

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

MONDAY, AUGUST 24, 2015

MINUTES

BOARD MEMBERS PRESENT: Tom Jacobs – Chair; John McFadden -Vice Chair; Michael Keane; Jim Carroll; Justin Corcoran; Donald Campbell

Absent: Sharyn Brush

ALSO PRESENT: Dan Monks, Zoning Administrator & Assistant Town Manager; Michael Harrington, Economic & Community Development Director; Keith Whitcomb - Bennington Banner; Bennington News Network (BNN); Linda E. Bermudez – Secretary; (15) Citizens

At 6:00 P.M., **Tom Jacobs** called the meeting to order.

1. PLEDGE OF ALLEGIENCE

2. CONSENT AGENDA (A-B)

*A) Minutes – AUGUST 10, 2015
AUGUST 13, 2015 (Special Meeting)*

B) Warrants

There were no questions.

Motion: Michael Keane motioned and Jim Carroll seconded to accept and approve the minutes of both August 10th, 2015 and August 13, 2015 as well as the warrant as submitted. Motion passed (*Sharyn Brush absent; John McFadden abstained from the vote upon both minutes; Tom Jacobs abstained from vote upon Minutes of August 13th, 2015 only*)

4. CITIZENS

Loyal Wescott stepped forward. He again wanted to address the speed limit on South Street. He would also like to see the Police Department patrol this area for speeding, but they are not.

Mr. Wescott stated a ceiling collapsed in an apartment on Pleasant Street. He believes these apartments are not being inspected. He would like someone at the Town Offices to call him back. Dan Monks stated he would have someone from the Building Inspector's office return his call.

Rick Carroll stepped forward. He wanted to update the Board on the recent Solar Tech meeting in Montpelier. Mr. Carroll wanted to correct a statement he made at the August 13, 2015 meeting regarding the Apple Hill Solar project. He previously believed there was to be no screening from the solar panels. That is not accurate. He submitted a packet to the Select Board this evening with updated information and pictures of proposed screening.

Mr. Carroll urged the Select Board to get more involved in Act 248. Apple Hill is just the first of many to come. The Board needs to understand the laws. It is important to keep Bennington aesthetically beautiful and review other aspects of these projects.

Jim Carroll stated that depending on the visibility of the project the Town could get used to the new view. However, he does not want to get used to it. He will work hard to keep the views that we are so proud of in Vermont.

Justin Corcoran stated he had not had time to review the packet given this evening. He would like to review it and receive legal counsel before he makes any decision. Mr. Corcoran wants to see what our options are.

Mary Lou Albert stepped forward and asked what the difference between a committee and a commission was. Tom Jacobs stated that this was already designated as an agenda item and would be discussed at that time.

Jeff Grimshaw stepped forward. He stated he began a campaign (16) months ago with Google to change the picture of Bennington that came up when people searched it. Effective last month he was successful. Mr. Grimshaw however feels we can do even better. He asked the people of Bennington to google Bennington and click on "feedback". You will then be walked through the rest to submit your own beautiful picture of Bennington.

Bill Lyons stated he was the President of Apple Hill Development. They have been working for two years against the solar project. They have now signed a "Memorandum of Understanding" with the developer. They have exhausted stopping the project as a whole. Mr. Lyons stated the Select Board and the Town need to get involved and help stop this project if there is still time. The Board needs to take a more active lead in stopping this 27-acre project.

Mary Morrissey thanked the Board for holding the special meeting on August 13, 2015. She too feels it is very important for the Board to get involved. This could set precedence across the State. Ms. Morrissey urged the Board to step up to the plate for future planning and do right by the community. It has been very difficult to get information from the developer. She hopes the Board will stay strong for the community as a whole.

Ms. Morrissey then stated she would like to submit a letter from Anna Swierad, resident of Apple Hill for the record (*please find attached*).

Tom Jacobs thanked all the citizens for their comments. If anyone was interested in the updated information from Montpelier they may contact Rick Carroll.

4. ORAL HEALTH COMMISSION

Tom Jacobs noted that this would be a Board discussion first. After the Board has finished their discussion it will be opened up for public comment. He continued by reviewing the history of this issue and how they came to this point. The Board agreed that a "Committee" acts as an extension of the Select Board and is often not goal driven. A Commission would be a

group of citizens acting only on advisory capacity. It is separate from and designated by the Select Board.

Six seats/positions would be available and appointed by interview only. Mr. Jacobs stated seats would not be filled simply to be filled. The basis of the commission would hold certain guidelines such as designated terms, rules subject to the Select Board's approval, and semi-annual reports. The commission would be reviewed in (3) years as a whole. If they are not accomplishing the proper goals, it may be de-commissioned. Mr. Jacobs would like to see (1) local professional dentist sit on the commission as well as individuals from all sides. Oral Health is more than just Fluoride.

Justin Corcoran stated he is not 100% sure on the commission. He has various concerns such as financial initiatives. He does not want to see it be easy to add money to a budget line item for a commission without more public approval or input. He also does not want to see this become another push for Fluoride.

Mr. Jacobs stated this is about more than Fluoride. It is a way for the Select Board to monitor if they are actually helping the community.

Jim Carroll felt if money were added to the budget for Fluoride tablet distribution there would be long-term benefits to both adults and children. You could spend a little to save a lot in the long run.

Tom Jacobs stated there is no money involvement at this time. Any funding requests would be dealt with at that time (in future). The interview process will question the motives of each applicant, as this is not a Fluoride commission.

John McFadden stated a commission is a goal-orientated group. Limited terms and interviews allow the Select Board to filter candidates. If the commission is not doing what it should or helping in the right direction the Board can have the sun set on that group. The way the commission is written the Board is in the driver seat and will be active participants.

Michael Keane agreed with Mr. McFadden. It will be outcome based and not just one philosophy.

Donald Campbell noted that the commission will bring the expertise and resources to the Board and the Board will make the decisions. The Board can take or leave any advice given to them by the commission.

Mr. Jacobs then noted that this is just the first reading of the Oral Health Commission. He then opened up for public comment.

Mary Lou Albert asked for the legal definitions of both Committee and Commission. Mr. Jacobs again stated the Commission is an advisory body only. A committee is an extension of the Select Board. Ms. Albert asked if the Citizens against Fluoride would have a part in the commission. Mr. Jacobs stated there would accept independent applications (not as representatives of specific groups).

Ms. Albert had further concerns the commission would be a permanent fixture. She also believes that the Select Board should not be involved in individuals' health issues. That is the Hospital's job. It was stated that oral health extends farther than the individual, it can extend to economic health of a community. Mr. Carroll also noted that the Select Board serves as not only the Water Board for the Town but also the Health Board. Ms. Albert wants to see that this is a balanced commission. Jim Carroll stated we all have a common goal. Better oral health for our community.

Dr. Dundas stepped forward he felt the Select Board was brilliant in the idea of a commission. He stated that the comment about the Hospital's job was inaccurate and does not work that way. The health of the community is built by policy, social commitment and structure.

Lisa Kazazean thanked the Board for all their work on developing the commission.

Mike Bethel stated he supported the commission but would like to see the Board purposely “sunset” the commission in three years. This would allow the next sitting Select Board to redevelop and make it stronger. Mr. Bethel listed other issues related to oral health that need fixing (ie more dentists, better Medicaid payments etc). Mr. Jacobs stated those would be some of the issues the commission could work on.

Dr. Dundas suggested mandating the State of Vermont Director of Health sit on the commission. Several members of the Board stated this was for local citizens only; Community members who make community decisions. The commission can seek outside input from anywhere they choose but members will be local citizens. This will also not be forced involvement.

Tom Jacobs asked to table any further discussion till the next regularly scheduled Select Board meeting. It was determined that no motion was necessary to do so because next meeting will serve as the 2nd Hearing.

5. CONTINUATION 2nd PUBLIC HEARING – 2015 TOWN PLAN

Tom Jacobs noted that at the last meeting a motion was made to close the hearing.

Motion: Donald Campbell motioned and Jim Carroll seconded to Re-open the 2015 Town Plan Public Hearing and extend the discussion till after the August 26th, 2015 Special Meeting with the Planning Commission and Select Board and to be re-warned for September 14, 2015.

Discussion:

Tom Jacobs stated a special meeting would be held on Wednesday August 26th, 2015 between the Planning Commission and the Select Board. This will be followed up with the re-opened public hearing on September 14, 2015. Town Plan will be discussed and possibly voted upon

Vote: Motion passed unanimously (Sharyn Brush absent)

At this time Tom Jacobs called a 5-minute recess.

6. MANAGER’S REPORT

Dan Monks stated there were (2) action items for the Board this evening. The first was the resolution for the previously budgeted purchase of a Highway Backhoe. The lease-purchase requires a resolution.

Motion: Justin Corcoran motioned and Jim Carroll seconded to waive the reading of the resolution as submitted and agree to purchase the new Highway Department Backhoe in the terms agreed upon. Motion passed unanimously (Sharyn Brush absent)

The resolution was circulated for signatures.

Mr. Monks continued by stating the second action item was the renewal of the Tropical Storm Irene Promissory note. The original loan right after Irene was for \$6.0 million dollars. The Town is now down to \$1.5 million dollars. This amount is still under appeal with FEMA; therefore we need to renew this annually. This will be the 4th renewal. We can renew up to (10) times before we must go to bond.

Motion: Michael Keane motioned and Justin Corcoran seconded to waive the reading of the resolution as submitted and agree to renew the Tropical Storm Irene Promissory note. Motion passed unanimously (Sharyn Brush absent)

The resolution was circulated for signatures.

Tom Jacobs noted that Mr. Monks has been faithful in reporting any updates in this matter. Mr. Monks stated that Senator Leahey would be in Town on Monday. He will have an opportunity to speak to him personally regarding any developments.

Dan Monks then announced that FEMA's updated Revised Flood Maps and Insurance Rate Maps would become effective this year in December 2015. Those now newly designated in a Flood Zone and have a mortgage will be required to have flood insurance. Those moved out of a flood zone will no longer be required to carry flood insurance. This can be tricky and expensive; therefore FEMA has set up an information meeting on Wednesday September 02, 2015 at the Bennington Free Library from 4:00pm to 6:30pm. This is free and open to the public. It is designed to help the public understand the regulations. Insurance experts will also be on hand to answer questions. The maps themselves are available at the Town Offices. We can show if a property is now in (or out) of these flood zones but cannot answer insurance questions. Mr. Monks urged the public to attend.

7. OTHER BUSINESS

Donald Campbell reminded the public that GarlicFest was fast approaching. It will be the 20th Anniversary and a big deal this year. Over 200 vendors will be on site and hope to have over 20,000 attendees. The Chamber is looking for additional volunteers to help with parking. Please call (802) 447-3311.

Michael Keane stated he is still working with the Business surveys. This is the first time so it's taking some time to put the results together. There will be a meeting in September to go through the final answers and figure out the best way to present the information found. Mr. Jacobs stated no answers would be tabled. We want to hear the good and the bad.

Mr. Jacobs stated he would like to have a panel of local business leaders to discuss the answers afterwards. He asked the other Board members to come up with suggestions for that panel. Mr. Jacobs would like to have approximately (15) local business leaders seated on the panel.

John McFadden stated there is still a lot to be done but as a community he would like to continue to move forward and not point fingers.

Jim Carroll wanted to discuss with Michael Harrington the target markets for the recent videos made about Bennington. Mr. Harrington stated the videos were a portion of a larger campaign. A local marketing company has volunteered their efforts to help with the campaign.

There is no money at this time for television so the focus remains in the other media outreach forms (social media, websites etc). Branding has begun with T-shirts, coasters stickers etc. These are being utilized in areas like the local colleges in welcoming packages for students and their families at orientation etc.

Mr. Harrington stated he would love to push further into the Boston, New York City, Connecticut etc but there are no resources right now to do this. Jim Carroll stated the GarlicFest would be a golden opportunity for the Town to be a vendor and promote itself.

Tom Jacobs stated there was no reason for the original Executive Session (Personnel). The Town Manager evaluation process has begun however. This is the first time this is being done. He asked the other Board members to review the job description developed and complete their portion of the evaluation.

Tom Jacobs stated he believed there was a need however to go into Executive Session for legal counsel regarding matters with the Public Service Board

Motion: Michael Keane moved and Jim Carroll seconded a motion finding a need for Executive Session to be held so that legal counsel regarding Public Service Board (PSB) may be given. Motion passed unanimously (*Sharyn Brush absent*)

Motion: Jim Carroll moved and Michael Keane seconded a motion to close the meeting and move into Executive Session. Motion passed unanimously (*Sharyn Brush absent*)

8. Executive Session

A. Personnel

Legal Counsel PSB (Public Service Board)

Respectfully submitted,

Linda E. Bermudez
Secretary

BENNINGTON BOARD OF SELECTMAN

As a taxpayer, resident and native of Bennington I am asking the board to intervene regarding the solar projects referred to Apple Hill and Chelsea Hill. Unfortunately, our Apple Hill Development which is zoned for residential use was not informed in a timely manner to come to this board and ask for help. The Public Service Board has rubber stamped these projects disregarding that our zoning is residential not commercial as per our deeds.

Sadly, we are a neighborhood that does not have extra funding or deep pockets to legally oppose these two separate yet combined solar projects on twenty seven acres abutting our neighborhood. (now the largest in the state of Vermont!)

As an open minded individual who believes in renewable energy it concerns me that anyone would approve a twenty seven acre clear cut of our beautiful neighborhood. Our community is known for luscious forest, majestic green mountains with wildlife and lovely wild flowers. Where will the birds and deer and numerous other wild life live? Under the solar panels?

I am a long time resident of Apple Hill raising my children in a quiet neighborhood, teaching my children about nature, such as how apples grow in an orchard and blueberries on bushes enjoying our time picking luscious fruit and educating my children. While doing all of this we were able to admire Mount Anthony the Green Mountains and our lovely Bennington Monument which stands tall and proud in Old Bennington. The Public Service Board, Chelsea Hill and Apple Hill Solar projects are asking for a twenty seven acre solar farm. Why twenty seven acres? Why not only one project?

Please, as a concerned citizen, resident and lifelong Vermonter I am asking you to intervene and help the community of Bennington in limiting how much acreage should be legally clear cut.

In closing do we want visitors to Bennington, Vermont to see a twenty seven acre solar farm from our Welcome Center? Please try to limit the acreage to be cut, think about this community and the neighborhoods that will be affected! Do we want visitors to Bennington to see so many solar panels in one area?

Thank you,

Anna Swierad
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Bennington, Vermont
802-447-0148