

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

MONDAY, SEPTEMBER 08, 2014

MINUTES

BOARD MEMBERS PRESENT: Greg Van Houten- Chair; Sharyn Brush-Vice Chair; Tom Jacobs; Jim Carroll; John McFadden; Michael Keane; Justin Corcoran

Absent: None

ALSO PRESENT: Stuart Hurd, Town Manager; Mike Harrington, Economic & Community Development Director; Tim Corcoran, Bennington Town Clerk; Joanne Erenhouse, Chamber of Commerce; Mary Morrissey; Patrick McArdle – Rutland Herald; Keith Witcomb - Bennington Banner; Linda E. Bermudez – Secretary; (9) Citizens.

At 6:00 P.M., **Greg Van Houten** called the meeting to order.

1. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Greg Van Houten, recited by all.

2. MINUTES – AUGUST 28, 2014

There were no corrections for the minutes of August 28, 2014

Motion: Michael Keane motioned and Jim Carroll seconded to approve the Minutes of August 28, 2014 as submitted. Motion passed unanimously (*Sharyn Brush-Vice Chair, Tom Jacobs, & Justin Corcoran abstained*)

3. WARRANTS

The next warrants of FY'15 were reviewed. Tom Jacobs questioned payments for tank rentals. The Manager stated there were several tanks at the Wastewater facility that were a rented use. He believes they are for HL Fuels (gas tanks). Mr. Jacobs then questioned landscaping services. He asked if these services were bid out each year and why it couldn't be done "in-house". The Manager stated the landscaping contracts are bid out each year. There are not enough personnel to handle the landscaping "in-house". When the Town used to hire "Summer help" we could handle the additional workload. We no longer hire for the Summer.

Michael Keane asked about the payment for a Sauna. The Manager explained one of the Saunas at the Recreation Center needed to be replaced. Jim Carroll asked additional questions regarding the tank rentals at the Wastewater Treatment Plant. The Manager stated he was unsure and would provide further detail on these rentals by the next meeting.

There were no further questions. Warrants were then circulated for signatures.

4. CITIZENS

Tim Corcoran, Town Clerk stepped forward. He asked the Select Board to consider waiving the need to petition for outside agencies who are not requesting an increase and who voters have already approved their allotment. This would save the Town Clerks office a considerable amount of time checking and verifying names on petitions. They would still be required to go before the voters. This would only to waive the petition.

Justin Corcoran asked the Manager to provide a copy of the current policy for review. Tom Jacobs asked Tim Corcoran if discussion could continue at the next Select Board meeting so the Board could review the policy. He agreed.

Tim Corcoran continued by discussing local Building Inspection regulations. He feels that Bennington is one of very few Towns in Vermont where the local regulations are stricter than the State's. Mr. Corcoran feels the Town should not be involved with single-family/primary residence. He would like to see private residences be exempt from many of the codes.

The Manager stated the Town had adopted National Codes/Standards that are accepted nationwide. Discussion continued how surrounding towns such as Shaftsbury, Brattleboro & Rutland differ. John McFadden asked this item be placed on a future agenda for discussion. He would like to review some of the codes in question. Tom Jacobs asked that the Town's Building Inspector's be invited to the discussion. Michael Keane reminded everyone that many times homeowners are subject to the insurance companies standards/regulations.

Tim Corcoran asked lastly to consider creating some guidelines for signage for private farm/agricultural products (i.e. roadside vegetable, honey, & egg stands). The regulations are too strict now. The Town needs to work with people and should be encouraged. He suggested creating timeframes they would be allowed and sizes restrictions.

Greg Van Houten noted that many of the signs that were removed because they were in the State's Right-Of-Way. The Manager suggested this be an item on a future agenda as well to discuss further and in more detail. Tom Jacobs asked if we could have someone from the State be involved as well.

Jon Hale stepped forward. He asked the Board to consider a few things when discussing the Vacant Building Ordinance. Police presence is very important, not only for safety of public but to deter damage to the empty buildings. Mr. Hale would also like to see vacant buildings promoted more to organizations like Shires Housing for purchase and redevelopment.

Greg Van Houten noted this was the very beginning of this process. To actually create the ordinance will take some time. He asked if Mr. Hale could be contacted in the future for more information and opinions since he has experience with these type buildings. Mr. Hale agreed. He continued by stating the larger banks are the biggest problem with abandoned buildings. Smaller banks are more concerned about the properties.

Loyal Wescott stepped forward. He asked the public to call their legislature on January 2, 2015 and ask them to pass several laws. He began to list approximately (11) laws he would like passed. They included such laws as "Jessica's Law", "Adam Walsh Law" and "Civil Confinement".

Jim Carroll stated that these are all laws handled at the State level and Mr. Wescott needs to speak with his legislature. Mr. Wescott stated he's asking the public to help.

Joanne Erenhouse reminded the public the Car Show is this coming weekend, September 12, 13, & 14th, 2014 at Willow Park. A 3-day pass can be purchased for \$12, otherwise Friday entry fee is \$5.00 and Saturday & Sunday are each \$8.00. There will be over 200 vendors, children's events, a tractor pull, swap meet, etc. There will be many things for people of all ages to do and see. Anyone interested in volunteering for this event or any other event can call the Chamber at (802) 447-3311.

5. "AREA WIDE PLAN" GRANT OPPORTUNITY – 2nd REVIEW

Bill Colvin stepped forward to present. He reviewed the basics of this grant opportunity and the information given at the last meeting. Mr. Colvin reminded the board this grant opportunity is structured in such a way there will be no local match required. The deadline is September 30th, 2014 and the project must be complete by 2016. This is not limited to "Brownfields" properties, however the committee would decide which properties would be the greatest "bang for the buck".

Mr. Colvin continued by stating community planning is like a pyramid. The broader bottom sections are the base plans such as land use. This project would be the next level up creating a more focused/specified use for a parcel/building. He also reminded the board that this type project is on the Top 10 Strategic Planning list for Bennington.

Tom Jacobs stated he felt like this was a more action orientated plan than previous studies. He asked if already established committees could be utilized. Mr. Colvin stated they could be.

Justin Corcoran asked if it were successful what the best outcome was. Mr. Colvin stated they would use the plans to solicit developers and see actual redevelopment in 2-3 years.

**Motion: Sharyn Brush motioned to approve the application.
Tom Jacobs motioned to waive the reading of the grant.**

AMENDED MOTION: Sharyn Brush motioned and Michael Keane seconded to approve the application and waive the reading of the grant. Motion passed unanimously

6. ANTI-DISPLACEMENT & RELOCATION PLAN – 2nd REVIEW

Michael Harrington stepped forward to present. He reviewed the information given at the last meeting. Mr. Harrington reminded the board the plan needs to be approved every 10 years in order to be eligible for any Federal monies. He stated this is a standard Federal document, all the backup information requested at the last meeting had been provided to the Board for review.

Justin Corcoran asked if there were no Federal monies involved in a project would the Town still be responsible for the relocation. Mr. Harrington stated we would not, however if a developer used the Town as an applicant for grant money, then we could make them adhere to these rules.

Jim Carroll asked to clarify if we decided not to adopt then we would not be eligible for Federal money. Mr. Harrington stated that was correct. This applied to not only Federal housing money but could be ANY Federal money. For example we could be denied Federal money for Highway projects. It must be adopted in order to receive any Federal money.

MOTION: Jim Carroll motioned and Michael Keane seconded to adopt and sign the Anti-Displacement & Relocation Plan. Motion passed unanimously

7. VACANT BUILDINGS ORDINANCE – 1st REVIEW

Michael Harrington presented. He noted this has been a long-term on-going discussion with many people in town regarding “required maintenance” on empty properties. They include other property owners, merchants, the BBC. Mr. Harrington stated he was simply asking this evening to allow the Town’s staff to conduct research on options for an ordinance to address not only residences but commercial properties as well. A draft would be developed and presented to the Board for review.

Tom Jacobs stated it could be helpful to have, however he was concerned that it could be burdensome for the staff without real enforcement options. Several options were discussed as possible enforcements as well as possible incentives to keep properties “clean”. John McFadden expressed concern that “clean” could be subjective. Mr. Harrington noted the owners need to understand that properties cannot be held in a particular condition “indefinitely” (debris, trash, plywood windows etc).

Sharyn Brush stated she thought this was worth exploring.

A consensus was reached by the board to allow the Town of Bennington Staff to further research a “Vacant Buildings Ordinance”.

8. MANAGER’S EVALUATION POLICY - FINAL

Greg Van Houten noted that although this was on the previous agenda, several members were not present. He would like to move forward with a vote this evening.

MOTION: Justin Corcoran motioned and Michael Keane seconded to adopt Manager’s Evaluation Policy as presented. Motion passed unanimously

Mr. Van Houten then asked how the process portion was coming along. John McFadden noted that the three members on that committee agreed that establishing a job description was needed before moving forward. They are currently digging deep into that portion first.

9. JEFFORD’S / WELCOME CENTER NAME

Sharyn Brush read the draft letter requesting the Bennington Welcome Center be named after Jim Jeffords.

MOTION: Michael Keane motioned and Sharyn Brush seconded to approve and sign the letter.

Discussion:

Justin Corcoran noted that two addresses on the letter had been flipped/mixed up. The Manager apologized and stated he would have it fixed and returned for their signatures if it were approved.

Tom Jacobs asked how successful the Welcome Center has been. Joanne Erenhouse noted that since opening last year it has received just over 53,000 visitors.

VOTE: Motion passed unanimously

10. RENEWAL OF TROPICAL STORM IRENE LINE OF CREDIT

The Manager noted that originally this note started at \$5 Million Dollars. We have now been able to reduce this to just over \$1.5 Million dollars. This is the last amount that is being held up in appeal. We have 10 years to pay it off before there would need to be a bond. The Finance Director is confident this can be done.

MOTION: Jim Carroll motioned and Justin Corcoran seconded to approve, sign and waive the reading of the Tropical Storm Irene Line of Credit application. Motion passed unanimously

11. 2014 LIQUOR LICENSE APPLICATIONS – DONOVAN’S

The Manager noted this is a new application for the former Ryan’s Pub. Greg Van Houten asked if it the same owner applying. The Manager stated yes but it will now be Donovan’s Inc. The application was then circulated for signatures.

12. MANAGER’S REPORT

The Manager stated the Vermont League of Cities and Towns (VLCT) Annual Meeting was approaching. Each Town designates a delegate to attend. The Manager has been the delegate for Bennington for the last several years. He is seeking reappointment.

MOTION: Sharyn Brush motioned and Michael Keane seconded to reappoint the Town Manager as the Bennington Delegate for the VLCT Annual Meeting 2014. Motion passed unanimously

13. OTHER BUSINESS

Tom Jacobs asked what the parameters for next Monday's Special Select Board Meeting would be. Greg Van Houten stated that the special meeting would be held at 6:00pm at the Firehouse (3rd Floor). The goal would keep it under 90 minutes. Shires Housing will be making a presentation and comments would be open to the public. If someone cannot make this meeting they are welcome to mail or e-mail their comments to the Select Board.

Speakers will be asked to sign in at the door and will be called in order. Each speaker will be kept to a 3-minute limit. This is not a judicial hearing. This will be a public information meeting only.

Greg Van Houten also noted that schools are back in session. Please be careful driving and be aware of the school buses. Real Estate Tax bills have also been sent out. There is a penalty if paid late. Please pay as much as you can by the due date. The penalty will only be applied to the remaining amount.

Mr. Van Houten then noted there was need for Executive Session.

Motion: Justin Corcoran motioned to close the meeting and move into Executive Session. Jim Carroll seconds the motion. Motion passed unanimously.

14. EXECUTIVE SESSION

A. Contract Negotiations

Respectfully submitted,

Linda E. Bermudez
Secretary