

1 **BENNINGTON SELECT BOARD**

2 **BENNINGTON FIRE FACILITY**

3 **130 RIVER STREET**

4 **BENNINGTON, VERMONT 05201**

5 **MARCH 26, 2018**

6 **MINUTES**

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

9 **SELECT BOARD MEMBERS ABSENT:** Thomas Jacobs-Chair.

10 **ALSO PRESENT:** Stuart Hurd-Town Manager; Zirwat Chowdhury-Community Development Director; Bhima
11 Nitta-Power Guru; David Adolphus; Aaron Sawyer; Robert Plunkett; Robert Ebert; Jonah Spivak; Jerry Byrd; 7
12 citizens; CAT-TV and Nancy H. Lively-Secretary.

13 At 6:00pm, Vice Chair Donald Campbell called the meeting to order.

14 **1. PLEDGE OF ALLEGIANCE**

15 Recited by all present.

16 **2. CONSENT AGENDA**

17 **A. MINUTES - MARCH 12, 2018**

18 **B. WARRANTS**

19 *Jim Carroll moved and Jeanne Conner seconded to approve the Consent Agenda with the Minutes of*
20 *March 12, 2018 amended as follows:*

21 *Page 4, Line 129 - Change "Orman" to "Orden".*

22 *The motion carried unanimously with Tom Jacobs absent.*

23 **3. CITIZENS COMMENTS**

24 David Adolphus - Mr. Adolphus has been with the local office of Neighborworks looking to "put the
25 office on a more stable footing than it has been on the last couple of years". Round 2 of the Bennington
26 Rental Rehab Pilot Program is beginning and Neighborworks agreement with the Town of Bennington is that a
27 Select Board member be on a Steering Committee. Carson Thurber was asked to do so but declined due to a
28 potential conflict of interest and Jeanne Conner volunteered if the time of day for the meetings could be
29 changed. Mr. Adolphus will work out the scheduling to accommodate Ms. Conner and present the progress of
30 the program in a couple of months.

31 **4. REVIEW PROPOSED CHARTER AMENDMENTS, SET PUBLIC HEARINGS AND SPECIAL MEETING DATES, SIGN**
32 **WARNING**

33 Mr. Campbell stated that the Board has spent the winter reviewing the recommendations of the
34 Charter Review Committee without finding anything "earthshattering". To be respectful of the work that the

35 Committee has put into these changes and to keep moving along with the changes, Mr. Campbell would like to
36 send this to the voters for a vote on June 5, 2018 with the 1st Public Hearing on April 23, 2018 and the 2nd
37 Public Hearing on May 14, 2018. If the June 5th date cannot be met, the next opportunity for a vote would be
38 in September 2018.

39 ***Chad Gordon moved and Carson Thurber seconded to Warn the Notice of Two Public Hearings - April***
40 ***23, 2018 and May 14, 2018 - and a Special Town Meeting on June 5, 2018 to Consider Amendments to the***
41 ***Town of Bennington Charter amended as follows:***

42 ***SUBCHAPTER 3. SELECT BOARD, 2ND Bullet, Change “department.” to “department if majority of Fire***
43 ***Department member authorize transition.”***

44 ***SUBCHAPTER 4. TOWN MANAGER, Delete Last Bullet, “Technical amendments to clarify the authority***
45 ***of the Select Board to act as a board, rather than as individual members.”***

46 ***SUBCHAPTER 5. TAXATION, Last Bullet, Change “Tax on meals” to “Tax on any or all meals”.***

47 Mr. Hurd explained that a concise summary of the proposed Charter amendments to be voted on is set
48 out in the Warning by each Subchapter. A complete and official copy of the proposed Charter amendments is
49 on file for public inspection in the office of the Town Clerk upon request and a complete copy is also available
50 on the Town’s website, www.benningtonvt.org. In addition, a copy will also be in each voting booth.

51 Mr. Carroll wanted clarification on the ability to make certain businesses exempt from the Local Option
52 Tax, and Mr. Hurd explained that an area cannot be “carved out” from what the voters have approved.
53 Approving this amendment to the Charter does not impose any or all of the 1% Local Option Taxes. That
54 would be a later vote, if and when, the Select Board chooses to do so - or they may never choose to do so.
55 Mr. Carroll may want additional clarification and Mr. Hurd suggested speaking to our Representatives or
56 contacting the Tax Department.

57 ***The motion carried unanimously with Tom Jacobs absent.***

58 **5. PROPOSAL FOR FEASIBILITY STUDY - ROOFTOP SOLAR PROJECT AT WASTEWATER TREATMENT FACILITY**

59 Bhima Nitta, Owner of Power Guru Solar Electric Systems, did the following presentation on the
60 Community Solar Project on the roof of the Bennington Wastewater Treatment Facility - Proposal for a
61 Feasibility Study:

- 62 • The goal for the proposed community solar project is to lower the bar for the Low and
63 Moderate Income community and for the non-profits serving them.
- 64 • A special purpose entity titled Bennington County Community Solar, LLC (BCCS) would be
65 created to collect lease payments for the solar shares from the non-profits at an amount such
66 that they would save 10% relative to what they are currently paying the electric utility.
- 67 • The Town of Bennington would benefit from a fixed annual lease payment of \$1,000 for 25
68 years.
- 69 • The Town Plan is in support of such a roof top project of 150,000kw or less.
- 70 • The only request of the Board this evening is permission to conduct a Feasibility Study paid for
71 by Mr. Nitta. The Study will determine the structural support of the roof, if the roof needs any
72 repairs, and, based on the expense of that, how or if they would proceed with the project.
- 73 • The cost of the Study is Mr. Nitta’s “at risk” part.

74 Mr. Hurd commented that the Town has been discussing this project with Mr. Nitta for some time and
75 a Feasibility Study is a good place to start. The Wastewater Treatment Facility roof is 30 years old and there
76 are concerns as to its ability to support the weight of the solar panels, and if there is a problem, where does
77 the responsibility lie in removing the panels. Another issue is that the \$1,000/year lease payment “seems
78 relatively low”, however, the ability of the structural support must be addressed first.

79 Board questions/comments:

- 80 • Mr. Campbell - we should let Mr. Nitta know this evening if we have any interest in going forward with
81 the project before he spends thousands on a Feasibility Study and if we are going to require an RFP or
82 are we considering this in a different light because of the community service. Mr. Hitta didn't feel that
83 there were other local solar businesses that would be interested in a project like this.
- 84 • Ms. Jenkins - Were the non-profits chosen with the hope that their clients would buy into the solar or
85 were they chosen so that they, themselves would be “the off takers”? Mr. Nitta answered that, except
86 for Shires Housing, it is for the non-profits themselves. Ms. Jenkins stated that this is a different kind
87 of project and feels that the Town should support it for the “social” benefit if not the financial. Mr.
88 Hitta noted that there is no actual commitment from any of the non-profits mentioned and the list may
89 grow.
- 90 • Mr. Thurber - he is only asking for permissions to do a Feasibility Study at his own expense. We should
91 let him do it.
- 92 • Mr. Carroll - spoke in support of the project and encouraged Mr. Hitta to meet with Mr. Hurd to discuss
93 doing this on other buildings, as well.

94 Citizen comments:

- 95 • Jonah Spivak - spoke in support of Power Guru on both a personal and business level in the ethical way
96 they do business, as well as, efforts for businesses at the State level. Mr. Spivak also feels that this
97 project will definitely benefit the community.
- 98 • Jerry Byrd - reiterated words of support for the business practices of Mr. Nitta and stated that he has
99 been working with Mr. Nitta for 3 years to implement community solar energy at this location and
100 others in town.

101 Mr. Campbell summarized that we are only authorizing to do a Feasibility Study, that we have “a
102 potentially good fellow that we are working with”, we are unlikely to require an RFP because of the
103 community service to the Town, and the Town is already maxed out on power. However, we will be taking a
104 whole new look at this when Mr. Nitta comes back with the Feasibility Study results. Mr. Nitta added that he
105 will give a monthly update to the Board.

106 ***Jim Carroll moved and Carson Thurber seconded to approve for Power Guru to do a Feasibility Study***
107 ***for a Community Solar Project on the roof of the Bennington Wastewater Treatment Facility. The motion***
108 ***carried unanimously with Tom Jacobs absent.***

109 6. REQUEST TO SPONSOR SOPHOMORE SUMMIT

110 Ms. Jenkins stated that this is the 14th year of the Sophomore Summit. This is when 270 sophomores
111 from MAUHS, Burr & Burton Academy, Arlington High School and Long Trail School convene at the college for
112 a day of Career Exploration by attending pre-selected workshops based on their interests and connecting with
113 community professionals. Each visiting school pays a per-student fee with the balance of the costs of \$4,000-

114 \$5,000 paid by the MAUHS School to Work program. In the past, the Town of Bennington has donated \$500
115 and the request is for that amount this year, as well.

116 Mr. Gordon added that, even though the students may not have understood why they had to go to
117 this, the feedback after they attended has always been very positive.

118 Mr. Campbell is in support of the request, however, since it is a recurring, would like to have it
119 available at budget time so it can be part of the budget instead of receiving it mid-year.

120 Mr. Hurd stated that the money would come from the Community Economic Development Budget line
121 item of Partnership Activities. Ms. Chowdbury supports this donation but also feels that it should be
122 presented in time to be built into the budget.

123 ***Carson Thurber moved and Chad Gordon seconded to support donating \$500.00 to the Sophomore***
124 ***Summit that will take place on April 9, 2018. The motion carried unanimously with Tom Jacobs absent.***

125 **7. LIQUOR LICENSE RENEWALS**

126 The following 2018 First Class Liquor License Application was circulated for signatures:

- 127 1. Bennington Pizza House, LLC

128 The following 2018 Liquor License Renew Applications were circulated for signatures:

129 1st Class Renewals -

- 130 1. Allegro's
- 131 2. Aramark Dining Hall (Outside Consumption)
- 132 3. Aramark Student Center (Outside Consumption)
- 133 4. Benner's Bagels N' What Nosh (Outside Consumption)
- 134 5. Catamount Glass & Tap Room (Outside Consumption)
- 135 6. Cilantro's
- 136 7. Four Chimneys Inn (Outside Consumption)
- 137 8. Your Belly's Deli
- 138 9. JC's Tavern (Outside Consumption)
- 139 10. Jensen's Restaurant, Inc.
- 140 11. Madison's Brewing Company (Outside Consumption)
- 141 12. Papa Pete's Restaurant (Outside Consumption)
- 142 13. Two Brews Café (Outside Consumption)
- 143 14. Veterans of Foreign Wars Post #1332, Inc. (Outside Consumption)

144 2nd Class Renewals -

- 145 1. 305 South Street

- 146 2. Catamount Glass
- 147 3. Henry's Market
- 148 4. K Mart
- 149 5. Madison's Brewing Company

150 **8. MANAGER'S REPORT**

151 No report.

152 **10. OTHER BUSINESS**

153 Ms. Conner has had recent transportation issues and was "happy and grateful" for the Green Mountain
154 Bus that she could utilize basically door-to-door to get back and forth to work in Williamstown.

155 Mr. Thurber noted the purchase of the Bennington Pizza House was one business owner in Town
156 reinvesting in another.

157 Ms. Jenkins stated that the Sophomore Summit is part of April Career Month and encouraged everyone
158 to be aware of activities related to that in the Banner and the CCV, BCRC or BCIC websites. There will be
159 something for Pre-K to adults. Also, on April 21, 2018 there will be an Open House and Tour of the Ben Mont
160 Mill.

161 Mr. Gordon visited Burlington this past weekend and saw three different TIF Districts - Winooski,
162 Burlington Downtown, and the Waterfront District - noting how TIF has improved these areas, and is excited
163 for what TIF may mean for Bennington.

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166 ***At 6:55pm, Jim Carroll moved and Jeannie Jenkins seconded the adjournment of the meeting. The***
167 ***motion carried unanimously with Tom Jacobs absent.***

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172 Respectfully submitted,

173 Nancy H. Lively

174 Secretary