

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

MONDAY, NOVEMBER 27, 2017

MINUTES

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

Absent: None

ALSO PRESENT: Stuart Hurd, Town Manager; Dan Monks, Zoning Administrator & Assistant Town Manager; Zirwat Chowdhury, Community Development Director; Larry Gates, DPW Director's Assistant; Linda E. Bermudez – Secretary; (5) Citizens

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

1. PLEDGE OF ALLEGIANCE

2. CONSENT AGENDA (A-B)

A) Minutes – November 13, 2017

B) Warrants

MOTION: Jim Carroll motioned, and Donald Campbell seconded to accept and approve the Minutes of November 13, 2017 as well as the warrants as submitted. Motion passed unanimously.

3. CITIZENS

Al Bashevkin, resident of Settler's Road expressed concerns regarding the black railroad cars being stored on the railroad tracks near the intersection of Rice Lane. They are also within 20-30 ft. of residential homes. This could be very dangerous as they are filled with propane. Mr. Bashevkin asked what the Town's response is to these storage tanks sitting there. He understands there are many players in this decision, and that we are not the only location where this is happening, but what is the Town's voice in all of this?

Tom Jacobs stated the Town's jurisdiction is somewhat limited. We do have some responsibility to look into this further and communicate to the "powers that be".

Jim Carroll asked who has direct oversight over this. The Manager explained it is overseen by the Federal Trade Commission and the State of Vermont. Currently, Vermont Railways has a contract with the State of Vermont to utilize all the railways on the western side of Vermont. We do know they had approached the North Bennington Fire Department and the Bennington Rural Fire Department to develop a maintenance plan. However, they did not notify the Town of Bennington.

Tom Jacobs suggested we contact State & Federal agencies and representatives with our questions and concerns of this storage situation. Jeannie Jenkins asked if we could hear from both Fire Departments on their risk assessment and Emergency Response Plan.

Mr. Jacobs asked the Manager to send a letter of concern to our State & Federal representatives.

No other citizens spoke this evening.

4. ALDRICH & ELLIOT STEP II WWTF UPGRADE

The Manager reviewed the Wastewater Treatment Facility upgrade noting there are two sections running simultaneously. Tonight's purpose is to sign the contract to begin Step II of the upgrade that will run parallel to the RBC Replacement project.

Wayne Elliot, representative, stepped forward to present. He reviewed the engineer's agreement before the Select board which is to finalize the design of the upgrade. Actual construction bids will go out Spring 2018.

MOTION: Carson Thurber motioned, and Donald Campbell seconded a motion to authorize the Manager to sign/enter into the Engineering Agreement for the Final Design (Step II) of the Wastewater Treatment Facility upgrade. Motion passed unanimously.

5. HAZARD MITIGATION PLAN ADOPTION

Dan Monks reminded the Board this is the second meeting regarding the adoption of this plan. The Bennington County Regional Commission (BCRC) developed the plan and Bennington's Planning Commission has approved it. The importance of adopting this plan is to guarantee the maximum reimbursement allowed by the State & Federal Government when disasters strike.

Tom Jacobs asked if we had this in place prior to Irene would it have made a difference. Mr. Monks stated at that time it would not have. We did receive the maximum amount allowable at that time.

MOTION: Donald Campbell motioned, and Jim Carroll seconded a motion to waive the reading of the resolution and to accept and adopt the Hazard Mitigation Plan as presented. Motion passed unanimously.

Donald Campbell asked Mr. Monks to extend appreciation to BCRC for all their hard work.

6. AGENCY FUNDING POLICY & BUDGET REVIEW FOR AGENCIES

The Manager reviewed the discussion at a previous Select Board meeting regarding the petition process for Agency Funding. It was considered that many of the Level I agencies (that request \$7,500 or less) provide vital services to the Town. To have them petition to be on the ballot every three years takes time away from their efforts in their field. Additionally, how is the public being informed about where the money is being used and what the organization actually does?

Jeannie Jenkins reached out to some of the Non-Profits and other Town's to get feedback on the process. Ms. Jenkins found that the Town of Manchester requires a petition for the first year/request to be on the ballot. Subsequent years, the agency can send a letter simply requesting to be on the ballot without having to petition, if the requested amount has not changed. Their Select Board then has the authority to approve the request or require the agency to again obtain a petition. She feels this is a good compromise. However, she would also like to have a one page report each year from the agencies added to the Town's Annual Report describing their accomplishments and basic financials. This creates an informed voter moving forward.

The Manager reminded the Board there are (14) agencies that fall within the Level I Funding designation. This would add a lot to the Annual Report, however if this is what the Board wants we will move forward with it.

Jeanne Conner suggested having each of the Agencies speak at the Annual Town meeting about their organization. Tom Jacobs suggested setting a time limit of 3-4 minutes. Carson Thurber suggested a template of the same (few questions) for each to answer to keep it uniform and simple. Additionally, Ms. Conner wanted the agencies to understand that they are welcome any time to come and speak with the Select board for any reason. They can express concerns or make happy announcements.

The Manager stated his office is preparing to send out the annual mailing to these Agencies in preparation for budgets. If there are to be changes to the process, now would be the ideal time to do so, so that the mailing could include those changes.

Donald Campbell stated he was reluctant to change the process, but could be on board with a one-year trial. He would like the mailing to note that it is a one-year "Pilot Project"

Libby Harris, area resident, stepped forward in support of the change in process.

Chad Gordon would like the change in the process for Level I Funding to apply to equal requests (from prior year) or less. It would not make sense to have these agencies petition again if they are requesting to change the request for *less* funding than the prior year.

The Manger then suggested making the Annual Report information from these agencies a separate report from the Town's. The Select Board agreed and suggested handing it out at the Annual Meeting and on Voting Day.

Lu Mezza a Non-Profit Agency representative reiterated the new process for clarification. Once confirmed, she was in support of these changes and believes other Level I agencies will be as well.

7. DELIBERATIVE SESSION – BATTLECREEK #1 & CHELSEA SOLAR PROJECTS

Tom Jacobs recused himself from this discussion. Donald Campbell, Vice-Chair conducted this portion of the meeting. Dan Monks reviewed the Planning Commission's comments for Battlecreek #1 and Chelsea Solar projects which included any clearing to the east would have to come back for impact analysis.

MOTION: Carson Thurber motioned, and Jeanne Conner seconded a motion to follow the Planning Commission's recommendation on Battlecreek #1 and Chelsea Solar Projects as presented

Discussion:

Donald Campbell stated he had concerns regarding glare from the solar panels for the airport and the Monument. Additionally, he had concerns regarding mammal wildlife habitat. Jeanne Conner would like to attend the site visit from the Publyk House scheduled for December 4th, 2017.

Ms. Conner then suggested separating the vote for the two different projects.

WITHDRAW MOTION: Carson Thurber motioned, and Jeanne Conner seconded a motion to WITHDRAW the previous motion. Motion passed unanimously. *(Tom Jacobs abstained)*

REVISED MOTION: Jeanne Conner motioned, and Chad Gordon seconded a motion to provide Conditional Support to Battlecreek #1 Solar Project following additional information and research components of glare impacts on the Bennington Airport and Monument as well as the fence impact on mammal species wildlife. Motion passed unanimously *(Tom Jacobs abstained)*

Chelsea Solar Project

MOTION: Jeannie Jenkins motioned, and Jeanne Conner seconded a motion to REJECT the Chelsea Solar Project and have the Town's Attorney send said motion/vote to the Public Service Board. Motion passed unanimously. *(Tom Jacobs abstained)*

8. MANAGER'S REPORT

The Manager had no report this evening.

9. OTHER BUSINESS

Jim Carroll wanted to recognize the passing of two local icons. First, Barbara Palladino, wife of the original Paul's Fish Fry. He shared childhood memories and stated they are a wonderful family and contributed so much to this Town.

Also, he wanted to recognize the passing of Ted Lenuie, a former Bennington Police Officer. He was one of the good guys.

Mr. Carroll expressed condolences to both families.

Tom Jacobs reminded the public of the Charter Review Committee's next public forum. It is scheduled for Tuesday November 28th, 2017 at 5:30pm here at the Bennington Firehouse. The Select Board expects to hear from the Committee sometime in December, but no date has been set yet. They are doing a lot of good work.

Donald Campbell would like to see a discussion on the Masonic Temple on a future agenda.

Jeannie Jenkins wanted to acknowledge the great work on the Town's Holiday decorations. She thanked both the Downtown Alliance and the Town's employees who assisted them.

Chad Gordon congratulated the Town's new Police Officers who recently graduated from the Vermont Police Academy. He then asked if they were on patrol yet. The Manager stated they were not. There are a few more things to finish up before they will be on patrol.

Additionally, Mr. Gordon wanted to thank all of the members of the Football Team and their families. The season ended last week and was a great experience to be their coach.

There was no other business this evening

Tom Jacobs stated there was a need for Executive Session.

Motion: Donald Campbell moved, and Jim Carroll seconded a motion finding that an Executive Session be held on a contracts matter and that premature general public knowledge of this matter would place person(s) involved at a substantial disadvantage. Motion passed unanimously

10. EXECUTIVE SESSION

A) Contracts

Respectfully submitted,

Linda E. Bermudez
Secretary