

CHARTER REVIEW COMMITTEE MEETING
BENNINGTON TOWN OFFICE – CONFERENCE ROOM
205 SOUTH STREET
BENNINGTON, VERMONT 05201
NOVEMBER 29, 2017
MINUTES

COMMITTEE MEMBERS PRESENT: Sean-Marie Oller-Co-Chair; Robert Plunkett-Co-Chair; Michael A. Keane; P. Lynn Green; Daniel Malmborg (left at 6:27pm); Jonathan Cohen and Robert Ebert.

COMMITTEE MEMBERS ABSENT: None.

ALSO PRESENT: Stuart Hurd-Town Manager (in at 4:50pm); Dan Monks-Zoning Administrator; Beth Antognioni and Nancy H. Lively-Secretary.

At 4:31pm, Co-Chair Sean-Marie Oller called the meeting to order.

1. REVIEW AGENDA

Ms. Oller stated that the Agenda may need to be rearranged. John Shannahan and Eric Petersen were here from the Bennington Downtown Alliance and we may want to go back to section 5 for further review.

Mr. Hurd had distributed the Conflict of Interest Policy for reference and Ms. Oller noted that the Committee acknowledges that it exists. A Committee member may participate in the discussion of a topic where they feel there is a conflict of interest and then recuse themselves from the vote.

Mr. Keane, Mr. Cohen and Ms. Green all cited areas that may present a conflict of interest to them. Mr. Plunkett added that since the Committee is only making recommendations that will be voted on three times, he doesn't think that conflict of interest would even apply to recommendations.

An agenda change is to rename "2. PUBLIC COMMENTS" TO "2. BENNINGTON DOWNTOWN ALLIANCE - JOHN SHANNAHAN AND ERIC PETERSEN".

2. BENNINGTON DOWNTOWN ALLIANCE - JOHN SHANNAHAN AND ERIC PETERSEN

Mr. Shannahan stated that the Bennington Downtown Alliance (BDA) is in agreement with all of the recommendations that the Committee has made in SUBCHAPTER 5. TAXATION, §506 Creation of Bennington Downtown Improvement District, §508 Purposes and powers, §509 District Annual budget and §510. District taxes. They are especially in favor of §506 (a) where it gives the Select Board more flexibility and §510 (d) where the District tax is applicable to all for profit properties and excluding only the residential. The BDA is working on creating more 2nd floor apartments, i.e., rental properties, in the District, and Mr. Shannahan noted that the BDA does perform most of the duties listed in §508 (b).

The BDA is requesting that the Committee consider "the Tax Assessment District to be the Downtown Improvement District". It has been discussed within the BDA to spread the District tax throughout all Bennington property owners, however, this is not a suggestion of the BDA, just an awareness that there have been comments concerning it.

36 Mr. Petersen added that “everyone benefits from a healthy downtown, so it makes sense that everyone
37 should support the downtown”. He equated the fact that property owners without children in the school
38 system still pay school taxes.

39 Ms. Green noted that in 2017 the downtown is not as vibrant as it was in 2005 and a small tax spread
40 among many may be enough to “increase the total pie”.

41 Ms. Oller reiterated the downtown tax process. The contractor presents a budget to the Select Board,
42 the Select Board votes on the budget, and then the budget is dispersed to the Downtown District. The BDA
43 discussion piece was for the process to remain the same except the budget is then dispersed among all tax
44 payers in Bennington.

45 Mr. Shannahan clarified that the BDA budget amount would not increase, and added again that this is
46 not a suggestion proposal or recommendation. It is a topic that had been discussed and could only be brought
47 up at charter review time, which is why they are doing it now. The whole town already pays for the flowers
48 and benches. The BDA presents all of their work plans and entire budget to the Select Board with their
49 requested amount to come from the Town for the Select Board’s approval. The current portion of the BDA
50 budget requested from the Town is \$79,000 amounting to \$.15/\$100 tax on the District or \$.0075 tax on the
51 General Fund.

52 Ms. Oller noted that the BDA budget request is “under more scrutiny” that all of the petitioned dollars
53 that will appear on the ballot after we have been given the Town budget to vote on. Mr. Hurd stated that
54 State Law allows social service agencies to petition for funds on an annual basis. The agencies asking for
55 ≤\$7,500 and were successful last year do not have to petition but do need to provide financial information and
56 people served to the Select Board. The Select Board usually does not review this information. In 2017, all of
57 the social service agencies - those that petitioned and those that did not - totaled ~\$350,000. This includes
58 the first year of the Bennington Rescue Squad for \$207,000, who, Mr. Hurd said will now “be with us forever”.

59 Ms. Green thought that a small town wide tax would be a way to increase dollars for the Downtown,
60 and Mr. Malmberg stated that this is exactly his argument against doing it. It would start out at \$.015 and
61 then up to \$.02 giving the Downtown much more money, however, this would be difficult to retract if need
62 be.

63 Mr. Cohen asked if Mr. Shannahan had any knowledge of other Downtown Districts taxing the entire
64 town, and he answered that “multiple communities” do but they are generally much smaller districts. Mr.
65 Cohen also asked what Mr. Shannahan felt they do for the rental properties to justify taxing them, and he
66 answered that they do all of the cleanup from the various events, as well as, provide attractive aesthetics that
67 would increase the value of their properties and the demand for their apartments.

68 Ms. Oller stated that paying school taxes are part of property taxes, whereas the District tax is a
69 “specific tax”.

70 Mr. Ebert noted that since we are talking about taxation, to spread the tax among everyone would
71 eliminate the “special assessment district” and just make it “an area of town that the Select Board would want
72 to focus their resources on”.

73 Mr. Hurd explained that, because the monies would be dedicated to a specific part of town, it would
74 still be a special assessment district. He feels that convincing the entire town to pay a downtown tax would
75 “be a difficult sell”. The Downtown District was specifically established to have a taxing district that would not

76 impact residential property owners, and had to be passed by the voters twice because of the 3-year sunset
77 provision in the first iteration. “It was a new idea and a difficult sell at the time.”

78 **3. REVIEW ANY PUBLIC COMMENTS RECEIVED**

79 Ms. Oller stated that Joey Kulkin had e-mailed her so she told him that the comments he referred to
80 were just discussion comments and not verbiage to go into the Charter. There was also another public
81 comment from Ron Alderman.

82 Mr. Ebert felt that it was “inappropriate for the Chairman of the Select Board to be creating
83 expectations in the Town as to our rate of progress and when we might be done with our work. He’s done it
84 twice now in his capacity as Chair of the Board.”

85 Ms. Green disagreed with Mr. Ebert’s interpretation of Mr. Jacob’s comments and felt that he was just
86 educating everyone that this would be a good opportunity if we could be done for the March vote and wasn’t
87 a “push to us”.

88 **4. APPROVE MINUTES FROM NOVEMBER 15, 2017**

89 *Michael Keane moved and Robert Ebert seconded to approve the Minutes of November 15, 2017 as*
90 *submitted. The motion carried with P. Lynn Green abstaining.*

91 **5. REVIEW DRAFT FINAL REPORT FORMAT**

92 The Committee will review the Final Report Format Draft as submitted by Mr. Keane and discuss it at
93 the next meeting.

94 **6. QUESTIONS FOR OR FROM JIM BARLOW**

95 Ms. Oller stated that we will review the comments from Jim Barlow for a ½ hour and revisit Section 5 at
96 next week’s meeting. Mr. Hurd will provide the Committee with the current District tax rate, the District tax
97 rate that would include rental properties, and the tax rate for the expansion to the whole town.

98 Mr. Cohen will participate in the discussion on the Downtown District tax rate town wide expansion
99 but will recuse himself from the vote because of his involvement with the Putnam Project.

100 **7. CONTINUE CHARTER REVIEW, CHAPTERS 6, 7 & 8**

101 *“§601. Ordinances continue in effect*

102 *If at the time this charter becomes effective as the charter of the Town of Bennington there is in force in*
103 *any village or other area of the Town a zoning ordinance, including billboard zoning, such ordinance shall*
104 *continue in force within the area for which it was originally enacted. Each such ordinance shall be a valid and*
105 *legal ordinance within such area and the same shall be and become a valid and legal zoned area with such*
106 *districts as are provided for in said ordinance.”*

107 Discussion:

- 108 • Mr. Hurd recommended that this section be deleted because it only applied at the time of
109 consolidation. Billboards are covered in the State Statutes.

110 **Section “§601. Ordinances continue in effect” will be entirely deleted.**

112 “§602. Ordinance of villages not merging.

113 *The zoning ordinance in force within any village in the Town shall continue within the control of such*
114 *village and the officials appointed to administer the same within such village shall continue in office pursuant*
115 *to law until such time as said village ceases to exist and becomes a part of Town.”*

116 Discussion:

117 **Section “§602. Ordinance of villages not merging. leave as is.**

118

119 “§603. Administration of ordinance of villages which merge

120 *When such villages cease to exist as aforesaid, the Town legislative body, Board of Adjustment, and*
121 *Administrative Officer shall have jurisdiction of and administer zoning in said village area as a separate zoned*
122 *area in accordance with the provisions of the ordinance in force therein and the general law. If no Town*
123 *Administrative Officer and Board of Adjustment have then been appointed by the legislative body, that body*
124 *shall forthwith make such appointment.”*

125 Discussion:

- 126 • Any discussions with North Bennington and Old Bennington have resulted in them keeping their
127 respective ordinances until a merger took place.
- 128 • The Board of Adjustment is now the Development Review Board in Bennington. However, Old
129 Bennington may still have a Board of Adjustment.

130

131 **The following changes will be made to §603. Administration of ordinance of villages which merge:**
132 **In “§603. Administration of ordinance of” to “§603. Administration of ordinances of”**
133 **Line 1, Change “exist as aforesaid,” to “exist,”**
134 **Line 2, Change “Adjustment, and” to “Adjustment or Development Review Board, and”**
135 **Line 4, Change “Adjustment have” to “Adjustment or Development Review Board have”**

136

137 “§604. Comprehensive Town ordinance

138 *The billboard zoning ordinance enacted for the area outside the villages in the Town shall continue to*
139 *be administered by the Town officials having charge of zoning. When such officials acquire jurisdiction of the*
140 *zoning ordinance in other zoned areas as herein provided, said ordinances, together with said billboard zoning*
141 *ordinance, shall be deemed to be part of a general town zoning ordinance duly and legally enacted in*
142 *accordance with a comprehensive plan. Such general ordinance shall be subject to repeal, amendment, or*
143 *alteration by the Town under the application provisions of law.”*

144 Discussion:

- 145 • As said earlier, there is no billboard zoning ordinance because it is covered by State Law. And,
146 Bennington has a sign ordinance that would cover us should the State Law be repealed.

147 **The following changes will be made to “§604. Comprehensive Town ordinance:**

148 Delete First Sentence "The billboard zoning ordinance enacted for the area outside the villages in the
149 Town shall continue to be administered by the Town officials having charge of zoning."

150 Line 4, Delete "together with said billboard zoning ordinance,"

151 Line 6, Change "Town under the application provisions of law." to "Town."
152

153 *Robert Ebert moved and Michael Keane seconded to accept the following changes in SUBCHAPTER 6.*
154 **ZONING:**

155 ***"§601. Ordinances continue in effect***

156 *If at the time this charter becomes effective as the charter of the Town of Bennington there is in force*
157 *in any village or other area of the Town a zoning ordinance, including billboard zoning, such ordinance shall*
158 *continue in force within the area for which it was originally enacted. Each such ordinance shall be a valid*
159 *and legal ordinance within such area and the same shall be and become a valid and legal zoned area with*
160 *such districts as are provided for in said ordinance."***§601. Ordinances continue in effect"**

161 *Delete in its entirety.*
162 -----

163 ***"§602. Ordinance of villages not merging.***

164 *The zoning ordinance in force within any village in the Town shall continue within the control*
165 *of such village and the officials appointed to administer the same within such village shall continue in office*
166 *pursuant to law until such time as said village ceases to exist and becomes a part of Town."*

167 *Leave as is.*
168 -----

169 ***"§603. Administration of ordinance of villages which merge***

170 *When such villages cease to exist as aforesaid, the Town legislative body, Board of*
171 *Adjustment, and Administrative Officer shall have jurisdiction of and administer zoning in said village area*
172 *as a separate zoned area in accordance with the provisions of the ordinance in force therein and the general*
173 *law. If no Town Administrative Officer and Board of Adjustment have then been appointed by the*
174 *legislative body, that body shall forthwith make such appointment."*

175 ***"§603. Administration of ordinance of" to "§603. Administration of ordinances of"***

176 *Line 1, Change "exist as aforesaid," to "exist,"*

177 *Line 2, Change "Adjustment, and" to "Adjustment or Development Review Board, and"*

178 *Line 4, Change "Adjustment have" to "Adjustment or Development Review Board have"*
179 -----

180 ***"§604. Comprehensive Town ordinance***

181 ***The billboard zoning ordinance enacted for the area outside the villages in the Town shall continue to***
182 ***be administered by the Town officials having charge of zoning. When such officials acquire jurisdiction of***
183 ***the zoning ordinance in other zoned areas as herein provided, said ordinances, together with said billboard***
184 ***zoning ordinance, shall be deemed to be part of a general town zoning ordinance duly and legally enacted in***
185 ***accordance with a comprehensive plan. Such general ordinance shall be subject to repeal, amendment, or***
186 ***alteration by the Town under the application provisions of law.”***

187 ***Delete First Sentence “The billboard zoning ordinance enacted for the area outside the villages in the***
188 ***Town shall continue to be administered by the Town officials having charge of zoning.”***

189 ***Line 4, Delete “together with said billboard zoning ordinance,”***

190 ***Line 6, Change “Town under the application provisions of law.” to “Town.”***

191 Ms. Green doesn't feel that the billboard ordinance reference should be removed from the Charter
192 should the State repeal their law, and Mr. Monks stated that the billboard ordinance doesn't exist and we are
193 still covered by the Town's sign ordinance.

194 Ms. Oller added that an explanation bubble could reference the State law that covers this.

195 ***The motion carried with P. Lynn Green opposed.***

197 ***“SUBCHAPTER 7. WATER SYSTEM***

198 ***§701. Town powers***

199 ***The Town may make, alter, and repeal ordinances relating to management, operation, maintenance,***
200 ***replacement, and extension of a Town water system and may fix, and from time to time alter water rates,***
201 ***insofar as such ordinances and water rates are not in conflict with the deeds of gift to the Village of Bennington***
202 ***and Village of North Bennington.”***

203 Discussion:

204 Ms. Oller inquired as to why we didn't have a stand-alone Water Board and Mr. Hurd explained the
205 history of the Water System:

206 When Henry W. Putnam deeded the water system to the Village of Bennington, he created a Water
207 Board to administer the water system. He set the rates at ½ of 1912, and the water board could not change
208 that rate.

209 By the 1970's, the water department was deep in debt, and the water commissioners at that time
210 “were so full of themselves” that they couldn't see that they were going under. The Town Manager and Select
211 Board went to court to change the Deed of Gift so they could change the rates. A number of Water Board
212 members quit, and “the rest were simply removed”.

213 ***Robert Ebert moved and Robert Plunkett seconded to leave “SUBCHAPTER 7. WATER SYSTEM***

214 ***§701. Town powers” as is. The motion carried unanimously.***

216 ***“SUBCHAPTER 8. MISCELLANEOUS***

217 §801. Severability

218 *If any provision of this charter is for any reason held invalid, such invalidity shall not affect the*
219 *remaining provision which can be given effect without the invalid provision. To this end, the provisions of this*
220 *charter are declared to be severable.*

221 §802. Merger of municipalities within Town

222 *(a) Any municipality with the Town of Bennington which votes to surrender its existing charter and*
223 *dissolve under this charter, shall cease to exist as a corporate body and political entity on the January 1st next*
224 *succeeding, unless such vote becomes final or after October 1st in any year, in which event the municipality*
225 *shall cease to exist as a corporate body and political entity on the March 1st next succeeding.*

226 *(b) All assets of any municipality which surrender its existing charter or dissolves under this charter shall*
227 *become the property of the Town of Bennington on the day such municipality ceases to exist under subsection*
228 *(a) of this section.*

229 *(c) All liabilities of any municipality which surrenders its existing charter or dissolves under this charter*
230 *that are outstanding obligations of such municipality on the day it ceases to exist under subsection (a) of this*
231 *section, including the bonded indebtedness of such municipality shall become liabilities of the Town of*
232 *Bennington on the day such municipality ceases to exist under subsection (a) of this section.*

233 §803. Method of adoption; time; voting

234 *(a) A majority of the qualified voters of the Village of Old Bennington voting by ballot at a meeting duly*
235 *warned for the purpose, may at any time vote to surrender the charter of said Village and merge with the*
236 *Town of Bennington under the terms of this charter by voting in the affirmative on an article substantially as*
237 *follows:*

238 *“To determine by ballot whether the Village of Old Bennington will surrender its existing charter*
239 *and merge with the Town of Bennington under the provisions of No. 83 of the Acts of 1966 entitled an Act to*
240 *Provide a Charter for the Town of Bennington”.*

241 *(b) A majority of the qualified voters of the Village of North Bennington voting by ballot at a meeting*
242 *duly warned for the purpose may at any time vote to surrender the charter of said Village and merge with the*
243 *Town of Bennington under the terms of this act by voting in the affirmative on an article substantially as*
244 *follows:*

245 *“To determine by ballot whether the Village of North Bennington will surrender its existing*
246 *charter and merge with the Town of Bennington under the provisions of No. 83 of the Acts of 1966 entitled An*
247 *Act to Provide a Charter for the Town of Bennington.”*

248 *(c) A majority of the qualified voters of the Bennington Fire District No. 1, voting by ballot at a meeting*
249 *duly warned for the purpose may at any time vote to dissolve said Fire District and merge with the Town of*
250 *Bennington under the terms of this charter by voting in the affirmative on an article substantially as follows;*

251 *“To determine by ballot whether the Bennington Fire District No. 1 will dissolve and merge with*
252 *the Town of Bennington under the provisions of No. 83 of the Acts of 1966 entitled An Act to Provide a Charter*
253 *for the Town of Bennington.”*

254 (d) A meeting to consider an affirmative vote under any of the foregoing sections shall be held only
255 upon petition of not less than five percent of the qualified voters of the municipality filed with the legislative
256 body thereof within 20 days after such affirmative vote requesting a meeting to vote on an article substantially
257 as follows:

258 "To determine by ballot whether the (insert municipality) will confirm its vote of (insert date) in
259 favor of No. 83 of the Acts of 1966 entitled An Act to Provide a Charter for the Town of Bennington."

260 (e) If any municipality votes under subsection (d) of this section to reconsider an affirmative vote, such
261 municipality may at any time thereafter hold a meeting in accordance with subsections (a), (b), and (c) of this
262 section to vote again on this charter.

263 (f) An affirmative vote by any municipality shall become final and conclusive when a petition to
264 reconsider is not filed in accordance with subsection (d) of this section or when a meeting to reconsider is held
265 under subsection (d) of this section and the vote at such a meeting confirms the affirmative vote.

266 (g) Early Voter Absentee Balloting. Voting by early absentee ballot shall be permitted at any meeting
267 held under this section.

268 §804. Notice to Secretary of State

269 The Clerk of the Town of Bennington shall notify the Secretary of State of the vote of any meeting held
270 under section 803 of this charter within 10 days after the meeting.

271 §805. Existing water systems; succession by Town

272 If the Village of North Bennington ceases to exist in accordance with this subchapter; the Town shall
273 succeed to all the rights, title, interest, privileges, duties, and obligations of said Village under a deed of gift
274 from Laura H. Jennings, dated March 3, 1924.

275 Discussion:

- 276 • Mr. Hurd recommended that no changes be done for §801 through §805.
- 277 • Laura Jennings owned the water system.
- 278 • There should be "bubbles" referencing No. 83 of the Acts of 1966 for §802 through §805 as part of the
279 original Act providing for the charter.

280 **There were no changes recommended for §801 through §805.**

282 "§806. Charter Review Committee

283 The Select Board may appoint a Charter Review Committee of not less than five nor more than nine
284 members of the inhabitants of the Town, said Committee to review the charter and recommend such changes
285 therein as it finds necessary or advisable for the purpose of improving the operation of Town government. Said
286 Committee shall prepare a written report of their recommended amendments to the charter in time for same
287 to be submitted to the Select Board for review no later than one year after the appointment of said Committee.
288 At the discretion of the Select Board such amendments may be warned for ballot vote at an annual or special
289 Town meeting to be held no later than one year after the submission of the report. The Select Board shall
290 provide in their budget for any year when a Charter Review Committee is appointed, a sum of money for said
291 Committee."

292 Discussion:

- 293 • The Charter Review Committee should be a standing committee that meets more frequently with the
294 particular idea to review new legislation.
- 295 • The Committee shouldn't be appointed too often but definitely more frequently than every 12 years.
296 At least every 3 or 5 years, for example.

297 ***P. Lynn Green moved and Robert Ebert seconded to accept all changes for SUBCHAPTER 8.***

298 ***MISCELLANEOUS as follows:***

299 ***No changes to §801. Severability, §802. Merger of municipalities within Town, §803. Method of***
300 ***adoption; time; voting, §804. Notice to Secretary of State, and §805. Existing water systems; succession***
301 ***by Town.***

302 ***§806. Charter Review Committee***

303 ***Line 1, Change "The" to "At least once every 5 years, the"***

304 ***Line 1, Change "may" to "shall"***

305 ***Line 1, Change "less" to "fewer"***

306 ***Line 2, Change "inhabitants" to "residents"***

307 ***Line 2, Change "Town, said Committee to" to "Town. The Committee shall"***

308 ***Line 3, Delete "therein"***

309 ***Line 4, Change "Said" to "The"***

310 ***Line 4, Change "their" to "its"***

311 ***Line 5, Change "recommended amendments o the charter" to "recommendations"***

312 ***Line 5, Change "same" to "those recommendations"***

313 ***Line 6, Change "said" to "the"***

314 ***Line 7, Change "amendments" to "recommendations"***

315 ***Line 9, Change "their" to "its"***

316 ***Line 9, Change "a sum of money for said Committee." to "funding for the Committee."***

317 ***The motion carried unanimously.***

318

319 **8. FIRE DEPARTMENT LANGUAGE**

320 Bennington Fire Department Assistant Chief William LaTour stated the main concern of the Fire
321 Department is the autonomy of the group with mixed feelings within the Department on the volunteer vs.
322 paid changes within the Charter. It isn't clear among the volunteers what exactly this would mean to the
323 Department and they do not want to see the Town take over the Fire Department.

324 Deputy Chief Jeff Berry added that the volunteers range from 5 to 60 years of service with their
325 families also vested. We govern ourselves and elect our own officials. We're concerned that if the Chief
326 position becomes a paid position how that will affect our election of that person and impact our existing
327 Bylaws.

328 Mr. Ebert reiterated his thoughts behind the suggested changes. In his experience in Austin, Texas, he
329 had seen volunteer fire departments go to "part-paid" to pay drivers so the stations could be staffed 24/7. If
330 Bennington finds itself in this situation years down the road, the Charter would allow them to do that. The
331 existing wording in the Charter was "shall be a volunteer" and the change was made to "may be a volunteer or
332 paid".

333 Mr. Cohen added that "none of this changes what you guys are doing except if you don't want to do it
334 anymore". The Committee appreciates that the current members can't foresee the time when there wouldn't
335 be an adequate number of volunteers for the Department to continue on as is, but it may happen someday.

336 Mr. LaTour stated there are presently 56 volunteers from the ages of 18-the 80's which is down from
337 100 volunteers 10 years ago. He said they are aware of the reason in the drop, and numbers "are on the
338 uptick now". The Department needs a core group of 20-40 to be proficient which is maintained "most of the
339 time".

340 Mr. Hurd added that if there were no Charter change to this section and the Bennington Fire
341 Department disbanded, then the Town could contract with the Rural Fire District and/or the Village of North
342 Bennington Fire Department.

343 Mr. Berry said that perhaps a "pay per call" would be another way to compensate in addition to the
344 stipends that are already in place. It was their impression that these changes were to pay the Chief.

345 Mr. Malmberg asked how the Department was volunteer if they were paid stipends, and Mr. Berry
346 answered that they are reimbursements, not salaries.

347 Mr. Plunkett stated the changes to get the firefighters paid "is already done right now and doesn't
348 need a charter change" and the catastrophic loss of all of the firefighters "can be dealt with in subsection (2)"
349 to create departments. Mr. Plunkett doesn't "think we should change the history of our fire department just
350 for a theoretical, right now".

351 ***Robert Plunkett moved and Robert Ebert seconded to revert to the original language in §303. Further***
352 ***powers of the Select Board (1).***

353 Mr. Ebert suggested that verbiage addressing that the Fire Department remain in control of their own
354 destiny should be considered since Mr. LaTour mentioned that would be better received by the firefighters.
355 Mr. Ebert still feels that the changes made are a good tool for municipal management, but they also need to
356 be accepted by the Fire Department.

357 Ms. Oller added that Mr. Barlow would be consulted for his comments and suggestions on the issue of
358 the future for the Fire Department, as well as, maintaining their autonomy.

359 Mr. Hurd stated that the 'contract' the Town has with the Bennington Fire Department is the one that
360 the Village Trustees and the Select Board signed when the Village Fire Department became the Bennington
361 Fire Department. They have operated the same for all these years.

362 Mr. Cohen would like to leave the language in this section as is with no further changes. "There's a
363 consensus that the Department does a great job and I don't see why we should negatively impact that."

364 Mr. Malmberg stated that firefighting has become so technical that you "can't rely on people coming in
365 off the streets" to do it. Mr. Berry responded that we already have those regulations and the core group that
366 are certified firefighters with the money in the budget to train the new volunteers. We don't see lack of
367 volunteers or training as an issue at any time soon.

368 ***Robert Plunket moved and Robert Ebert seconded to amend the original motion to read "to revert to
369 the original language in §303. Further powers of the Select Board (1) and explore alternative language".
370 The motion carried unanimously.***

371 The Committee will share the alternative language with Mr. Berry and Mr. LaTour.
372

373 **9. OTHER**

374 Mr. Hurd suggested that Mr. Barlow and Mr. Woolmington be consulted as to how to minimize the
375 impact of the grammatical corrections recommended in the Charter for the voters, and Mr. Plunkett added to
376 also consult the Legislative Council.

377 Discussion ensued as to the process going forward and the remaining issues to review.
378
379
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381 ***At 7:22pm, the meeting was adjourned.***
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383
384

385 Respectfully submitted,

386 Nancy H. Lively

387 Secretary
388