

1 **BENNINGTON SELECT BOARD**

2 **BENNINGTON FIRE FACILITY**

3 **130 RIVER STREET**

4 **BENNINGTON, VERMONT 05201**

5 **FEBRUARY 11, 2019**

6 **MINUTES**

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

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

10 **ALSO PRESENT:** Stuart Hurd-Town Manager; Daniel Monks-Planning Director; Steve Love-Love, Cody &
11 Company, CPA's; Jason Morrissey; William Stewart; Gene Rudzewicz; Dave Crowley; Lynn Green; Joey Kulkin; 20
12 citizens; Bennington Banner; Mike Cutler-CAT-TV and Nancy H. Lively-Secretary.

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

14 **1. PLEDGE OF ALLEGIANCE**

15 The Pledge of Allegiance was recited by all present.

16 **2. 2nd PUBLIC HEARING - PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF**
17 **BENNINGTON §103-407. MAYORAL FORM OF GOVERNMENT**

18 The following comments were made:

- 19 • Dave Crowley: Stated the definition of democracy is to listen to the results of the majority vote
20 and speak up with any issues/questions that you have to the elected officials during the
21 opportunity to do so at each Select Board meeting. The system works.
- 22 • Lynn Green: Noted the many qualifications of a Town Manager as compared to a Mayor only
23 needing the popular vote. A Town Manager can be removed from the position by the Select
24 Board with 90 days' notice, whereas, a Mayor cannot be removed until the next election. "Not
25 all change is good change" and disrupting our current form of government would not be
26 beneficial to Bennington's future.
- 27 • Gene Rudzewicz: Towns need town managers to do the many day-to-day things that a town
28 manager does.
- 29 • Joey Kulkin: Explained that this year's vote is only to put the wording in the Charter to have the
30 option of having a mayor, if we ever chose to do so.

31 ***At 6:12pm, Jeanne Conner moved and Carson Thurber seconded to close the 2nd Public Hearing -***
32 ***Proposed Amendments to the Charter of the Town of Bennington §103-407. Mayoral Form of***
33 ***Government. The motion carried unanimously.***

34 **3. CONSENT AGENDA**

35 **A. MINUTES - JANUARY 28, 2019 AND FEBRUARY 4, 2019**

36 **B. WARRANTS**

37 *Donald Campbell moved and Jeannie Jenkins seconded to approve the Consent Agenda*
38 *amended as follows:*

39 *Line 13 and 105 - Change "Mark Hayco" to "Art Haytko".*

40 *The motion carried with Thomas Jacobs abstaining from the January 28, 2019 Minutes and Jim*
41 *Carroll and Carson Thurber abstaining from the February 4, 2019 Minutes.*

42 **4. PUBLIC COMMENTS**

43 William Stewart stated that he has 5 years of video on a truck driver from Lucier Trucking that
44 has been driving badly in front of his house to pick up water at Morgan Springs. The driver also idles
45 his truck for the half hour he is there and Mr. Stewart questions why Mr. Hurd has allowed this to
46 happen. However, Mr. Stewart also said that "he is behaving now because Stu has told him to stop
47 behaving badly for the umpteenth time". "Just because he's slowed down now doesn't mean that I
48 don't have so many hours of this guy doing the same thing for the last 5 years."

49 Mr. Hurd noted that all of the truck drivers have been told not to idle their trucks because it
50 isn't necessary for the newer trucks to do so to pump the water. It may be necessary on an older
51 truck.

52 Mr. Jacobs stated that Mr. Hurd will continue to monitor the situation and will contact who this
53 trucker contracts with.

54

55 Gene Rudzewicz stated that they bought their current house in 1993 and the town certification
56 papers said that they were connected to town sewer and water. They have paid their sewer bills for 25
57 years but recently discovered - when there was a crater in their backyard from a septic tank - that they
58 were not hooked up to town sewer. He then approached the Town for a refund of the \$5,600 that he
59 had paid for town sewer and was told that the Town can only refund for one year. They have now
60 been hooked up to town sewer at a cost of nearly \$12,000. He is requesting either a \$5,600 cash
61 refund or a \$5,600 credit on his real estate taxes.

62 Mr. Hurd noted that the Town is limited by statute to only go back one year, however, the
63 Select Board may direct that Mr. Rudzewicz be given restitution for this error. When sewer was
64 offered in this area, all of the other homes were connected, and the assumption was made that this
65 property was, as well. The Town did offer Mr. Rudzewicz \$2,100 for the portion that the Town would
66 normally cover for its part of a sewer hookup, but Mr. Rudzewicz declined that as a settlement.

67 The Board will discuss this as an agenda item at a future date.

68

69 **5. AUDIT 2018**

70 Steve Love, CPA with Love, Cody & Company, did the following presentation on the 2018 Audit:

- 71 ➤ Management is responsible for the preparation and fair presentation of the financial
- 72 statements, and the Auditor is responsible for expressing opinions on these financial
- 73 statements.
- 74 ➤ The Town's financial statements are made up of Government-wide Financial Statements (assets
- 75 and infrastructure) and Fund Financial Statements (water and sewer).
- 76 ➤ The Town's combined net position increased by \$887,634 to \$25,769,645 with all of our money
- 77 going to the assets and infrastructure that the Town has.
- 78 ➤ The Town's debt-to-assets ratio is approximately 44.3% as compared to Brattleboro at 43% and
- 79 Manchester at 52%
- 80 ➤ The highest Government-wide expenditures are in Highway, Government and Police with the
- 81 highest revenues in Property Taxes and Grants.
- 82 ➤ The highest Proprietary expenditures are in Water, Sewer and Parking with the highest
- 83 revenues in Fees and Charges for Services and Grants.
- 84 ➤ The General Fund has a restricted fund balance of \$2.2M with an unassigned amount of
- 85 (\$791,103) and a total Fund Balance of \$3,822,164.
- 86 ➤ Next year, Mr. Love will include a slide on the 5-year trend of the Fund Balance.
- 87 ➤ The restricted funds are generally either earmarked by the funding source or by the voters.
- 88 ➤ There were no issues with the internal control processes and there is no Management Letter.

89 *Board questions/comments:*

90 Mr. Thurber: What is the difference in the Pathway Project and the Ninja Pathway, and Mr. Hurd
91 answered that the Pathway Project was the original grant for \$110,000 that has now become the Ninja
92 Pathway. The Ninja Pathway listed in the audit for \$29,310 is a combination of monies that have come
93 in for that project.

94 Ms. Jenkins: What is the Health and Welfare amount of \$1,060 and the Public Safety amount of \$4,083,
95 and Mr. Hurd stated that he did not know where the Health and Welfare amount came from but the
96 Public Safety amount is money that has come in for drug funding. Ms. Jenkins would like to know what
97 restrictions there are - especially on these smaller amounts - to see how they could be used, and Mr.
98 Hurd will supply that information.

99 Mr. Campbell: Clarified that the amount for Irene of \$65,000 should be included in the Total column,
100 and Mr. Love agreed. Mr. Hurd added that the only monies for Irene are those used to pay down the
101 debt that FEMA would not cover.

102 Mr. Campbell: How are we doing with the debt-to-net assets of 79.8%, and Mr. Love responded that
103 the "Town is fine" as this ratio is consistent with the Town's peers.

104 Mr. Jacobs: Asked about the Fire Equipment amount of \$358,377, and Mr. Hurd answered that we put
105 aside \$40,000-\$60,000 into this reserve every year. It will be somewhat depleted with the purchases
106 that are planned for this year.

107 ***Donald Campbell moved and Jim Carroll seconded to accept the 2018 Audit as presented. The***
108 ***motion carried unanimously.***

109 **6. TIF ANNUAL REPORT CERTIFICATION**

110 Dan Monks explained that the TIF Report is due annually to the State and the Select Board is
111 required to certify the Taxable Values which have been review by the Assessor prior to the preparation
112 of the report. The reporting period is July 1, 2017-June 30, 2018 so these amounts haven't changed
113 since we were approved in October 2017. Also, since we had no debt and no projects during that time,
114 there is nothing to report beyond that. There was a net loss of 18 jobs on the report due to the closing
115 of Friendly's, Bennington Station, and LaFlamme's.

116 ***Donald Campbell moved and Carson Thurber seconded to certify the TIF Annual Report for the***
117 ***reporting period of July 1, 2017-June 30, 2018. The motion carried unanimously.***

118 **7. DEPOT STREET GARAGE PROPOSAL**

119 Carson Thurber has recused himself from this agenda item.

120 Mr. Monks stated that the recommendation is to accept the proposal from SC Spirits, LLC to
121 purchase the Depot Street Garage for \$80,000 to use as a Craft Distillery and Tasting Room. There
122 were two other proposals - one was non-responsive and one was not acceptable.

123 *Jason Morrissey, attorney for SC Spirits, LLC did the following presentation:*

- 124 ✓ SC Spirits, LLC is comprised of two individuals with several generational connections to
125 Bennington.
- 126 ✓ They are requesting 21-30 days to work out the details of the Purchase Agreement for
127 the Depot Street Garage.
- 128 ✓ The proposed purchase amount of \$80,000 needs to be accepted.
- 129 ✓ The intent is to fully restore the building with a \$1,000,000 budget (\$700,000 in building
130 renovations and \$300,000 in equipment purchase) to run a Craft Distillery and Tasting
131 Room.
- 132 ✓ The financing is in place with the plan to have the building renovated by the summer of
133 2019, to open for business shortly thereafter, and to show a profit by 2020.
- 134 ✓ Renovations would include:
 - 135 ○ Remove and replace existing roof with standing seam.
 - 136 ○ Remove stucco - choose to paint blocks, finish with metal or concrete siding.
 - 137 ○ Windows - remove and replace with insulated versions consistent with the
138 existing style to maintain the same look.

- 139 ○ Overhead doors - replace with modern, insulated glass doors to match
- 140 windows and complement roof colors.
- 141 ○ Remove drop ceiling and restore trusses and hardware.
- 142 ○ Install modern lighting and large ceiling fans.
- 143 ○ Section off production and tasting area keeping production viewable.
- 144 ○ Remove and replace floor with polished concrete with radiant heat.
- 145 ○ Install signage with style to match the buildings original built era.
- 146 ○ Install a 500 gallon copper still and related equipment.
- 147 ○ Both the exterior and the interior tasting room of the distillery would be
- 148 made into an attractive retail facility.
- 149 ✓ Six full time employees are expected to be in place by 2022 with potentially more if the
- 150 food service piece comes to fruition.
- 151 ✓ Town water will be used. The Town can supply 6M gallons/day and are currently using
- 152 2.1-2.2M gallons/day. There will need to be engineering done to work out the
- 153 necessary adjustment to the water service to the building on the Depot Street access.
- 154 ✓ The building will be on the tax roll.
- 155 ✓ A name hasn't been selected yet and parking will also need to be worked out.

156 *Board questions/comments:*

157 Mr. Gordon: Looking forward to the project.

158 Ms. Jenkins: The parking lot behind the building is currently used as a safe haven for CCV students and
159 faculty, so will that change, and Mr. Morrissey answered that there won't be any expansion to the
160 current footprint.

161 Mr. Campbell: Wanted to be sure that, during negotiations, the Town gets the Right of First Refusal
162 should the project not be successful.

163 Ms. Conner: Sees no downside to the project.

164 ***Donald Campbell moved and Jim Carroll seconded to authorize Town Staff and Town Counsel***
165 ***to negotiate and execute a Purchase and Sale Agreement with SC Spirits in no more than 30 days.***
166 ***The motion carried with Carson Thurber having recused himself.***

167 **8. IMPLICIT BIAS TRAINING DISCUSSION**

168 Mr. Hurd stated that there will be two sessions - one in the morning and one in the afternoon -
169 of Implicit Bias Training on April 30, 2019 for all staff including Select Board members, as well as, the
170 Bennington Rescue Squad. We have contracted with an employment attorney from Burlington to
171 conduct the training. Many towns and employers have begun this training and realize that it is a
172 lifelong process. Due to the personalization of the topic, the training will not be televised. Mr. Hurd
173 will find out if there is another date in another town that those that cannot make the April 30th training
174 could attend, and if it would be appropriate to tape the training.

175 **9. LIQUOR LICENSES**

176 The following 2019 Liquor License Renewal Applications were circulated for signatures:

177 *2019 1st Class Renewals -*

- 178 1. Bennington Lanes
- 179 2. Elks, B.P.O. Bennington Lodge #567
- 180 3. Madison Brewing Co. Pub & Restaurant (& Outside Consumption)

181 *2019 2nd Class Renewals -*

- 182 1. Elm Street Market
- 183 2. Hannaford Supermarket & Pharmacy
- 184 3. Madison Brewing Company
- 185 4. Martin's Mini Mart
- 186 5. Maruti, Inc.
- 187 6. Speedy Mart
- 188 7. Stewart's Shop #195
- 189 8. Yott's Market, Inc.

190 **10. MANAGER'S REPORT**

191 Mr. Hurd circulated the Certificate - No Appeal Or Suite Pending (Lister) for the 4/1/18 Grand
192 List for signatures.

193 Mr. Hurd stated that, due to changes in the way Comcast calculates its revenue, CAT-TV has
194 seen a reduction in support of ~\$20,000. We are now contracting with CAT-TV for the Select Board
195 and Development Review Board meetings at an annual cost of \$3,600 which will begin on 1/1/19.

196 Mr. Hurd explained that we are now in the design of PFOA Phase 2. The State and Saint-Gobain
197 have reached a tentative agreement to move forward in this area of the community. The goal is to
198 have everyone connected to town water unless they are so remote that they wouldn't use enough to
199 have it safe, in which case, they will have a lifelong POET system. Some of those people may be on
200 Settlers Road and Rice Lane.

201 Mr. Hurd noted that the search for a Community Development Director has ceased with 35
202 original applications that have been reduced to 8 or 9 to be further narrowed down to those that will
203 be interviewed. Most of those are locals.

204 **11. OTHER BUSINESS**

205 Ms. Conner: Was under the impression the Mr. Campbell didn't want comments on his
206 statement at the last meeting, and wanted to clarify that she is in full support of all of his comments.
207 Mr. Campbell did say that he had discouraged discussion on the subject at that time.

208 Mr. Campbell: Noted that the 2018 Annual Report - cover photo by Lynn Green - is available on
209 the website with some hard copies at the Town Office, as well.

210 Mr. Jacobs: Requested that Zirwat Chowdhury be asked to do a similar presentation at the
211 Town Meeting as she did last year, and Mr. Hurd stated that she has already been asked.

212 **12. EXECUTIVE SESSION**

213 **A. REAL ESTATE**

214 **At 7:51pm, Donald Campbell moved and it was seconded that the meeting was adjourned**
215 **finding that an Executive Session be held on Real Estate as premature public knowledge would place**
216 **a person involved in the subject matter at a substantial disadvantage. The motion carried**
217 **unanimously.**

218

219

220 Respectfully submitted,

221 Nancy H. Lively

222 Secretary