

1 BENNINGTON CHARTER REVIEW COMMITTEE MEETING
2 TOWN OFFICE – CONFERENCE ROOM
3 205 SOUTH STREET
4 BENNINGTON, VERMONT 05201

5
6 WEDNESDAY, DECEMBER 06, 2017

7
8 MINUTES

9
10 COMMITTEE MEMBERS PRESENT: Robert Plunkett; Lynn Greene; Robert Ebert; Sean-
11 Marie Ollner; Jon Cohen; Michael Keane (via phone);

12
13 ABSENT: *Dan Malmborg*

14
15
16 ALSO PRESENT: Stuart Hurd, Town Manager; Dan Monks-Zoning Administrator & Assistant
17 Town Manager; Linda E. Bermudez – Recording Secretary;

18
19
20 At 11:45 A.M., meeting called to order and Michael Keane called into the meeting via phone.

21
22
23 **1. PUBLIC COMMENTS**

24 There were no public comments for consideration.

25
26
27 **2. REVIEW ANY PUBLIC COMMENTS RECEIVED**

28 There were no public comments for consideration.

29
30
31 **3. APPROVE MINUTES OF 11/28/17 & 11/29/17**

32
33 ***Motion:*** *Michael Keane motioned approve both November 28th & November*
34 *29th, 2017 meeting minutes. Sean-Marie Ollner seconded the motion.*

35
36 *Discussion:*

37 Ms. Ollner asked if Mr. Keane felt the minutes reflected what he said at the previous
38 meeting. Mr. Keane felt they did.

39
40
41 ***VOTE: The motion passed unanimously (Dan Malmborg absent)***

42
43
44
45 **4. ACKNOWLEDGE FINAL REPORT FORMAT:**

46 Michael Keane stated the format is a work in progress and is open to any suggestions. He
47 felt if they waited too long the Committee would end up scrambling. They needed to start
48 somewhere. The current document is not cohesive. If the Committee had three years, it could
49 really become more a comprehensible document.

50 Committee members discussed different options for displaying the changes made. Jon
51 Cohen suggested a summary report that outlines the substantial changes (only). Lynn Greene

52 agreed with the idea of an Executive Summary. She suggested having three columns that would
53 include: *Current Charter, Recommended Change, and Rational behind the change.*

54 Robert Plunkett asked the Manager if he could have someone create this format to work
55 within. The Manager stated he would.

56 The Committee continued to discuss the idea of a narrative for each change and how to
57 highlight them. Members agreed it needs to be reader friendly.

58 Robert Ebert asked if there would be a presentation made for the Select Board or would
59 the Committee just submit the report. Mr. Plunkett stated a presentation would be made. Mr.
60 Keane stressed the importance of the Select Board reading the report and the suggested changes
61 carefully. The projected date of submittal to the Select Board is December 26, 2017.

62 The Manager stated that date would be ideal as the changes need to be warned (60) days
63 before the vote. Additionally, there would need to be (2) meetings/hearings on the changes
64 proposed.

65 66 67 68 69 **5. REVIEW JIM BARLOW'S COMMENTS**

70 Mr. Plunkett stated Mr. Barlow is unable to finish his comments until Friday. There was
71 a brief discussion on Section 404 (H) based on Jim Barlow's comments. Mr. Plunkett suggested
72 to leave this section as presently changed. The remaining Committee members agreed.

73 Robert Ebert discussed section 102 in regard to the "powers of the Town to adopt
74 ordinances". Mr. Ebert would like to have future Select Boards be able to make changes, as
75 culture is changing constantly. They would be able to respond more quickly. He read and
76 suggested the Town of Chester's Charter regarding this.

77 Jon Cohen suggested adding similar wording separate, as a "Section F". Lynn Greene
78 agreed it should be separate.

79
80 ***Motion:*** Lynn Greene motioned to add Town of Chester's language as a bulleted
81 letter for the Town of Bennington's Charter but to change "repugnant" to "not in
82 conflict with" and change "said Town" to "the Town". Robert Ebert seconded the
83 motion.

84
85 ***VOTE:*** The motion passed unanimously (Dan Malmborg absent)

86 87 88 89 90 **6. REVIEW CHAPTER 5 – INCLUDING LOCAL OPTION TAX**

91
92 ***Motion:*** Lynn Greene motioned to approve changes made to Section 501 through
93 505. Jon Cohen seconded the motion

94
95 ***VOTE:*** The motion passed unanimously (Dan Malmborg absent)

96
97 Mr. Plunkett noted Jim Barlow suggested keeping the intro sentence for Section 506.
98 Discussion continued regarding subsections "B" and "C". Ms. Ollner questioned if there needed
99 to be a whole explanation there. The Manager stated there was too much wording. Ms. Greene
100 agreed fewer words would be better. Mr. Plunkett suggested condensing "A & B" as just part of
101 Section 506 (no subsets) and add Mr. Barlow's "Section C" as sentence at the end of Section
102 506.
103

104
105 **Motion:** *Sean-Marie Ollner motioned to accept and approve the new Title of*
106 *Section 506 to "Bennington Downtown Improvement District". Jon Cohen seconded*
107 *the motion*

108
109 **VOTE:** *The motion passed unanimously (Dan Malmborg absent)*

110
111
112 Ms. Ollner asked if someone could check with Jim Barlow regarding Section 507 --
113 *Repealed*. She would like to see it gone altogether.

114
115
116
117 **Section 508**

118
119 **Motion:** *Sean-Marie Ollner motioned to accept and approve Section 508 with*
120 *changes. Lynn Greene seconded the motion*

121
122 **VOTE:** *The motion passed unanimously (Dan Malmborg absent)*

123
124
125
126 **Section 509**

127
128 **Motion:** *Sean-Marie Ollner motioned to accept and approve Section 509 with*
129 *recommended corrections. Jon Cohen seconded the motion*

130
131 **VOTE:** *The motion passed unanimously (Dan Malmborg absent)*

132
133
134 **Section 510**

135 Mr. Plunkett noted Jim Barlow is good with the language changes. Discussion continued
136 regarding tax rates of residential vs. commercial/non-residential. Ms. Ollner stated it could
137 change of the whole tax structure. Ms. Greene would like to know the impact if it were spread
138 across town (not only in the district). The Manager stated he did not have the information yet.
139 Michael Keane believes the consequences would be unmanageable. Ms. Greene believes people
140 are more generous than you think. The Manager stated he would bring the information to the
141 next meeting. Mr. Ebert noted there would then no longer be "district" and we would have to
142 completely remove Section 509 and 510. They would no longer apply.

143
144 **Motion:** *Robert Ebert motioned to accept and approve Section 510 as amended.*
145 *Sean-Marie Ollner seconded the motion*

146
147 **VOTE:** *The motion passed (Jon Cohen & Lynn Green abstained; Dan Malmborg*
148 *absent)*

149
150
151
152 **7. DISCUSS / LIST PARKING LOT ITEMS & ANY TOPICS MEMBERS FEEL**
153 **SHOULD BE REVISITED**

154 Robert Ebert would like to discuss the Mayoral issue. If this is not on the ballot for
155 consideration, be prepared for the fallout.

156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195

Robert Plunkett noted the other items to finish as follows:

- Fire Department
- Billboards
- First Chair
- Local Option Tax

Jon Cohen noted it will be important to look at how a Mayor (if approved) would impact the rest of the Charter.

Robert Ebert stated some information regarding other Towns in Vermont with Mayors. There are (9) Towns in Vermont with Mayors. Eight of those towns have both a Mayor and a Town Manager. Some of those Town Charters are on-line for review and talk about how their powers are designed (Newport, Barre, and Montpelier).

NEXT MEETING DATES:

Wednesday December 13, 2017 – 11:45am – 1:00pm

Wednesday December 20, 2017 – 4:30pm – 7:00pm

Motion: Jon Cohen motioned to close the meeting. Sean-Marie Ollner seconded the motion

VOTE: The motion passed unanimously (Dan Malmborg absent)

Respectfully submitted,



Linda E. Bermudez
Recording Secretary