

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

MONDAY, SEPTEMBER 22, 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; Dan Monks, Zoning Administrator & Assistant Town Manager; John Shannahan, Better Bennington Corporation (BBC); Patrick McArdle – Rutland Herald; Keith Witcomb - Bennington Banner; Linda E. Bermudez – Secretary; (50) 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 – SEPTEMBER 8, 2014 & SEPTEMBER 15, 2014

There were no corrections for the minutes of September 8, 2014

Motion: Michael Keane motioned and Jim Carroll seconded to approve the Minutes of September 8, 2014 as submitted. Motion passed unanimously

There were no corrections for the minutes of September 15, 2014

Motion: Sharyn Brush motioned and Jim Carroll seconded to approve the Minutes of September 15, 2014 as submitted. Motion passed unanimously

3. WARRANTS

The next warrants of FY'15 were reviewed. Michael Keane questioned a payment for a "Pumper". The Manager noted that this was the down payment for the new Rescue Pumper Truck for the Fire Department. It is expected to arrive in one week. Mr. Keane then questioned a payment for "Unfunded Liability". The Manager noted this was an annual payment that we are required to make regarding past liabilities when we left Mass Mutual over 10 years ago.

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

4. CITIZENS

Loyal Wescott wanted to make a correction regarding the last meeting. He had stated that someone was under house arrest when actually they are on parole. Mr. Wescott continued by reading a list of incidents that occurred at several buildings that (2) landlords own. He believes these landlords are related. It is the list of police responses to those buildings that Mr. Wescott feels proves that mandatory criminal background checks are needed.

Jim Gulley stated he wanted an answer to a question he had asked at the last meeting regarding what Shires Housing charges for rent. Greg Van Houten stated that it is not an exact number. Many times rent it is on a sliding scale based on the renter's income. John Broderick went into further detail stating that it could range between \$600-\$800 per month. This is set by the different guidelines of the various funders into a housing project.

Jim Carroll asked if Mr. Gulley would have access to the same funders. Mr. Broderick explained that in the past landlords did have access to them. Right now they do not. Mr. Gulley continued by explaining that he could not compete with subsidized housing.

Mike Bethel moved forward to ask if the Manager had the answer to his question e-mailed earlier. The Manager read a Vermont Statute that was amended in 2007 that stated the Town may accept the grant and will report it in the annual report. The voters do not have to approve the spending because it outside of the regular budget.

Tom Jacobs objected to the series of questions regarding Shires. This is the citizen's agenda item. It is meant for citizens who wish to speak on other issues or concerns not already on the agenda.

Jean Connelly asked that each Board member express why they will be voting the way they are. She would like to understand the compelling reason for their vote. Greg Van Houten stated this would occur at the actual vote during discussion.

Don Wakoo stated that when things come to easily people take them for granted. He has an issue with people who want to create a monopoly. Mr. Wakoo is concerned about balance.

Karen (no last name given) asked many questions regarding the "investors". She requested further explanation regarding the tax credits they would receive and who they actually are. Karen feels that rents are too high because taxes are too high. She asked if 30% of the grant money could be used towards FEMA losses. It was explained that the grant money is a Housing Grant. It cannot be used for anything else.

Ed Latourneau questioned the difference in real estate tax payments between owners and renters.

Dennis Hart stated he felt the Town would lose tax revenue. If they just wait (5) years a different contractor could build those units as single-family condos.

5. MERCHANT'S BANK & 336 MAIN STREET – DESIGN STRATEGY / JOHN SHANNAHAN

John Shannahan stepped forward to present. He noted that a design committee is being formed for both Merchant's Park and 336 Main Street. Because there is no "Town Green" in Bennington they would like to continue to move forward with the idea of a "string" of parks (i.e. the River Walk).

The area that 336 Main Street is in is about to be designated as an "Art District", therefore this park will be designed as art. There will be pavers, seating etc. The Vermont Arts Council has donated some money to further this idea.

Mr. Shannahan requested permission to hold a public forum at the Merchants lot itself. This would include land abutters, local merchants etc to hear ideas and add input to its design. He then requested use of the Firehouse to continue the discussion in further detail. Tom Jacobs asked about timelines for these parks. Mr. Shannahan noted that there was no exact timeline as of yet because they first need to sketch the designs. After the design approvals, they would seek funding. After funding is secured they could have a better idea of a timeline.

Greg Van Houten reminded the public that both of these parks were donated to the Town for this purpose.

A consensus was reached by the board to allow John Shannahan and BBC to move forward in gaining community input for designs at the Merchants Park and 336 Main Street park.

John Shannahan then invited the Select Board to join the discussion at Merchant's Park on September 30th at 5:30pm.

6. VCDP GRANT AWARD

MOTION: Sharyn Brush motioned and Michael Keane seconded to accept the awarded VCDP Grant and to forward to the Shires Housing.

Discussion:

John McFadden wanted to address concerns and questions he still had regarding this project. He asked the Town Manager about the sewer infrastructure in that area. The Manager noted that South Street had been completely redone approximately 10 years ago. The entire Water, Sewer, and Drainage infrastructure had been replaced using Federal, State and local funds. These are adequate to support his project and are expected to last approximately 50 years.

Mr. McFadden continued with a series of questions to John Broderick including what the indicators actually were for more affordable housing, how many more projects like this will be in the future, how many people that rent from Shires transition to homeownership and questions regarding property tax payments for their buildings. Mr. Broderick noted that not only were there market studies showing the need but they are constantly receiving requests. They are looking to continue rehabilitation work in the future and no plans for new development for a long time. Mr. Broderick did not have the exact numbers but believed there were at least 1-2 renters that move onto homeownership each year. This number is effected however because there are many retirees that come to live in our developments.

John McFadden continued by discussing the estimated cost to build these units compared to building a single-family home. Mr. Broderick noted that it is very difficult to do that comparison. Private and public funding are very different. Public funding projects are required to go through many more hoops. He also noted that many people continue to refer to this project as “subsidized housing”. This is not a subsidized project where each month thereafter payments will be received by the government. Once the keys are handed over we are on our own. No subsidized rent will be received.

Michael Keane asked what kind of work were Mr. Broderick’s peers conducting. Mr. Broderick noted that his peers are all building larger projects. Competition for Housing Grants is very high. Mr. Keane then asked what the median income in Bennington was. Mr. Broderick noted it was approximately \$38,000; therefore many of Bennington resident’s would qualify for these apartments.

John McFadden asked if the grant was not accepted this evening how would this effect the project. Mr. Broderick stated that is would certainly slow the project down, but it would not stop it.

Tom Jacobs stated he appreciated all the concerns heard over the last (4) months. This was not an easy decision and was impressed with the 1,000 signatures on the petition. Bennington is a wonderful place but jobs are stagnant. It is important to show solid quality housing in order to influence jobs coming to town. Mr. Jacobs noted that this would be approximately \$5 million dollars pumped into this project and therefore this town. He supports this project.

Michael Keane spoke of his influence growing up in Brooklyn the son of immigrants. Because his parents came with little, he and other immigrants lived in “affordable housing”. They were considered “entry level Americans”. Due to the harsh economy over the last 12 years he feels that many people are back to similar status of “entry level American”. There is an economic parallel. If they are to survive and thrive they need affordable and safe places to live. Mr. Keane supports this project.

John McFadden stated he wanted to stick with the facts. He feels the money doesn’t make sense and that 1,000 signatures were not done in ignorance. Mr. McFadden stated he did not see a need for affordable housing. There are many landlords who cannot find tenants, and tenants who are claiming cannot find apartments. Mr. McFadden also stated he did not feel this would be a boost to the local economy. He is against this project.

Justin Corcoran stated he felt Shires has done a lot of good work in the past. However, this is not the right place or the right time. It is important to take those 1,000 signatures seriously. He is against this project.

Jim Carroll stated this was not an easy decision for him. He looked to the Town Plan and in spite of the location it fits both the long term and short-term goals. It is the right thing to do. He is reluctant but supports this project.

Sharyn Brush referred to the Strategic Economic Development Plan recently organized. This project satisfies one of the top 10 main objectives. That is, to build an adequate supply of “workforce housing”. Ms. Brush lives in this neighborhood and noted they would be her neighbors as well. She supports this project.

Greg Van Houten noted he originally voted in favor of the grant. This is a key neighborhood that has been scared. He has heard a lot from both sides and felt the common thread was fear. There are risks, however continuing to leave this land to chance is a bigger risk. Mr. Van Houten pointed out that the original condo project was designed to attract people from Albany and beyond. This project is designed for local residents; working people and retirees that are just hanging on. The grant does put conditions on the project to build properly and to

continue to be maintained. Mr. Van Houten thanked everyone for communicating and debating civilly. He supports this project

**VOTE: (5) in Favor vs. (2) Against (*John McFadden & Justin Corcoran*)
Motion PASSED**

7. POLICY ON AGENCY FUNDING

The Town Manager noted this was one of two issues the Town Clerk recently raised. Greg Van Houten and the Manager reviewed the current policy on record. This states that on the third year all agencies must petition to be on the ballot. The Town Clerk is asking that be waived and only those agencies requesting an increase or over \$7,500 be required to petition.

Justin Corcoran noted he understands that it is a lot of work to verify all of the signatures on the ballots, but this is a significant portion in the Town's budget. He does not support changing the policy; it is in place as a safeguard.

Sharyn Brush noted that the policy has not run a full cycle yet. The Board needs to see if it works. Tom Jacobs stated that if they are a strong enough agencies they would be able to complete the petition. Mr. Jacobs feels the policy should be left as it is.

Jim Carroll stated that this was an initiative of former Select Board member Jason Morrissey. Lack of discipline from a particular organization is what started this. Mr. Carroll does not support the change.

Greg Van Houten stated he was not feeling a strong will to change the current policy. No motion to change the policy was offered. Mr. Van Houten apologized to the Town Clerk.

8. PRIMARY RESIDENCE CODE EXEMPTIONS

The Town Manager stated this was another issue the Town Clerk raised recently. It was noted that the Town of Bennington has had building codes in place since 1971. The Manager suggested that if a single family-owner occupied resident has an issue with a particular code that the Board review it on individual basis.

Discussion continued with comparison to surrounding towns and their procedures. The Manager noted that although some surrounding towns do not have building codes many others do. They are in place to protect the housing stock from short-cut contractors and sub-standard quality work.

Justin Corcoran and Jim Carroll discussed the idea of private homeownership and rights. Michael Keane reminded the board that insurance companies are very particular and may not insure a home if there are violations. Sharyn Brush also noted that many mortgage companies will not finance a property until violations are corrected. Many times it's the seller's responsibility to fix them before the sale can go through. John McFadden had questions regarding rights for second homeownership.

Greg Van Houten stated there needs to be a balance of regulations. He does not want to encourage abandoning regulations. The Manager again suggested that if a specific issue is raised that it be brought before the Board for either an exemption or an amendment.

Justin Corcoran asked to have the building inspectors report on the most common issues for their review. The Manager stated he would ask them to compile that list for review.

9. 2014 GRAND LIST – ERRORS AND OMISSIONS

The Manager noted that a particular property was not able to get their Veteran's Exemption processed in time. This is now in place. The exemption would alter the Grand List value for this property by \$40,000. The taxing value would be based on \$92,000 rather than the original \$132,000.

MOTION: Michael Keane motioned and Jim Carroll seconded to approve altering of the Grand List for the property presented. Motion passed unanimously

At this time Greg Van Houten wanted to remind the public that as of October 1st, 2014 the Hands Free regulation goes into effect. No cell phone use while driving will be allowed. Only "hands free" devices are allowed. There are fines associated with violations.

10. MANAGER'S REPORT

The Manager reviewed a hand written note presented to the Select Board. This is in regards to the replacement of a culvert on Eastview Drive. The original culvert that was installed many years ago was not done to today's specifications. Due to the nature of surroundings and the need for this culvert, the Town has replaced the culvert but still not to standard. In order to do so, a 25-foot trench would have been necessary along the abutting property. The Town felt it was important to preserve the property and therefore make this exception.

11. OTHER BUSINESS

Greg Van Houten stated the next regularly scheduled Select Board meeting would fall on Columbus Day. Several members noted they would not be available. Mr. Van Houten suggested meeting on Monday October 6th, 2014 instead. It was announced that the Governor's Opiate forum would be held that same evening at the Firehouse. The Manager suggested a shorter meeting for warrants and pressing issues be held at the Town Office Conference Room at 5:15pm on October 6th, 2014. The members agreed.

John McFadden wanted to discuss an article he downloaded regarding the incentive package for Plasan to leave Bennington. He continued with suggestions and questions regarding recruiting and what the Town could do more. Tom Jacobs noted that even if we had a super star recruiter, Vermont is not a "business friendly state". He should make noise in Montpelier if he wants changes to be seen. Michael Keane agreed that it is in Montpelier a lot of noise needs to be regarding our end of the state. It seems that any business, if interested, seems to be pushed towards the north and northwest ends of the state. John McFadden suggested beginning with a letter to the state to start pushing.

Jim Carroll wanted to thank Ira & Marcia Wagner for their generous donation of the Gate House to the Bennington community and to Southern Vermont College (SVC). Tom Jacobs suggested drafting a letter thanking them for their generosity.

Jim Carroll then asked when the Board would be addressing the third issue the Town Clerk raised regarding farmstands and signage. Greg Van Houten noted this evening's agenda was already full. Additionally, Mr. Van Houten thought it important to review the state regulations on this subject as well before discussing any further.

Lastly Jim Carroll received complaints from a property owner adjacent to the Beech Street fields. According to the resident, team members often drinking alcohol and relieving themselves in the area adjacent to her property. The smell is very offensive. Also many dog owners are not picking up after their animals. This is making matters worse. The Manager stated that there had been two additional complaints regarding these same issues received at the Town Office. He has asked the Recreation Department Director to deal with the leagues. The Police Department will be more aggressive with the reports of alcohol on the field as well. This is strictly prohibited.

Michael Keane noted that the draft of the Town Manager's job description has been updated. It has been submitted for review and should be finalized soon.

Tom Jacobs asked about the building encroachment on Main Street. The Manager stated that large improvements are being made on the first floor but he will look into the statute. Dan Monks stated that the bottom level of that building is undergoing a large rehabilitation project. However, the encroaching structure must be removed before the snowfall. Snowplows must be able to pass.

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

Motion: Michael Keane motioned to close the meeting and move into Executive Session. Sharyn Brush seconds the motion. Motion passed unanimously.

14. EXECUTIVE SESSION

A. Contract D

Respectfully submitted,

Linda E. Bermudez
Secretary