

1 **BENNINGTON SELECT BOARD MEETING**

2 **BENNINGTON FIRE FACILITY**

3 **130 RIVER STREET**

4 **BENNINGTON, VERMONT 05201**

5 **FEBRUARY 22, 2016**

6 **MINUTES**

7 **BOARD MEMBERS PRESENT:** Thomas Jacobs-Chair; Michael Keane; Jim Carroll; Sharyn Brush; and Donald  
8 Campbell.

9 **BOARD MEMBERS ABSENT:** John McFadden and Justin Corcoran.

10 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Zoning Administrator & Assistant Town Manager;  
11 Michael Harrington-Economic & Community Development Director; Tim Scroggins-Shaftsbury Select Board  
12 Chair; Mary Morrissey; Peter Lawrence; Liddy Harris; Rick Carroll; Keith Whitcomb-Bennington Banner; 15  
13 citizens; and Nancy Lively-Secretary.

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

15 **1. PLEDGE OF ALLEGIANCE**

16 Led by three Boy Scouts and recited by all present.

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18 **2. CONSENT AGENDA**

19 **A. MINUTES – FEBRUARY 8, 2016**

20 **B. WARRANTS**

21 *Sharyn Brush moved and Jim Carroll seconded to accept the Consent Agenda amended as*  
22 *follows:*

23 *A. Minutes of February 8, 2016 – Page 5, 6. HEADWATERS PARK MANAGEMENT PLAN-2<sup>ND</sup>*  
24 *READING, change “Motion passed Unanimously” to Motion passed with Donald Campbell*  
25 *abstaining”.*

26 *B. Warrants - as submitted.*

27 *The motion carried with Michael Keane abstaining and John McFadden and Justin Corcoran*  
28 *absent.*

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30 **3. CITIZENS**

31 Mr. Jacobs welcomed Tim Scroggins and Mary Morrissey to the meeting.

32 No citizens commented.

33  
34 **5. RESOLUTION – MUNICIPAL INPUT ON RENEWABLE ENERGY PROJECTS**

35 Mr. Jacobs stated that the Resolution presented here is a draft Resolution “to increase the input of  
36 Vermont municipalities regarding the siting of renewable energy projects in certificate of public good

37 proceedings before the public service board”. The Chelsea decision came after this Resolution and is  
38 “earth shattering”.

39 Mr. Campbell noted that it “was ironic” that this Resolution come to us just after the Public Service  
40 Board had referenced our Town Plan in their decision.

41 Mr. Keane is “pleased with it” in that it slows down the legislatures “Wild West” approach to the  
42 building and implementation of solar arrays. Although everyone is in favor of renewable energy, when  
43 out-of-town businesses are commissioned to build them, the tax credits and years of renewable energy  
44 credits will be shipped out of state.

45 Mr. Carroll congratulated Rick Carroll, Peter Lawrence, Mary Morrissey, Dan Monks, and Don Campbell  
46 for their work on this project, with special thanks, to Liddy Harris. The Resolution is “great”.

47 Ms. Brush said that this Resolution did not come from the Town of Bennington and we should “stand  
48 on our own two feet” and do a Resolution of our own.

49 Ms. Morrissey stated that the Resolution has been signed by over 100 other towns around the State,  
50 and will be presented to the legislators in about three weeks to be considered in making some changes in  
51 the policy that we are doing. North Bennington and Pownal have signed, as well as, other neighboring  
52 towns.

53 Mr. Jacobs feels that there should be some qualifying statement recognizing that this Resolution came  
54 out before the Chelsea decision had been made. He doesn’t want to undermine the other cities and towns  
55 endorsement, but would like to modify the third WHEREAS paragraph to reflect present day. Mr. Jacobs  
56 would like to make these changes and then present it to the Town at the Floor Meeting on February 29<sup>th</sup>.

57 Mr. Campbell and Ms. Brush concurred that the language in that paragraph needs to be changed.

58 Mr. Lawrence agreed that the WHEREAS paragraph needs to be changed but urged that the  
59 THEREFORE clause remain as is.

60 Ms. Harris extended kudos to those involved in the construction of the Town Plan and stated that it  
61 was our Town Plan that “won the day” with the Public Service Board. Having said that, however, more  
62 people could appreciate the Town Plan if it could be “homogenized” to a more user friendly document.

63 Mr. Hurd read the following inaccuracies in the Resolution as they pertain to Bennington:

64 “§248 affords a limited and ineffectual role for Vermont municipalities” – not true for  
65 Bennington.

66 “the PSB enable the PSB to disregard and/or avoid the policies and standards of the very  
67 municipality in which the renewable energy project is to be located” – not true for Bennington.

68 Mr. Hurd added that the changes do not have to be part of the Resolution signed by the other 100  
69 towns, but could be a Resolution adopted by the Bennington Select Board or adopted by the community at the  
70 Floor Meeting that goes forward to our legislative delegation.

71 Ms. Morrissey is concerned about the implications of the public adopting the Resolution instead of just  
72 the elected officials as was done by all of the other towns.

73 It was the consensus of the Board to have Town Counsel change the third WHEREAS paragraph to  
74 more accurately reflect Bennington’s position and will call a special Board Meeting to adopt our own  
75 Resolution before the Floor Meeting on February 29, 2016. The Resolution will then be presented for  
76 informational purposes to the public at that meeting.

**6. SET HEARING DATES – TOWN PLAN AND BYLAW AMENDMENTS**

*Donald Campbell moved and Sharyn Brush seconded to accept the proposed Town Plan Amendment as presented and to schedule the two Public Hearings on March 28, 2016 and April 11, 2016, respectively. The motion carried unanimously with John McFadden and Justin Corcoran absent.*

*Michael Keane moved and Jim Carroll seconded to accept the proposed Amendment to the Land Use and Development Regulations as presented and to schedule the Public Hearing for March 14, 2016. The motion carried unanimously with John McFadden and Justin Corcoran absent.*

**4. NEIGHBOR WORKS CDBG PRELIMINARY PRESENTATION**

Mr. Harrington shared the following with the Board:

- Neighbor Works is a national organization that has a local chapter in Rutland for first time home buyers, energy audits, family financing, home improvements, etc.
- They receive money through previous block grants to serve Addison and Bennington counties.
- The Town has been working with Neighbor Works to get a satellite office in Bennington to improve their service to us. However, prior to this program proposal, it was not felt that it would be successful or competitive.
- The proposal before the Board is to approve an application for a \$500,000 community block grant program through the State which is actually Federal funds.
- The primary purpose of this program would be to work with multi-unit dwellings, landlords, and property owners to improve the quality of those rental units.
- The secondary focus would be to set up the satellite office in Bennington staffed with two employees.
- The draft idea of this pilot program would be to address dilapidated and deteriorating low income housing within Bennington County.
- If the Board is comfortable with going forward with the Application, we would like to hold a Public Hearing on March 14, 2016 with the Application due on April 4, 2016.
- Someone from Neighbor Works – hopefully the Executive Director – will be in attendance at that Hearing.

Mr. Campbell would like them to come prepared with thorough budget information separated by their existing first home buyers program and this new pilot program. Mr. Jacobs added to also bring benchmarks for the Board’s perusal. Mr. Harrington will see that this is done.

Ms. Brush stated that she worked with Neighbor Works years ago and their focus was on working with first home buyers, whereas now, it appears to be on rentals.

Mr. Keane asked what the timeline of this pilot program is, and Mr. Harrington responded two years.

117 Mr. Carroll questioned why they have switched their interest to rentals. Mr. Harrington stated  
118 that they could continue as they always have with only first home buyers but that would not open  
119 them up to the \$500,000 grant. "Two birds, one stone."

120 Mr. Scroggins questioned why the Board was "micromanaging" someone that wanted to come  
121 in and fix up your town, and Mr. Harrington explained that we have a fiduciary responsibility to make  
122 sure the dollars are being spent as applied for. Mr. Scroggins stated that Shaftsbury had a similar \$1M  
123 offer from Shires Housing and the majority of the Shaftsbury Select Board welcomed it without  
124 question.

## 125

### 126 **7. 2016 LIQUOR LICENSE APPLICATIONS**

127 The following Liquor License Renewals were circulated for signatures:

128 1<sup>st</sup> Class Renewals –

- 129 1. Bennington Pizza House
- 130 2. Chili's Grill & Bar

131 2<sup>nd</sup> Class Renewals –

- 132 1. CVS Pharmacy #337
  - 133 2. Kmart #9536
  - 134 3. Rite Aid Store #10314
  - 135 4. Tennybrook
- 136

### 137 **8. MANAGER'S REPORT**

138 Mr. Hurd had no action items for the Board. However, due to the relatively mild winter, we  
139 may be able to move forward with putting a new deck on the Fuller Road Bridge. Neighbor concerns  
140 have been meant, the work will be done over a weekend and a foot bridge will provide pedestrian  
141 access. Work will be completed the end of March or early April, and the monies will come from the  
142 painting of two covered bridges which will be moved to FY2017.

143 Mr. Hurd noted that as of the end of December, we were only 20%-30% in our salt budget, our  
144 overtime budget is far underspent, and asphalt will be \$15-20/ton less than last year. This should  
145 enable us to do paving above and beyond the 11 miles that we have already planned for.

146 Mr. Hurd stated that the Police Department and Rescue Squad will be on either the March 14,  
147 2016 or April 11, 2016 agenda with the Hospital to be in attendance, as well, to discuss the impact  
148 drugs have had on the Town. At a later date, Chief Doucette will address the Board on the legalization  
149 of marijuana.

150 The Town Meeting is expected to be uneventful, and there is a need for an Executive Session on  
151 a Legal Matter.

152

### 153 **9. OTHER BUSINESS**

154 Mr. Campbell noted that it has been "a long November" and the sap is flowing.

155

156 Mr. Keane clarified that there is a new Executive Director of Shires Housing and would like to  
157 invite him/her to a meeting.

158 Mr. Keane suggested that the Board should do an Executive Summary of the Town Plan and we  
159 should utilize the use of a citizen's survey. Mr. Jacobs added that the score card should be used with  
160 more forward thinking rather than past.  
161

162 Mr. Keane thanked the Boy Scouts for their attendance.

163  
164 Mr. Carroll asked about the cost of getting better WIFI in Town, and Mr. Harrington stated that  
165 he will look into it. However, he needs to know what, exactly, the Board has in mind. Quotes range  
166 from \$25K-\$75K depending on what you want. What we have now is a free public WIFI that is slow but  
167 functional. Tourists do not decide on where they are going based on the WIFI service. Mr. Carroll,  
168 however, feels that WIFI is a tourist "selling point" for Bennington. Mr. Campbell, Mr. Keane, and Mr.  
169 Jacobs stated that the Board needs to give Mr. Harrington the parameters that they are looking for so  
170 he can get accurate estimates.

171 Mr. Carroll asked about the water quality in town, and Mr. Hurd answered that we specifically  
172 test for lead once every three years and other EPA chemicals. Some time ago we had too much lead in  
173 our water due to the old piping system, but we have added sodium hydroxide and sodium bicarbonate  
174 to neutralize the acid content of the water. We randomly test 15-20 homes at various points in the  
175 system each year, and those tests have met the required standards. We do not test for PFOA, a new  
176 chemical related to the processing of Teflon, because our water is a surface system coming out of the  
177 Green Mountains and not underground wells. Morgan Springs is a backup system and is also a surface  
178 system. People on our system should feel confident that our water is safe.

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180 Mr. Jacobs reminded everyone that the Floor Meeting is at 7:00pm on February 29, 2016 and  
181 the polls open at 7:00am on March 1, 2016.

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183 **10. EXECUTIVE SESSION**

184 **A. Legal Matter**

185 ***At 7:37 P.M., Michael Keane moved and Donald Campbell seconded finding that an Executive***  
186 ***Session be held on a Legal Matter as premature general public knowledge would place a person***  
187 ***involved in the subject matter at a substantial disadvantage. The motion carried unanimously with***  
188 ***John McFadden and Justin Corcoran absent.***

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192 Respectfully submitted,

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194 Nancy H. Lively  
195 Secretary  
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