

1 **BENNINGTON SELECT BOARD**

2 **BENNINGTON FIRE FACILITY**

3 **130 RIVER STREET**

4 **BENNINGTON, VERMONT 05201**

5 **JUNE 4, 2018**

6 **MINUTES**

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

9 **SELECT BOARD MEMBERS ABSENT:** Jeanne Conner and Jim Carroll.

10 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks- Zoning Administrator and Assistant Town
11 Manager; Zirwat Chowdhury-Community Development Director; Cassandra Barbeau-Town Clerk; Jane
12 Norrie; Nancy White; Sean Marie Oller; Robert Ebert; 2 citizens; James Therrien-Bennington Banner;
13 Mike Cutler-CAT-TV and Nancy H. Lively-Secretary.

14 At 6:03pm, Chair Thomas Jacobs called the meeting to order.

15 **1. PLEDGE OF ALLEGIANCE**

16 Recited by all present.

17 **2. CHARTER VOTE FLOOR MEETING**

18 Mr. Jacobs stated that this is an informational meeting on the proposed Charter amendments
19 that will be voted on tomorrow, June 5, 2018, from 7:00am-7:00pm in Bennington and North
20 Bennington.

21 Mr. Jacobs did the following power point presentation on the highlights of the amendments:

- 22 • The Charter portrays what our Town Government is and hasn't been reviewed since 2005.
- 23 • In May 2017, it was decided to appoint a committee to review the Charter and recommend
24 any amendments that would modernize the document that guides town government, as well
25 as, clean up ambiguities, redundancies, and grammatical shortcomings from previous charter
26 reviews.
- 27 • Preamble - EXISTING: "The Charter of the Town of Bennington reflects concern to improve the
28 quality of life for all people...". PROPOSED: to add "and to improve the operation of Town
29 government."
- 30 • There are Eight (8) subchapters within the Charter, but substantive changes to only a few
31 were recommended. Those were strengthening language to the Select Board, Town Manager
32 and Taxation sections.
- 33 • SELECT BOARD-SUBCHAPTER 3, SECTION 303 (1) - The Town of Bennington has been proudly
34 served by a volunteer fire department for years. The recommended Charter amendment
35 provides that will continue "unless an affirmative vote of the majority of the members of the
36 Fire Department authorizes a transition to a paid or combination paid and volunteer

37 Department as set forth in a transition plan proposed by the Select Board working with a
38 committee formed from members of the Fire Department”.

39 ○ *Comments: Volunteerism is becoming more and more challenging, and this*
40 *amendment allows the Fire Department to consider other options, if and when, they*
41 *feel it is necessary to do so.*

- 42 ● SELECT BOARD-SECTION 304, ORGANIZATION - CHANGES: (a) The Chair shall be the head of
43 Town Government for all ceremonial purposes; (g) The Select Board shall adopt Rules of
44 Procedure for the conduct of meetings. The Board shall review the Rules of Procedure
45 annually; (h) If a Select Board member is absent from four consecutive warned Select Board
46 meetings or is absent from more than 50 percent of warned Select Board meetings in any 6-
47 month period, the members office shall be vacant in accordance with Section 304(d).”

48 ○ *Comments: (a) Gives the Chair the responsibility to ensure Town representation at all*
49 *events; (g) annual review of the Rules of Procedure gives the Board consistency in their*
50 *responsibilities and timely responsiveness; and (h) sets the parameters of the*
51 *importance of attendance for elected Select Board members to serve the community*
52 *that elected them.*

- 53 ● TOWN MANAGER-SUBCHAPTER 4, SECTION 401 - CHANGE: The Charter changes the
54 engagement of a Town Manager to serve without a designated time to “a three year term
55 which may be renewed for successive 3-year terms. Notwithstanding the above the Town
56 Manager position shall be subject to Section 406 Removal; The Select Board shall review the
57 Town Manager’s performance annually; (j) NEW: Duties of the Town Manager as general
58 purchasing agent of the Town include performing such services pursuant to the purchasing
59 and bid policies approved by the Select Board; Removal of Town Manager with written notice
60 without cause with 90-days’ notice.

61 ○ *Comments: It is important to have a Town Manager that knows the Select Board will be*
62 *reviewing the position at least on a 3-year basis while still maintaining the ability to*
63 *remove an individual with 90-day notice without cause. However, also recommended,*
64 *is that the Town Manager be reviewed annually. This has been done the past few*
65 *years but was never codified. The Select Board will be reviewing/updating the*
66 *Purchasing Policies to be sure there is full transparency as to the bid process.*

- 67 ● TAXATION-SUBCHAPTER 5, SECTION 502 - All incurred debt for water and sewer services shall
68 be paid by the owners of real estate that is serviced by municipal water and sewer. NO
69 CHANGE RECOMMENDED.

- 70 ● TAXATION-SUBCHAPTER 5, SECTION 506 - ADDITION TO BENNINGTON DOWNTOWN
71 IMPROVEMENT DISTRICT: “Following the Public Hearing, the Select Board may approve the
72 change to the areas of the District at a duly called regular or special Select Board Meeting.”
73 Prior to this recommendation any changes in the area of the BDID required a vote of the
74 voters.

75 ○ *Comments: It is cumbersome to have all voters approve a change in the DID map when*
76 *there will be one public hearing for them to express their opinions/concerns.*

- 77 ● TAXATION-SUBCHAPTER 5, SECTION 510 - CHANGE: The Bennington Downtown Improvement
78 District taxes will be levied on the owners of taxable properties in the district “except for
79 owner occupied residential properties”.

80 ○ *Comments: Previously all residential properties - owner occupied or not - were tax*
81 *exempt so this broadens the tax base in the DID. Sean-Marie Oller, Charter Review*

82 *Committee Co-Chair, added that the DID budgeted tax amount would remain the same*
83 *but would be spread among more people.*

84 • TAXATION-SUBCHAPTER 5, LOCAL OPTION TAX - THIS IS THE ONLY NEW SECTION

85 RECOMMENDED: It allows the town voters, if they were to receive a majority vote by a Select
86 Board, to then vote at an annual or special Town Meeting, on imposing a local option tax of
87 1% on any or all of the following: meals, rooms, alcohol, and sales.

- 88 ○ *Comments: This is not an action to impose such a tax now or in the future. It just gives*
89 *the Town the mechanism to do so, if it so chose. Act 60 granted the 'gold towns' the*
90 *Local Tax Option, and the 'receiving towns', like Bennington, did not have that option.*
91 *The only way a 'receiving town' would be able to have that option is through their*
92 *charters.*

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94 Public Comments -

95 Nancy White: Had read in the paper that Mr. Hurd said that rooms and meals tax were not local tax
96 options, so that meant it would have to be sales tax. Mr. Hurd responded that that was during the
97 time when the Committee was only discussing the option of sales tax but ultimately decided to have
98 all four for consideration. The four options are meals, rooms, alcohol, and sales.

99 Ms. White: Feels that Bennington residents are struggling enough, and is against giving the Town the
100 tool to add more taxes. Mr. Hurd added that Bennington is a "hub" where people that do not live in
101 Bennington come to shop and utilize our services. The Town could potentially generate \$900,000 in
102 revenue from a local option tax, some or all of which could be used to lower the property taxes of
103 Bennington residents - if the Select Board so decided - and much of that revenue would be paid for by
104 out-of-towners.

105 -----
106 Ms. White: Is against no longer allowing the voters to decide on changes to the DID map and feels
107 that much of our state and local taxes go to benefit the Downtown with less and less notification of
108 how the dollars are being spent. Mr. Jacobs disagreed saying that there were many meetings and
109 much information available to the public.

110 Ms. Oller clarified that, should the amendment pass, the Select Board would be notifying everyone in
111 the DID if a change, either an addition or deletion, were being considered and they could comment
112 during at least one public hearing.

113 Robert Ebert, a member of the Charter Review Committee, added that it was appropriate for the
114 voters to have creates the DID originally. Now, however, any changes to the map are going to be
115 "tweaks", so it makes sense for the elected officials of the Town to manage this process. Ms. White's
116 concerns about how the money is spent is valid but has nothing to do with the DID map adjustments.

117 Zirwat Chowdhury, Community Development Director, noted that there are several layers involved
118 with changing the DID map.

119 Dan Monks, Zoning Administrator and Assistant Town Manager, stated that all of the DID funds stay
120 in the DID, and any grants that we have secured that finance projects in the Downtown, is only
121 because those projects were located in the Downtown and not elsewhere in the Town.

122 Mr. Hurd added that no taxpayer dollars are used to finance any private investor within the Town.

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124 Ms. White: Understands that the ballot is legal, however, the voters should have been aware of the
125 process in the beginning. Mr. Jacobs stated that every weekly meeting for 6 months of the Charter
126 Review Committee meeting was open to the public and several Select Board meetings discussed the
127 amendments section by section.

128 Mr. Hurd added that, in the voting booths, there will be a comprehensive copy of the Charter with all
129 of the amendments, as well as, a 2-page summary of the amendments by Subchapter. There are only
130 two ways to present charter amendments to the voters - one yes or no question for all of the changes
131 or each one listed and voted on separately. Due to the number of changes, it was determined by the
132 Select Board to go with the yes or no for all.

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134 Ms. White: Why are we voting on the Charter amendments at a special vote in June? Mr. Hurd stated
135 the March ballot didn't allow for enough time to get the 60-day warning out or for the Select Board
136 and public to review the amendments and the November vote is for State and Federal elections.
137 Local issues are not incorporated with those.

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139 Jane Norrie: Thanked the Board for their full attention to only a handful of people.

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141 Mr. Jacobs explained that, if the voters approve the Charter amendments, the Town Clerk
142 then sends the Charter to the Secretary of State's office who then takes it to the Legislative Council
143 where it is put into an Act to be considered by the next Legislature in January 2019. If the Legislature
144 approves it, it will become law in July 2019.

145 Mr. Jacobs thanked the Charter Review Committee for their 6 months of work, and Ms. Oller
146 thanked James Therrien for the information that was presented in his recent article in the Banner.

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148 ***At 7:08pm, Donald Campbell moved and Chad Gordon seconded the adjournment of the***
149 ***meeting. The motion carried unanimously with Jim Carroll and Jeanne Conner absent.***

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153

154 Respectfully submitted,

155 Nancy H. Lively

156 Secretary