunrise, Monument Elementary and
58 Molly Stark have not been tested.

59 Mr. Hurd stated that he has asked these questions of the Public Works department this morning but
60 has not received a response at this time. Generally the samples are taken from low flow areas of the village
61 and is the first water run of the day. The area tested is a concentrated area where lead service lines were
62 prevalent years ago. Monument Elementary and Molly Stark more than likely have newer lines servicing
63 them.

64 On another note, Mr. Kulkin indicated that he had documentation the financing had fallen through for
65 the Putnam Project. Mr. Jacobs stated that this is a private organization and the Board does not have access
66 to that information.

68 Dr. Richard Dundas, as representative of the Bennington Oral Health Coalition, wanted to read a letter
69 that was sent to the Select Board last week, but Mr. Jacobs said this wasn't appropriate since this was not an
70 agenda item. The letter is available through the Town Office if anyone would like to see it. The Coalition can
71 expect a response to the letter after April 1, 2018.

72 **4. YMCA UPDATE**

73 Randy Kinnas shared the following YMCA Summer Program Update with the Board:

- 74 • A summer camp, Camp Green Mountain, was started at the Recreation Center.

- 91 total kids enrolled in the camp with an average of around 40/day.
- 4 full time staff were hired for the camp from Bennington. 21 needed before care and 17 needed after care to accommodate their parents work schedules.
- Favorite activities were swimming, arts and crafts, and field trips to Willow Park every Wednesday.
- Improvements for 2018 will be a better transportation plan, better activities, and better communication with parents concerning our financial assistance program.
- We had \$3,200 in financial assistance this year.
- We've made connections with Monument Elementary for before and after school programs but we are having difficulty filling the four 20-25 hours/week @ minimum wage to \$11.50/hour positions.
- We are looking into starting a day care at The Farm House with an open house on November 28, 2017 from 9:00am-11:00am, 1:00pm-3:00pm and 6:00pm-7:00pm.
- If we reach our goal of 50 kids/day or more, then we would need additional indoor space for inclement weather. A couple of options may be at Stark Street or an addition to the Recreation Center.

The Board will see what they can do to help Mr. Kinnas fill the part time positions.

5. ALDRICH & ELLIOTT

A. ENGINEERING AGREEMENT (RBC)

B. LOAN APPLICATION (WWTF UPGRADE)

Mr. Hurd explained that Step 2-Final Design & Permitting for the RBC Replacements at \$50,000 was originally contracted at \$39,600 and Step 3-Construction Phase Services at \$105,000 were anticipated costs and part of the approved bond amount. There is an amount in the Construction Phase Services for oversight not to exceed \$51,700 that includes 512 man hours to oversee RBA installations from April-December 2018. The State has put these into two project lines - one is the upgrade of the facility and the other is RBC's. The RBC's have to be done by December 2018 to be in compliance, whereas the upgrades can take longer. Normally the Board would have seen the Step 2 and Step 3 contracts separately, but because of the deadline that we were working with, Aldrich & Elliott began work at risk prior to the agreements having been signed causing both contracts to come before the Board together. Also, the loan application to be signed tonight will also have the contracts to follow at a later date.

Jason Booth from Aldrich & Elliott stated that the resident engineering services are always written as "not to exceed". If fewer hours are spent, the bill will reflect that. In addition, the State has written the Resident Project Representative (RPR) for April-December 2018. If the project gets delayed for any reason, the Town would still have representation on the site.

Jeanne Conner moved and Carson Thurber seconded to authorize the Town Manager to sign the Engineering Contract and Amendment as presented.

Mr. Campbell wanted to be sure that expenses were being tracked, and Mr. Booth said that they will monitor the engineering costs and send a monthly report to the Town. The potential for a cost variance would be more on the WWTF Upgrade piece because those costs "are more fluid" than the RBC costs are. Mr. Hurd added that we have accepted an RBC upgrade that will be an overall additional cost of \$6,700 and are looking into variable frequency drives (VFD) for the 32 RBC's that would be an additional \$60,000, if accepted.

The motion carried unanimously.

Donald Campbell moved and Jim Carroll seconded to accept the Loan Application for the Waste Water Treatment Upgrade in the amount of \$266,000.00.

116 Mr. Booth stated that it is important to realize that there are essentially two projects running parallel
117 with two separate loan applications with repayment to begin at the completion of each project. For example,
118 the RBC replacement project is scheduled to be completed in December 2018, so that is when the loan
119 payback begins.

120 Mr. Campbell asked where it can be seen how the \$266,000 is being used, as well as, the difference
121 between the \$266,000 and the approved \$262,500. Mr. Booth answered that the \$266,000 is a not to exceed
122 amount and the loan application is to begin the process with the State. There will be several loan applications
123 and the subsequent engineering agreement and documentation for the expenditures will be provided at a
124 later date.

125 Ms. Jenkins asked if the actual costs could be seen first so the loan application could be for actual
126 expenses, and Mr. Booth stated that they have sent a draft engineering agreement to the State that has not
127 yet been approved. The loan application is just to begin the process.

128 Ms. Conner asked if the payments will be imbedded within a spreadsheet, and Mr. Hurd responded
129 that they will be highlighted on the warrants.

130 ***The motion carried unanimously.***

131 **6. MASONIC SOCIETIES OF BENNINGTON - TAX EXEMPT BALLOT REQUEST**

132 Tim Finney, Chair of the Masonic Societies of Bennington, is requesting tax exempt status for the
133 Masonic Temple at 504A Main Street. The Masonic Temple had previous commercial enterprises that made
134 them taxable, however, there is no longer any commercial use of the facility. Any use, such as VAE music
135 series, Winter Brew fest, Benefit for Meals on Wheels, birthday parties and receptions have been on a
136 donation basis that does not even covering expenses. The building, built in 1910-1911, is an historic building
137 and is deteriorating in need of repair. The basement and second floor are usable spaces with the third floor
138 being for Mason use. There is a Deed of Gift that requires the building always be used by Masons which
139 doesn't allow us to sell the building but we have no objection to someone taking over the basement and
140 second floors. We have 60 dues paying Brothers with 20-25 active members. Membership used to be ~300,
141 but we are aging with the average age now at 67. The lodge's tax is ~\$7,000/year.

142 Board discussion ensued as follows:

- 143 • There are no fraternal organizations that are tax exempt because they have commercial uses for their
144 buildings.
- 145 • The Statute states that fraternal organizations can seek tax exemption and must be approved by the
146 voters once. They remain tax exempt until their status changes.
- 147 • Getting the expertise to help increase income may be a better alternative than trying to lower
148 expenses. The square footage is there to be utilized and perhaps Ms. Chowdbury could help with
149 this.
- 150 • The Board's charge is whether or not to set precedent by allowing the Masons to be on the ballot for
151 tax exemption without having to get the signatures of 5% of the voters to do so.

152 ***Chad Gordon moved and Jim Carroll seconded to put the Masonic Societies of Bennington on the***
153 ***upcoming March 2018 ballot to seek tax exemption status and waive the petition process to do so.***

154 Mr. Campbell asked what the Mason's contribution is to the community to warrant being tax exempt,
155 and Mr. Finney stated that they have a Coat Drive, an annual scholarship, and several other organizations that
156 support issues such as dyslexia, youth at risk, etc. must be a Mason.

157 ***The motion failed with two in favor and five opposed.***

158 **7. POLICY AMENDMENT - AGENCY FUNDING REQUESTS**

159 Mr. Hurd explained the Agency Funding Requests Policy as follows:

160 1. Level I Funding Requests, ≤\$7,500, that received funding in the preceding fiscal year by vote of the people
161 and whose request remains level will be placed on the ballot in the ensuing year provided all information
162 requested on the application is supplied by December 10th of a given year, i.e., tax returns, budgets, etc.. Any
163 increase in funding will require a petition.

164 2. Level II Funding Requests, >\$7,500, and those Agencies not previously funded, regardless of amount
165 requested, shall petition for inclusion on the ballot each year. The Town Clerk's Office may be contacted for
166 specific deadlines. Failure to meet those deadlines successfully shall prohibit placement on the ballot.

167 The Bennington County Regional Commission, the Bennington Free Library, the John G. McCullough
168 Library, Lake Paran Recreation, and the Village of North Bennington are exempt from petitioning but must
169 apply as in the past years. These entities are line items within the town's budget.

170 Ms. Jenkins felt that the financial information that is sent to the Town should be made available to the
171 voters so they have better knowledge of the agencies they're voting on.

172 Mr. Campbell asked Mr. Hurd his opinion, and Mr. Hurd noted that State statute allows every agency
173 to petition to be on the ballot for any amount of money. This policy makes it easier for those agencies not
174 asking for that much money by only asking them to petition every three years. The Secretary of State recently
175 has allowed agencies to bundle into one petition so, if there are 10 bundled agencies, each agency only needs
176 to get 50 signatures instead of the nearly 500. If we don't change the policy, it will add to the confusion.

177 ***Carson Thurber moved and Chad Gordon seconded to accept the Select Board Policy on Agency***
178 ***Funding effective immediately and until amended or terminated by the Board as submitted.***

179 Mr. Hurd added that year-to-year budget comparison information to the Board would give the Board
180 the opportunity should you want to meet with any of the agencies.

181 Mr. Campbell noted that perhaps a roll call of agencies at the Annual Town Meeting to give a 5-minute
182 presentation would be the appropriate way to inform the voters.

183 Ms. Jenkins stated that this policy doesn't address information flow, it only says that the ≤\$7,500
184 agencies only need to petition once every three years. She is also not comfortable with the fact that we're
185 considering \$7,500 to be such a small amount to enable this.

186 *Ms. Conner and Ms. Jenkins will formulate a plan for the Agency Funding Process and Mr. Hurd will*
187 *supply the Board with the application that the agencies currently complete.*

188 ***Donald Campbell moved and Jim Carroll seconded to table the motion until the November 27, 2017***
189 ***meeting.***

190 **8. TOWN PLAN ENERGY SECTION AMENDMENT - SET HEARING DATES**

191 ***Carson Thurber moved and Donald Campbell seconded to acknowledge receipt of proposed Town***
192 ***Plan Amendment - a new Energy Section - from the Planning Commission and to set Public Hearings for***
193 ***January 8, 2018 and January 22, 2018, respectively. The motion carried unanimously.***

194 Mr. Monks mentioned to the Board that they were to set up a joint meeting with the Planning
195 Commission on the Battle Creek and Chelsea solar projects. After much discussion, the Select Board and
196 Planning Commission Joint Public Forum on these projects was set for November 20, 2017 at 6:00pm at the
197 Bennington Fire Facility.

198 **9. MANAGER'S REPORT**

199 Mr. Hurd reported that the Chester Knoll Home Owners Association has requested that the Town take
200 over the water/sewer infrastructure within the development. The Association has been working with Terry
201 Morse over the last few years to bring it into compliance, and Mr. Morse has said that the systems are ready
202 to be turned over. The roads are not in compliance but the infrastructure below grade is. Mr. Hurd will ask
203 the Association for the necessary documents and this will be an agenda item for the November 27, 2017
204 meeting.

205 **10. OTHER BUSINESS**

206 Mr. Carroll expressed his thanks to Mark White for his 38 years of service to the Town.

207 Mr. Campbell expressed his thanks to Mark Sawyer for his help with the Farmers Market this summer,
208 and wished the deer hunters good luck.

209 Mr. Jacobs congratulated Mr. Gordon on a great season.

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211 ***At 8:16pm, Donald Campbell moved and Jim Carroll seconded to adjourn the meeting. The motion***
212 ***carried unanimously.***

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Respectfully submitted,

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Nancy H. Lively

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Secretary