

1 **BENNINGTON SELECT BOARD**

2 **BENNINGTON FIRE FACILITY**

3 **130 RIVER STREET**

4 **BENNINGTON, VERMONT 05201**

5 **AUGUST 27, 2018**

6 **MINUTES**

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

9 **SELECT BOARD MEMBERS ABSENT:** None.

10 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Zoning Administrator and Assistant Town Manager;  
11 Zirwat Chowdhury-Community Development Director; Jon Hale; Lynn Green; Sarah Perrin; Betsy Greenawalt;  
12 Kevin Hoyt; 10 citizens; Mike Cutler-CAT-TV and Nancy H. Lively-Secretary.

13 **EXECUTIVE SESSION - INTERVIEWS**

14 At 6:00pm, Chair Thomas Jacobs called the meeting to order.

15 **1. PLEDGE OF ALLEGIANCE**

16 Recited by all present and remember Senator John McCain.

17 **5. CITIZENS COMMENTS**

18 Kevin Hoyt had concerns that Mr. Carroll had stated that gun owners would be “bad for business”, and  
19 Mr. Jacobs stated that a Select Board Meeting is not an appropriate forum to air personal issues with any  
20 Select Board member.

21 **2. CONSENT AGENDA**

22 **A. MINUTES - AUGUST 13, 2018**

23 **B. WARRANTS**

24 *Carson Thurber moved and Donald Campbell seconded to approve the Consent Agenda as submitted.*

25 Ms. Conner questioned the issuing of the \$20,000 check to Vermont Partners prior to the notification  
26 that a credit check had been done on Charles Crowell and a signed lease agreement for January 1, 2019  
27 occupancy.

28 Mr. Hurd responded that the credit report has been done - and is fine - and there is a signed purchase  
29 and sales agreement. “Just because a check is scheduled to be cut doesn’t mean that it will be released.”

30 Ms. Chowdhury added that the funds will be deposited into an escrow account to be drawn down by  
31 requisition as needed. All conditions have been satisfied and the closing will take place on September 7, 2018.

32 *The motion carried unanimously.*

33 **3. PUBLIC HEARING, CDBG, HALE RESOURCES**

34 Ms. Chowdhury stated that the proposal is to apply for \$750,000 in VCDP funds which will be used to  
35 complete renovations and upgrades of 219 Pleasant Street, Bennington, VT 05201. This is a 10 unit multi-  
36 family apartment building located in the downtown historic district which was recently purchased by 219  
37 Pleasant Street, LLC, headed by Jon Hale, as the sub-grantee on behalf of the Town of Bennington. We would  
38 like to submit the application by September 4, 2018.

39 Mr. Hale and Ms. Chowdhury noted the following on the project:

- 40 • The property is on the corner of Valentine and Pleasant Street.
- 41 • The property was purchased on July 19, 2018 with his own funding.
- 42 • The building needs much work to bring it up to code electrically and to be energy efficient.
- 43 • The 10 units are currently rented and those renters will be relocated during the renovations.
- 44 • There will be no displacement of the existing tenants.
- 45 • HUD dollars required that at least 51% of rehabbed units in the structure must be occupied by low and  
46 moderate income households and must be maintained without a substantial change of use for a  
47 minimum of 5 years to meet public benefits requirements. The 5 year minimum can be negotiated by  
48 the Town to be a longer period of time.
- 49 • Rents must be affordable to households at or below 80% of Area Median Income and consistent with  
50 all of HUD standards and requirements.
- 51 • This is the first for-profit business in the State to apply for this grant.
- 52 • Anyone can apply for these monies if approved by the Town and can satisfy the required criterias.
- 53 • The house, itself, is not subsidized. Any subsidies are those that come with the tenants.
- 54 • If the application is approved by the State, it will come back to the Board for their approval.
- 55 • Rents for a one bedroom apartment can go up to \$912/month; our rates are \$750-\$800/month which  
56 includes heat and trash. The tenants pay for their own electricity.

57 Board questions/comments:

58 Mr. Carroll: Reminded everyone that these are federal dollars and are earmarked for this purpose. The high  
59 dollar amount is mostly attributed to the federal regulations that need to be followed.

60 Mr. Gordon: Will the building stay on the grand list, and Mr. Hurd answered that it would, perhaps with some  
61 consideration because the rents are capped.

62 Mr. Gordon: Will you be working with local contractors, and Mr. Hale responded that he will work with local  
63 contractors as much as possible but will be working with other Vermont contractors, as well.

64 Ms. Jenkins: Will all the tenants be relocated at once, and Mr. Hale answered, yes, he has 150 units so they  
65 will be able to be housed all at once. "This is a great project."

66 Mr. Campbell: Does applying for this grant limit applying for any future grants, and Ms. Chowdhury stated that  
67 it would not.

68 Mr. Campbell: Is this extra work for the Town, and Ms. Chowdhury noted "not any more than usual" and that  
69 the onus to complete the application is on Mr. Hale.

70 Mr. Jacobs: Since this is a for-profit business, will the Town be compensated for overseeing the project, and  
71 Mr. Hale stated that the Town will be compensated through the payment of higher taxes for an extended  
72 period of time. Mr. Jacobs still has an "anx" about the public/private relationship.

73 Mr. Jacobs: Do the current tenants fit the future required criteria, and Mr. Hale believes that they do.

74 Ms. Conner: Also has some anx because of the business being a for-profit. What happens if the project comes  
75 in under budget, and Mr. Hale didn't know. "Perhaps it could be used to buy the next building down the  
76 street."

77 Ms. Conner: What is the timeline for completion, and Mr. Hale answered planning in the winter, start  
78 construction in the spring, and finish in the fall.

79 ***Donald Campbell moved and Jim Carroll seconded to conditionally approve the Vermont Community***  
80 ***Development Program Implementation Grant application for \$750,000.00 for 219 Pleasant Street, LLC,***  
81 ***headed by Jon Hale as sub-grantee, to complete renovations and upgrades to 219 Pleasant Street, a 10-unit***  
82 ***multi-family apartment building.***

83 Ms. Jenkins asked if Mr. Hale was concerned about the potential extension of the minimum 5 year  
84 change of use requirement, and he is not.

85 ***The motion carried unanimously.***

86 The Resolution was circulated for signatures.

87 **4. FINAL APPROVAL SPLASH PAD DESIGN**

88 Ms. Chowdhury and Ms. Green did the following presentation:

- 89 • Merchants Park is on the corner of North Street and Pleasant Street where the community can gather.
- 90 • There will be a fiddlehead splash pad that will connect the two ends of the Park, a smaller splash pad  
91 for younger children, and a rest room.
- 92 • There will be a stage (Phase 2) with maintenance storage in the back. The cost of this is not known at  
93 this time.
- 94 • Boulders and shrubs will be the buffer zone between the park and the streets with the existing trees to  
95 remain on the parking lot side.
- 96 • Bids are out to two vendors for the splash pad installation with the anticipated cost to be \$190,000-  
97 \$200,000. All other work will be with local contractors.
- 98 • We have currently raised \$140,000 for the project; Catamount Connections has increased their amount  
99 from \$27,000 to \$68,000 and the Bank of Bennington will match up to \$25,000.
- 100 • Fundraising deadline is September 30<sup>th</sup>.
- 101 • The Town will bring in the water mains and the vendors will do the rest of the plumbing.
- 102 • Future maintenance and security will be the Town's responsibility.
- 103 • The water source will be Town water and will not be recirculated.
- 104 • The splash sequences are done by computer programing with foot pedals on site that can control the  
105 starting and stopping of the water.
- 106 • Grant funds need to be used by December 31, 2018 with the expected completion this fall.
- 107 • There is ample parking downtown, however, there should be some spaces reserved for the Senior  
108 Center.

109 ***Jim Carroll moved and Chad Gordon seconded to final approve the Merchants Park Splash Pad***  
110 ***Design as presented. The motion carried unanimously.***

111 **7. MANAGER'S REPORT**

112 Mr. Hurd reported that Sarah Perrin, Green Mountain Concessions and Betsy Greenawalt will be  
113 hosting the First Annual Food Truck Event on September 15, 2018 and have requested permission to close the  
114 first block of School Street from Main to Pleasant Streets from 8:00am until 7:00pm for the overflow. There  
115 are currently 12 food trucks that have signed up.

116 Ms. Greenawalt added that there are also two bands, a cooking demonstration, face painting, and each  
117 vendor has their own certificate of insurance.

118 ***Jeanne Conner moved and Jim Carroll seconded to approve closing the first block of School Street***  
119 ***from Main to Pleasant Streets from 8:00am until 7:00pm on September 15, 2018 for the First Annual Food***  
120 ***Truck Event. The motion carried unanimously.***

## 121 6. RULES OF PROCEDURE - ADOPTION

122 ***Jim Carroll moved and Carson Thurber seconded to accept the Bennington Selectboard Policy and***  
123 ***Rules of Procedure as Attorney Jim Barlow has suggested.***

124 Ms. Jenkins: Changing the Agenda should be the first item on the Agenda.

125 Ms. Jenkins: 'Selectboard' should be changed to 'Select Board' throughout the document.

126 Ms. Conner: Feels that requiring 'a sign-up sheet' in Items 10 and 11 should be removed but "could go  
127 either way".

128 Ms. Conner: In Item 10 'on issues not on the agenda' should be put back in.

129 ***Jeanne Conner moved and Jim Carroll seconded to amend the above motion as follows:***

- 130 ➤ ***Change "Selectboard" to "Select Board"***
- 131 ➤ ***Make "Changing the Agenda" the first item on the Agenda***
- 132 ➤ ***Item 10, Line 2, Change "period will" to "period on issues not on the agenda will"***
- 133 ***The motion carried unanimously.***

## 134 5. MANAGER'S REPORT (CONTINUED)

135 ***Donald Campbell moved and Jim Carroll seconded to appoint the Town Manager as the Town's***  
136 ***Delegate at the VLCT Annual Business Meeting on October 3, 2018 and authorize the Chair to sign the***  
137 ***Delegate Designation Form. The motion carried unanimously.***

## 138 8. LIQUOR LICENSE - MINCER'S (735 MAIN STREET)

139 Due to a change in lessee, the Second Class Liquor License and Tobacco Application License for  
140 Mincer's at 735 Main Street was circulated for signatures.

## 141 9. OTHER BUSINESS

142 Mr. Gordon reminded everyone to use extra caution because school begins this week as do the  
143 football and soccer seasons.

144 Ms. Jenkins noted that the Creative Economy Summit "was great", as well as, Solarfest that took place  
145 this past weekend. It is hoped Solarfest will become an annual event.

146 Mr. Campbell spoke with a gentleman that would like to have a renewable energy park in Bennington,  
147 and the suggestion was made to start this process with the BCRC.

148 Mr. Thurber reminded everyone that Garlicfest is this weekend and the increased traffic that there will  
149 be because of it.

150 Ms. Conner welcomed the new High School Principal to Town, and asked if the Board will hear about  
151 the RFP's on Depot Street. Mr. Hurd answered that they have reached out to a couple vendors and the Board  
152 will be updated sometime in September.

153 **10. EXECUTIVE SESSION**

154 **A. CONTRACTS**

155 *At 7:25pm, Donald Campbell moved and Chad Gordon seconded finding that an Executive Session be*  
156 *held on Contracts as premature public knowledge would place a person involved in the subject matter at a*  
157 *substantial disadvantage.*

158 Mr. Jacobs noted with the passing of Senator McCain and that Kiah Morris is not running for re-  
159 election, how "disappointing" it is when those that serve are assaulted.

160 *The motion carried unanimously.*

161

162

163

164

165 Respectfully submitted,

166 Nancy H. Lively

167 Secretary