

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

MONDAY, MARCH 28, 2016

MINUTES

BOARD MEMBERS PRESENT: Tom Jacobs – Chair; John McFadden – Vice Chair; Sharyn Brush; Jim Carroll; Donald Campbell; Michael Keane

Absent: Justin Corcoran;

ALSO PRESENT: Stuart Hurd, Town Manager; Dan Monks, Zoning Administrator & Assistant Town Manager; Michael Harrington, Economic & Community Development Director; Linda E. Bermudez – Secretary; Keith Whitcomb, Bennington Banner; (10) Citizens

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

1. PLEDGE OF ALLEGIANCE

Discussion:

At this time Tom Jacobs wanted to take a moment and discuss the recent development in water issues in the region. The ultimate concern is for health and safety of families. Bottom line is we need clean water to live.

Mr. Jacobs stated he was impressed with the State of Vermont's recognition of this being an emergency situation. With no hesitation he believes the State will go after the responsible parties. This deserves a quick and complete response. We as the Town will do as much as we can to ensure this is brought to order and the responsible parties step-up.

The Manager then gave a brief background. At this time the Vermont's Department of Environmental Conservation (DEC) updates the Town almost daily. Science unfortunately is not very advanced in the effects of PFOA's. The State of Vermont has set the "allowable" limit at 20ppt; however we really don't know what that means or if that is the accurate limit. What we do know is that we should not ingest this chemical.

St. Gobain has found carbon filters to be very effective in removing the chemical from water. However, they require maintenance throughout their life. A meeting has been scheduled for the Town of Bennington, Village of North Bennington, Engineers from St. Gobain and State of Vermont DEC to discuss what all the possibilities of resolving this issue are. The ultimate solution is not yet on the table.

Jim Carroll asked if St. Gobain has been cooperative. The Manager stated they have been very cooperative and provided timely responses so far. All responsible parties (past & present) will be held accountable. Unfortunately it is a long process.

Soil testing is being conducted as a precaution. It is believed that this chemical moves quickly through soil but it is not conclusive either way. We do know to not to drink contaminated water, feed it to animals and until further research is conducted, not to water (edible) gardens with it.

John McFadden stated he was encouraged by the action of the State. Tom Jacobs reminded the public that many resources are available through the State's Department of Health. If you cannot get through to the Department of Health, you may contact the Town Offices and they may be able to assist you.

Michael Keane stated he was sensitive to the level of uncertainty and the stress this is causing many people and families. His heart goes out to them.

Donald Campbell agreed and stated it was infuriating. He has been thinking about this and is wondering about the farmers and the sugar makers. Will this effect maple syrup, crops, or milk etc.? It needs to be addressed.

Tom Jacobs stated there is a "Frequently Asked Questions" sheet now available from the Department of Agriculture regarding PFOA's and crops.

Keith Armstrong stepped forward and stated he is very concerned. He has been holding off purchasing and planting seeds but can't wait too much longer. Tom Jacobs advised him to hold onto all invoices and keep track of all time spent etc. He may be able to recoup those costs if they are unusable.

Connor McCart, student and resident of Hoosick Falls stated they are studying the effects of PFOA's and crops. This is a big concern. He stated the EPA has come to their classroom and stated PFOA's have been found in tomato plants. This opens more questions.

The Manager noted that science is not done studying this chemical and its effects yet. There are still many unknowns.

2. CONSENT AGENDA (A-B)

A) Minutes – March 14, 2016

B) Warrants

There were no questions.

MOTION: Michael Keane motioned and Jim Carroll seconded to accept and approve the minutes of March 14, 2016, as well as the warrant as submitted.

Motion passed (*John McFadden abstained; Justin Corcoran absent*)

C) Proclamation – National Library Week

John McFadden read the proclamation.

MOTION: Sharyn Brush motioned and Donald Campbell seconded to accept and sign the proclamation of National Library Week as submitted.

Motion passed (*Justin Corcoran absent*)

3. CITIZENS

Marry Morrissey stepped forward and wanted to recognize John McFadden for his time served on the Select Board. She thanked him and hopes he returns to serve Bennington again someday.

Mary Garesh stepped forward to announce the Democratic Town Caucus is this Saturday at the Vermont Veteran's Home. Twenty-two delegates will be elected to go to the National Convention.

Fidel Moreno introduced himself as a Bennington resident. He began a presentation, however Tom Jacobs reminded him he is already on the agenda and asked him to hold his presentation till that time.

4. AMENDMENTS TO THE LAND USE REGULATIONS – UMU DISTRICT – BOARD DELIBERATIONS

Dan Monks stepped forward and reviewed briefly. He noted the Planning Commission has suggested acceptance

MOTION: Donald Campbell moved and Michael Keane seconded a motion to accept the amendment to the Land Use Regulations regarding the UMU District as presented. Motion passed Unanimously (Justin Corcoran absent)

5. AMENDMENTS TO THE TOWN PLAN – SOLAR FACILITIES – 1st PUBLIC HEARING

Dan Monks reviewed the history of how this amendment for solar facilities came about. The Select Board wanted to take a proactive stance moving forward. The Planning Commission has endorsed this plan. It should be used as a guide for those looking to develop a solar energy project in Bennington. It clearly identifies “prohibited zones” as well as “preferred zones” for this type of development.

Tom Jacobs stated he believes this could serve as a prototype for many other communities within the State. Bennington is committed to alternative energy; we just want to be more involved in where they are presented.

Donald Campbell had concerns on some of the defining characteristics of a project within this amendment. He was also concerned that if not defined correctly, it could create too many barriers for the private homeowner.

In the amendment presented projects are measured in kW designs. As technology moves forward what a 150kW design looks like now in physical size could very different from what that looks like in the future. Mr. Campbell would like to consider defining a project by physical size rather than kW design.

Discussion continued between Board members regarding permitting process for homeowners, small businesses as well as audits and oversight.

Michael Keane listed some “nit-picks” he would like changed. John McFadden stated if there is a change in defining a project by physical size (or footprint) he would like to see some reasons added to that.

Tom Jacobs stated this was a very good tool. A second review shall be in two weeks.

At this time Tom Jacobs asked for an alteration in the sequence of agenda items. The meeting continued as follows:

7. NEIGHBOR WORKS CDBG APPLICATION – BOARD DELIBERATIONS

Michael Harrington stepped forward. He and Mr. Jacobs reviewed the information regarding this application.

MOTION: Sharyn Brush moved and Donald Campbell seconded a motion to participate in the grant application for Neighbor Works CDBG as presented this evening.

Discussion:

Mr. Harrington answered a few questions from last meeting. This included establishing a report quarterly from Neighbor Works on their progress to be added to the Select Board packet. If further questions arise from these reports appropriate personnel can be made available to come speak with the Board.

Landlords can be required to perform background checks on tenants. However, the Town cannot tell them how to proceed once they obtain that information.

Lastly, due to the “Fair Housing Act”, the Town of Bennington cannot require that landlords only rent to current Bennington residents.

VOTE: Motion Passed (*Justin Corcoran absent*)

8. FUNDING REQUESTS: WBTN & ALL SPECIES DAY

The Manager stated that WBTN is seeking funds to secure their future. The Town has been approached by WBTN asking us (to pay) to advertise on the radio in order to raise money. Although this would be well done, the Manager questions the impact, as WBTN is a very local station. The Select Board was then asked if there was an interest in supporting WBTN on some level, perhaps in a different way. Unfortunately, WBTN did not finish their petition to be on the ballot for regular funding requests.

At this time Michael Harrington stepped forward to inform the Select Board that as of today the current Executive Director of WBTN had stepped down. The Manager then suggested in lieu of this announcement, the Board table this consideration until more information is available regarding their direction.

MOTION: Sharyn Brush moved and Donald Campbell seconded a motion to table further discussion on WBTN’s Request for Funding until more information is available. Motion Passed (*Justin Corcoran absent*)

At this time Fidel Moreno returned to present. He is promoting “All Species Day” to be held on Saturday April 23, 2016. He briefly described some activities such as music, workshops and presentations to promote a more “green environmentally conscience community”. Mr. Moreno mentioned some other local organization who will be participating and who have made donations. The location was noted at the Bank North parking lot (at School Street & Pleasant Street) and the old Middle School on Main Street.

Mary Garesh asked, as a taxpayer, who the money was going to? Mr. Moreno did not mention a specific group; rather what types of things it would pay for.

Select Board members had similar questions, however it was more noted by Mr. Moreno which organizations had already committed money to this event.

Jim Carroll stated there was not a lot of time to pull this all together and thought it was very ambitious. He can see how this could be a great idea but is skeptical. Sharyn Brush stated there were too many unanswered questions at this time and all seems a bit disorganized. Donald Campbell suggested Mr. Moreno meet with Michael Harrington to discuss further details of what might be needed, including permits to conduct the event in the bank parking lot (which is mostly a municipal lot). Mr. Moreno assured the board he knows what he is doing as he has been organizing events for almost (20) years.

Robert Ebert stepped forward and suggested that if the Town really had extra money that we should fill potholes and mark out crosswalks.

6. RAIL/TRAIL – OVERVIEW AND STAUS UPDATE

Dan Monks and Mike Servetes, Project Manager for VHB stepped forward to review. Real progress on this long awaited project is finally being made. Mr. Servetes did a brief overview of this path, which will begin at the Bennington Station restaurant on Depot Street. It will follow the former railway and include a runaround track near the United McGill location for the section of train tracks that are still in use.

Vtrans has completed its review just this month (March 2016). It was submitted to them in October 2015. Some timeline features and anticipation dates were discussed such as the “Right-Of-Way” certification in February of 2017, Bid Documents in August 2017 and Construction Bid Packages ready for advertising in November 2017.

Dan Monks mentioned the largest struggle has been with the State reviewing the rail conversion process. This is a State funded project with the Town’s anticipated match already in reserve.

Tom Jacobs asked that they keep the Board informed as they proceed. If there is any help needed by the Board please ask. It is important we keep this going. We’ve worked too long and too hard to let up now.

9. 2016 LIQUOR LICENSE APPLICATIONS

The Manager noted these were all renewals. Applications were circulated for signatures.

10. MANAGER'S REPORT

The Manager stated the first action item was regarding the Bennington Motorcycle Club. They are scheduled to hold this year's event on July 9th, 2016. They are requesting to move it to the Bennington Station (municipal) parking lot. It was a great success last year with a large turnout. This new location would move it out of the roadway and provide more space. A separate Poker Run fundraiser will be held the following day on July 10th, 2016

MOTION: Michael Keane moved and Jim Carroll seconded a motion to allow the use of the Bennington Station Municipal Parking lot for the Bennington Motorcycle Club event on July 9, 2016 as presented. Motion Passed (Justin Corcoran absent)

The Manager stated the section action item request is for the Second Annual Home Brew Fest. This is scheduled for Saturday August 6, 2016. They would again like to request closing County Street from School Street to North Street during the event.

MOTION: Sharyn Brush moved and Jim Carroll seconded a motion to close County Street for the Home Brew Fest on August 6, 2016 as presented. Motion Passed (Justin Corcoran absent)

Lastly the Manager circulated the Neighbor Works paperwork for the Select Board members to sign. He noted the following day it would be filed with the Town Clerk. He also circulated the Certificate of Compliance for the Town Roads to be signed as is done each year.

11. OTHER BUSINESS

Donald Campbell acknowledged that this was John McFadden's last meeting. He stated it had been a pleasure to serve alongside both Mr. McFadden and Ms. Brush.

Michael Keane recognized Sharyn Brush's career in serving people and the community. He thanked her and stated he admired her. Mr. Keane continued by stating it had been a great pleasure serving alongside Mr. McFadden. He thought Mr. McFadden was a model of what young people's behavior should be.

Jim Carroll stated Mr. McFadden had surprised him. He admires fearlessness and found Mr. McFadden to be intelligent and not willing to be shut down. Mr. Carroll continued by stating that Ms. Brush has shown that she had been concerned daily about others in town. Not everyone thinks this way and many take it for granted. He was taught it was our moral responsibility to make the world a better place. Bennington is not big but it is our world. He thanked her for her dedication to this town.

Tom Jacobs noted that this is a thankless job but we do it because of people like both Sharyn Brush and John McFadden. We serve our community not each other. He thanked both of them for their service.

John McFadden stated the end of his term came fast and unexpectedly. He's grown attached in three years to Bennington and sees great things in the future. There may be set backs but he would like to see the momentum continue.

He thanked his family and stated he admired each Select Board member and the Town Staff. It has been his pleasure and is grateful to have been a part of this team. He again thanked the Select Board, the Town Staff and the Bennington community.

Sharyn Brush stated it had been a great experience to work with Mr. McFadden. For (19) years she has tried to always do what's best for the Bennington. She thanked her family, the Town Staff and the citizens of Bennington. Ms. Brush also wanted to recognize and thank the Town Manager over the years he has been a leader and a friend.

Tom Jacobs advised the board that there was a need to go into Executive Session to discuss a real estate matter and request that the board find that premature general public knowledge would place a person involved at a substantial disadvantage and move into Executive Session.

Motion: Sharyn Brush moved and Jim Carroll seconded a motion and finding that an Executive Session be held on a real estate matter, as premature general public knowledge would place a person involved in the subject matter at a substantial disadvantage. Motion passed unanimously (Justin Corcoran absent)

12. Executive Session

A. Real Estate

Respectfully submitted,

Linda E. Bermudez
Secretary