

**BENNINGTON SELECT BOARD MEETING
BENNINGTON FIRE FACILITY
130 RIVER STREET
BENNINGTON, VERMONT 05201**

MONDAY, AUGUST 14, 2017

MINUTES

BOARD MEMBERS PRESENT: Tom Jacobs-Chair; Donald Campbell-Vice Chair; Jim Carroll; Jeanne Conner; Chad Gordon; Carson Thurber; Jeannie Jenkins

Absent: None

ALSO PRESENT: Stuart Hurd, Town Manager; Dan Monks, Zoning Administrator & Assistant Town Manager; Michele Johnson, Human Resources & Contracts Administrator; RJ Joly, Highway Superintendent; Zirwat Chowdhury, Community Development Director; Linda E. Bermudez – Secretary; (35) Citizens

At 6:00 P.M., **Tom Jacobs** called the meeting to order. He asked the Board and all citizens present to adopt a resolution condemning the hate and violence that occurred in Charlottesville, Virginia this past weekend. Mr. Jacobs reads the proposed resolution.

MOTION: Donald Campbell motioned and Jim Carroll seconded to accept and adopt the resolution condemning hate and violence in Charlottesville, VA as presented. Motion passed unanimously by all those present.

1. PLEDGE OF ALLEGIANCE

2. CONSENT AGENDA (A-B)

A) Minutes – July 24, 2017 & July 31st, 2017

Jeannie Jenkins noted name (spelling) correction for Diana Leazer in the July 24th, 2017 Minutes.

B) Warrants

MOTION: Jeannie Jenkins motioned and Jeanne Conner seconded to accept and approve the Minutes of July 24th & July 31st, 2017 as amended well as the warrants as submitted. Motion passed unanimously (*Tom Jacobs abstained from the July 31st, 2017 Minutes Vote ONLY*)

3. CITIZENS

Dr. Dundas and Sue Andrews stepped forward to speak. At the last meeting they were unable to provide the final statement of their presentation for the Oral Health Commission. Due to time constraints Mike Bethel made the final statement allowed. They would like to present their final statement formally.

Sue Andrews continued by stating we need a robust community response to the oral health issues in town. The Commission is asking for awareness of the issue. It can have an economic impact on the community. They are asking also the Select Board consider the science behind fluoridation of the community water. It has been used safely for approximately 75 years in public water systems. And lastly, they ask the Select Board to consider values such as a child's life is better with teeth. Charlie Gingo asked a written statement be added (see attached).

Dr. Dundas asked the Board to obtain estimated costs to install and maintain a fluoridation system for the Town of Bennington.

Ron Alderman asked to speak on the Apple Hill solar project. Tom Jacobs stated that this portion of the meeting was for items not already on the agenda. That subject is already on tonight's agenda.

John Shanahan wanted to bring to the attention of the community a marketing program already in place. Grant money from the Citizens for a Better Bennington allowed Mike Cutler from CAT-TV and Eric Peterson from Old Castle Theatre to develop two commercials now airing in the Albany region. One is geared toward the "older more affluent" customer (empty-nesters) and the other is geared toward the "Millenniums". Both are played on Channel 10 (ABC) and Fox 23.

Tom Jacobs and Jim Carroll both asked if there would be a way to measure the success of this campaign. Mr. Shanahan felt because they were just launched and the Town had several recent large events, the fall attendance may better show those results.

Jackie Kelley stated she had come before the Board previously asking about bus stops in town. She requested an update. If you bring more people to town how will they know or even get to some of the things they would like to see (i.e. covered bridges, monument, Robert Frost house etc).

The Manager stated this is combined effort with Green Mountain Network. There has been no action yet. Mr. Jacobs stated the town will follow-up on this issue.

No other citizens spoke this evening.

4. SHIRES HOUSING GRANT ACCEPTANCE – APPLGATE REHAB PROJECT

Stephanie Lane stepped forward to ask the Town to accept the Grant agreement for the Applegate rehabilitation project. The Town would be the grantee of this \$350,000 grant.

Tom Jacobs asked if any new/additional units would be added. Ms. Lane stated there would be no additional units added, this is a rehabilitation project only. Donald Campbell asked if the project is staying on budget. Ms. Lane stated they have stayed on, or under, budget.

MOTION: Donald Campbell motioned and Jeannie Jenkins seconded to accept and adopt the application/resolution for Applegate Housing as submitted. Motion passed unanimously (*Jeanne Conner abstained/recused from the Vote as she sits on their board*)

5. APPLE HILL / CHELSEA SOLAR

Tom Jacobs recused himself from this discussion. Donald Campbell, Vice-Chair continued. He stated this evening the Town's Council, Rob Wilmington will present his recommendation. The Town is still in litigation; therefore, the Board should refrain from stating any opinion.

Rob Wilmington, Town's Attorney stepped forward. His recommendation is as follows: If the developer continues to challenge the Chelsea solar project, the Town should stand their position. For the revised Apple Hill project, the Town should not oppose on the basis that it does not comply with the Town Plan.

Mr. Wilmington continued by stating these are two different projects and reviewed their history. The *Revised* Apple Hill project made its changes to comply more closely with the Town Plan. The Town Plan does not bar alternative energy projects from Rural Conservation districts completely.

Donald Campbell reminded the Board to restrict their opinions due to on-going litigation.

Jim Carroll asked if the Town accepts the recommendations, would they still attend the hearings. Mr. Wilmington stated the Town's presence would continue in the hearings and cross examine to ensure there would be no "switching".

Libby Harris asked if he is recommending the Town reject both settlement proposals. Mr. Wilmington agreed; to reject both settlement proposals. Ms. Harris continued with additional questions regarding vegetation buffers etc. Mr. Wilmington stated tonight's discussion is not about those details; however he would be happy to meet with her afterwards to discuss them.

Dan Malmborg asked that the entire recommendation be read aloud so it may be recorded for the record. Mr. Wilmington read the following:

Proposed Town of Bennington position:

1. *Settlement: Reject the proposed settlement from the developers.*
2. *Chelsea: Continue to oppose Chelsea in Supreme Court*
3. *Apple Hill: The Town will not oppose Apple Hill on the grounds that the project fails to comply with the Town Plan in effect when the application was filed. The Town will consider whether additional conditions would be appropriate to satisfy statutory standards.*

Lora Block asked if this was recommending rejecting all future settlements or just those currently presented. Mr. Wilmington stated only those on the table now.

Bill Knight asked if the Board could motion and vote on each recommendation separately. Mr. Wilmington stated they could.

Mary Gerisch asked for further clarification on item number three. After clarification, Mr. Wilmington stated that he cannot continue to litigate on TV. Ms. Gerisch suggested item #3 be slightly modified to include something similar to "at this time".

Vicki Lampron asked if the Town would consider adopting an "Energy Democracy Strategy". Mr. Wilmington stated that is too broad of a question for this evening's discussion.

Diana Leazer clarified that the Town's Solar Plan has been completed. Mr. Wilmington stated it has not been presented to the Select Board and voted upon. Therefore, it is not a Town document.

Mike Bethel moved forward stating he agreed with Ms. Gerisch. If this is allowed will other projects be allowed in the Rural Conservation districts? Mr. Wilmington again stated that RC does not prohibit entirely projects such as these. It does however set standards for those possible development. The Town of Bennington's Town Plan is one of the best in the State.

Mary Morrissey asked if the Board would amend the recommendation as suggested and if they would vote separately on each item.

MOTION: Jeannie Jenkins motioned and Jim Carroll seconded to vote separately on each recommendation. Motion passed (*Donald Campbell Opposed*)

Mr. Wilmington then read each item separately for vote.

#1 Settlement: Reject the proposed settlement from the developers.

MOTION: Jim Carroll motioned and Carson Thurber seconded to accept the Settlement position recommendation as presented by Town Council. Motion passed unanimously (*Tom Jacobs abstained*)

#2 Chelsea: Continue to oppose Chelsea in Supreme Court

MOTION: Chad Gordon motioned and Jim Carroll seconded to accept the Chelsea Solar position recommendation presented by Town Council. Motion passed unanimously (*Tom Jacobs abstained*)

Rob Wilmington recommends amending #3 recommendation to read as follows:

#3 Apple Hill: Based on the facts currently known the Town will not oppose Apple Hill on the grounds that the project fails to comply with the Town Plan in effect when the application was filed. The Town will consider whether additional conditions would be appropriate to satisfy statutory standards.

MOTION: Jeanne Conner motioned and Jeannie Jenkins seconded to accept the Apple Hill position recommendation as amended and presented by Town Council. Motion passed (*Tom Jacobs abstained; Jim Carroll Opposed*)

Donald Campbell thanked Mr. Wilmington for all his hard work. Mr. Jacobs thanked Mr. Campbell & Mr. Wilmington

6. CAPITAL EQUIPMENT BORROWING

The Manager stated there would be two borrowings presented for acceptance by the Board. The first is for the purchase of a Wheeled Excavator and a Dump Truck through People's Bank via the State Highway Equipment Fund. This allows for a reduced interest rate over time. The other is for the purchase of a F550 Dump Truck. All purchases have been previously approved during the budget process and approved by the voters.

Joey Kulkin, citizen, read a statement questioning the need for the new wheeled excavator and the amount needed to be borrowed for the additional equipment. He stated the

Water Department already has an excavator. The Town has several more anticipated bonds coming their way (i.e. Sewer Bond, TIF Bond and the new Fire Truck Bond).

The Manager stated the money is used to replace existing equipment, not add to the fleet. This money has already been budgeted, approved and accounted for in the tax rate. He reminded the public that the Highway budget only increased this year by less than one penny. There will be no additional strain on the taxpayers.

Tom Jacobs asked if there would be a duplicate in equipment

RJ Joly, Highway Superintendent stepped forward to answer some of the questions. He stated the Water Department's excavator is being put out to bid. It is over nine years old; much older than most municipalities keep for a piece of equipment like this. There is significant rust on the house roof, electrical issues and the arm of the machine has already been replaced at the cost of \$15,000 and will need to be replaced again soon.

The Town has rented the new excavator for the last two years. The dealer has agreed to put 100% of the rental costs from the last two years towards the purchase price. This allows us to own the equipment outright in two years and is much more economical. The Manager continued by explaining borrowing money to replace equipment as it ages keeps costs stable. This is one of the reasons why the Town's tax rate has rarely exceeded the cost of living in the last ten years.

Mike Bethel asked if the equipment has been budgeted why are we borrowing the money. The Manager stated the expenditure is the cost to borrow the money instead of buying outright. Mr. Bethel and Mr. Kulkin both questioned if the Manager and the Board feel the average person understands that. Mr. Kulkin suggested there be further information noted so that all may understand.

Pat Kinney, resident wanted to clarify if this was a lease-purchase. The Manager confirmed this.

Jeanne Conner wanted to address the earlier TIF comment. Mr. Jacobs stated there would be full presentation at the next regularly scheduled Select Board meeting.

MOTION: Donald Campbell motioned and Carson Thurber seconded to waive the reading of the documents and accept and sign the two borrowing notes for equipment as presented. Motion passed unanimously.

Donald Campbell stated we have a good Capital Plan in place. He appreciates there is no deferred maintenance issue for future Select Boards to deal with.

7. MANAGER'S REPORT

The Manager announced the Wastewater (Sewer) Bond Vote schedule. However, the second of the two required hearings is scheduled for October 9th, which would be the day before the actual vote. He is suggesting calling a special meeting and moving the final hearing one week earlier to October 2nd, 2017. At this time, the projected bond will be approximately \$9.8-9.9 million dollars after some additional cost savings had been found.

Tom Jacobs noted this is a State Mandated upgrade and there is a lot of information to be absorbed. A special meeting could be good.

The Manager then announced Governor Phil Scott would be in town Thursday August 17th, 2017 to present a \$1 Million Dollar Block Grant to the Town of Bennington for the Putnam Block Redevelopment project.

8. OTHER BUSINESS

Jeanne Conner stated a great job was done on the Bennington Battle Day Parade. Jim Carroll agreed.

Tom Jacobs asked the new Community Development Director to be introduced. Zirwat Chowdhury stepped forward. She is looking forward to working with the Select Board. The Manager stated Michael McDonough would be staying on to consult on the TIF project and the RFP (Request for Proposals) for the two Highway Garages once they are no longer occupied.

Jeannie Jenkins witnessed a great presentation at the Charter Review Committee meeting. She would like to see that available to the public. The Manager stated it is not yet, but there are links to the meeting minutes etc. Also on their website, there is an e-mail address where citizens can ask questions and/or make suggestions. They meet each Wednesday at the Town Office at 11:30am.

Ms. Jenkins also appreciated the TIF presentation recently. She was impressed that John Shanahan made sure the local merchants were all aware of the presentation. Dan Monks stated the consulted was very happy with the attendance and stated it was one of the best attended of all that she has conducted.

Chad Gordon announced the Chamber of Commerce and Banner's phone app "Go Shires VT". It lists local events, places to eat etc. Very informative and is free

There was no other business this evening

Tom Jacobs stated there was no need for Executive Session.

Motion: Jim Carroll moved and Donald Campbell seconded a motion to close the meeting. Motion passed unanimously

Respectfully submitted,

Linda E. Bermudez
Secretary

REMARKS TO BENNINGTON SELECTBOARD – August 14, 2017

[THESE REMARKS ARE FROM CHARLIE GINGO. THEY WERE THE RECOMMENDATIONS TO THE SELECTBOARD THAT HE DID NOT PRESENT AT THE JULY 24, 2017 SELECTBOARD MEETING BECAUSE THE MEETING WAS RUNNING VERY LATE.]

The Bennington Oral Health Coalition gave you a lot of information on July 24, some of it positive, some of it disturbing, and some of it a loud call to action.

To address some of the oral health issues in our community will require a robust community response. Especially given the national climate, local efforts to improve health and wellness are more important than ever.

Here are three broad themes and four specific requests for action:

- 1) **First, awareness:** the health care needs, including oral health needs, of many Bennington residents who live in poverty but also of those who are working but have no dental insurance or those who live from paycheck to paycheck are not always met in ordinary ways. Bad or poor oral health (no teeth, missing teeth, gum disease, etc.) all have an economic impact on individuals and on the community. We've got to look at multiple approaches to address these issues.

- 2) **Second, expanding the network of individuals and organizations willing to work on the issues of oral health improvement:** The Bennington Oral Health Coalition has made great strides to increase the number of community partners willing to be engaged (i.e. the SVSU, Bennington Elementary, MAU Middle School, the High School, Bennington College, SVC, Williams, local dentists, the VT State Dental Society = to name but a few). Now we need the political leadership of our community (e.g. The Selectboard and School Boards) to step up and to say: "What Can We Do To Help?"

- 3) **Third, commitment and advocacy:** As I understand it, the Selectboard also sits as the local Board of Health. You need to be front and center on issues that effect the public health of our citizens when the issues are hugely visible like the opioid epidemic or when there are nearly invisible like the oral health epidemic. Actions like appointing an Oral Health Commission cannot be the ONLY way to give some attention to the oral health crisis. (The Commission, as it was structured, was set up to fail – and, I believe it achieved that aim = it failed. I understand that it plans to go out of business after it presents its final report to you. I've heard that one recommendation from the Commission may be to have the Coalition continue doing its work!).

Our specific requests to you, the Selectboard include:

- We ask that you advocate with the local school boards to include a robust oral health component in their curriculum across all grades.

- We ask that you give serious consideration to supporting a Community Water Fluoridation initiative. It is one of the simplest, most ~~cost~~-effective, safest, and affordable ways to improve the overall health of the community. Find out the cost of initial installation of a fluoridation system and costs for yearly upkeep and supplies. Have water department personnel go to Rutland to look at their fluoridation system.

- Ask the community members who speak against Community Water Fluoridation what specific steps they have taken and what they have accomplished during these past two years to improve the oral health of Bennington's children and adults. Just saying "NO" to Community Water Fluoridation is not a plan that accomplishes anything other than to duck the oral health epidemic in Bennington.

- Lastly, as ^ICharlie said on July 24, we need you to talk about the values and aspirations we have as friends, relatives, neighbors, and fellow citizens. If we truly want to get the community as a whole to do something positive about the oral health of everyone who lives here, in essence: to get their total, lasting, and unwavering support, we should try neither to cajole them judgmentally nor convince them forcefully. We can't just argue the facts and the science. We need to inspire the community toward a vision that all of us can and do really care about, maybe something as simple as: A Child's Life Really is Better with Teeth. Perhaps this is the place to start.

Thank you.

A handwritten signature in black ink that reads "Charlie Gingo". The signature is written in a cursive style with a large, stylized initial "C" and "G".

Remarks to Bennington Selectboard.081417