

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

MONDAY, SEPTEMBER 12, 2016

MINUTES

BOARD MEMBERS PRESENT: Tom Jacobs – Chair; Michael Keane-Vice Chair; Jim Carroll; Jeanne Conner; Jeannie Jenkins; Donald Campbell; Justin Corcoran

Absent: None

ALSO PRESENT: Stuart Hurd, Town Manager; Dan Monks, Zoning Administrator & Assistant Town Manager; Michael Harrington, Economic & Community Development Director; Keith Whitcomb, Bennington Banner; Linda E. Bermudez – Secretary; (11) Citizens

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

1. PLEDGE OF ALLEGIANCE

2. CONSENT AGENDA (A-B)

A) Minutes – August 22, 2016

Select Board members requested the following corrections:

Tom Jacobs requested name corrections – *Edie Sawitsky, Michael Keane's wife. Jeff Grimshaw and Jennifer Krijnen.*

Jim Carroll noted line (81) should state that he said the surveys should be “*more than bi-annually, they should be quarterly*”.

Jeanie Jenkins noted a correction for the spelling of “*ordinance*” on line 65.

Jeanne Conner noted line (85) should state that she said it should be “*year to year*” not “*survey to survey*”.

B) Warrants

There were no questions.

MOTION: Jim Carroll motioned and Donald Campbell seconded to accept and approve the minutes of August 22, 2016 with corrections noted above, as well as the warrants as submitted.

Motion passed unanimously (*Justin Corcoran abstained from Minutes vote ONLY*)

3. CITIZENS

Polly Van Der Linde of Sonitina School stepped forward to suggest an idea. She reviewed a recent article in the Boston Herald about downtown Bennington. Additionally she reviewed and showed a portion of a recent “piano flash mob” she organized for the four corners. Both were very positive and received well by the public. The flash mob video has received over 20,000 views from all over and comments were all very positive.

Ms. Van Der Linde would like to propose a crosswalk at the four corners be painted like a piano keyboard. It is very similar to a regular crosswalk pattern and would create interest and conversation. She would cover the cost of the paint and the pattern if the Town would cover the cost of the traffic control. Ms. Van Der Linde would even do it at 2:00am if that were the more desired time to avoid safety issues. She continued by suggesting the other three crosswalks could be designed to reflect other businesses in town. For example, forks and knives for Bennington Pottery, Fiddleheads for the Fiddlehead Gallery etc.

Ms. Van Der Linde was clear that she did not want her school name advertised within the design. This was not for self-promotion. If the Select Board agreed, she would however like this to be in place (the keyboard design) before the first frost.

Tom Jacobs asked the Manager if he saw any legal issues. The Manager stated his only concern at this point would be if it conformed to the Municipal Standards. He will have his staff look into this. If it conforms he would love to see it move forward.

Donald Campbell thought it was a great idea. Jeannie Jenkins loved it. Michael Keane said it is a delightful idea. Jim Carroll stated he was absolutely enthusiastic about this and wanted to credit Ms. Van Der Linde with the idea. Justin Corcoran said it was a unique and fresh idea. Jeanne Conner said it was fabulous and supports this idea. She questioned if it would last longer if they waited till spring to do it. Ms. Van Der Linde stated she would rather ride the current enthusiasm.

Tom Jacobs stated no vote would be necessary for this. The board is in consensus. He asked the Manager to follow up the Staff.

Colleen Healy introduced herself as a North Bennington resident. She wanted to discuss the recent issues at the Wastewater (Sewer) Plant. Ms. Healy has sent a letter and called numerous times. She believes this is a serious health hazard. All of the employees she has dealt with at the Plant and Terry Morse, Water Resources Superintendent have been great to deal with but she is done being a good neighbor.

Tom Jacobs stated he is aware of the issue and apologized. He then asked the Town Manager to provide a review and an update. The Manager stated the RBC’s (Rotating Biological Contactors) are 31 years old. It has been discussed many times both at budget time and in other Select Board meetings that the plant is aging and in need of a major update. A bond vote is expected in the near future to accomplish this.

By permit we required to have (24) out of our (32) rows of RBC’s on-line (running). Due to recent mechanical failures we are only working with (10) thereby creating the undesirable smell. We made several repairs with brand new parts however those failed in short period of

time. Since then we have used equipment reserve money to purchase (10) new gearboxes and contract with an outside company to assist us in returning the (14) RBC needed to working order. With this extra assistance we expect all (24) to be up and running in approximately (2) weeks' time. The failures happened so quickly and unexpectedly (with new parts) that our crew was unable to keep up.

Ms. Healy stated he should acknowledge this somewhere else publicly. The Manager stated he expects to address it in his next Bennington Banner article. He also will be sending letters to each property owner in the area (promptly). We are currently working under a "State Order", however we are ahead of the schedule set by the State because we had begun repairs before that was issued.

Jim Carroll thanked Ms. Healy for coming forward. It is not easy to come and speak before a governing board. Mr. Carroll then discussed with the Town Manager the "shelf-life" of the equipment. The Manager clarified that a "shelf life" is forever because it is unused. The "life expectancy" of equipment is different. Additionally, this type of equipment is in use on a consistent basis (24 hrs a day/7 days a week/ 365 days per year) from the moment it is installed. They are now 30 years old. Mr. Carroll stated he appreciated the frugality, however he asked the Manager to be more careful. The Manager stated there have been several discussions over the last (3) years regarding the aging plant and the upgrades needed.

Justin Corcoran asked if it was a bad set of circumstances or a domino effect. The Manager stated it was more of a bad set of circumstances. Brand new parts were ordered and installed, as they often are; however, they failed quickly after installation. While working on those, additional ones failed unexpectedly.

Tom Jacobs acknowledged major upgrades are coming. The Manager continued by stated the original estimated cost to upgrade the aging plant was \$12 million dollars. The Town is trying to do some of the "smaller" upgrades within the regular annual budget over the next few years to reduce the bond needed and push the bond vote out. However the Bond may now be needed sooner rather than later depending on the engineer's analysis that is currently underway.

Michael Keane asked if insurance would cover any of this. The Manager stated we insure the plant as a whole but we cannot insure the individual parts.

Anda Weisman stepped forward. She stated the irony is that their drinking water in North Bennington was threatened and now their air is polluted by a facility they don't use. Tom Jacobs stated this was an issue that deserves further discussion. He asked it be put on a future agenda for further discussion.

There were no other citizen comments this evening.

4. APPLGATE PATHWAY LOCAL MATCH

Dan Monks and Mark Anders of BCRC (Bennington County Regional Commission) stepped forward to present. Mr. Monks reviewed the project by noting this would be the connecting path between Applegate and Willowbrook and ultimately Molly Stark School. Mr. Anders presented a map of the area and gave the history on why this path is so important to the grade school children (as well as others) in this area.

Partial funding has already been obtained; however the total cost of this project has increased due to the ADA compliance issues and the need to build through a wetlands area. Significant lighting is also required for safety.

Mr. Anders stated they would like to apply for an additional grant of \$92,000. The local match requirement would be approximately \$18,000; however several local organizations including SVMC and SVSU have stated they would be making donations towards the local match. Mr. Monks summarized by asking the Board if they would commit to ½ of the local match requirement (approximately \$9,000). They would then work to raise the remaining half from different contributors. The School Superintendent is very enthusiastic about the project. Children would have an alternate way to get to school if they missed the bus leading to fewer absentees.

Jeanne Conner stated this has been in the works for four years. It is imperative that it moves forward. Justin Corcoran stated he supported the project. Jeannie Jenkins and Donald Campbell support this.

Tom Jacobs asked the Town Manager if the Town has that kind of money available. The Manager stated the Contingency Fund is \$10,000. Also, depending on the weather this winter, there could be some additional funds available. He is confident that the Town can find the money somehow.

MOTION: Michael Keane motioned and Donald Campbell seconded to approve \$9,000 for a Local Match of the Applegate Pathway grant.

Motion passed unanimously

5. MUNICIPAL PLANNING GRANT APPLICATION

Mr. Monks & Mr. Anders presented again. Mr. Monks explained that each year the State of Vermont dedicates money for Planning Projects. The Town has successfully applied and received those monies many times of the years. This year's submittal would be to study the Northern North Street Corridor. Four significant pathways that will be completed between 2017 and 2019 will converge near or in this area. None of which connect. There are additional pedestrian issues in this corridor (ie. Rte 7 North intersection, lack of sidewalks etc) as well as traffic concerns. Lastly as this is a gateway into Bennington for those traveling south on Route 7, beautification and aesthetic improvements will be examined.

The Planning Commission endorses this project. The grant is \$17,000 and the local match would be \$3,000; however, BCRC would cover that cost. There would be no cost to the Town. Mr. Monks stated at this time, the Board simply needs to authorize the application.

Donald Campbell discussed the many near misses in this area. Jeannie Jenkins was excited for this study. Michael Keane stated safety and access are important. Jeanne Conner said it is very hard to watch people walking in this area to get to the K-Mart plaza. This almost links to the Applegate project. It too is long overdue.

MOTION: Donald Campbell motioned and Michael Keane seconded to support the application for the Municipal Planning Grant for a Transportation Study of the Northern North Street Corridor (as presented)

Motion passed unanimously

6. REVISED TOWN-WIDE HOUSING LOAN PROGRAM

Michael Harrington stepped forward to present. He reviewed the history of the Housing Loan program. It originated many years ago from Housing Block Grant money with strict Federal Guidelines. Those guidelines have now expired; they will no longer be restricted to low income applicants. Mr. Harrington stated he would like to now allow the money to be available to those who are interested in a first-time homebuying and those who need to upgrade energy efficiency etc. The hope would be to encourage those to re-invest in their own properties and offer energy efficient, safe and sanitary housing to improve our housing stock in Bennington.

Michael Keane stated this seems less encumbered by bureaucracy. Donald Campbell asked if this was underutilized money (program). Mr. Harrington stated it was not. There have been many recent pay-offs therefore increasing the pot. At this time we provide approximately 5-7 Housing Loans per year of varying amounts. There are currently (33) still open.

Mr. Harrington and the Board continued by discussing the availability of this money to provide down payments and or to cover closing costs for a first-time homebuyer. This is similar to the Neighborhood Works Pilot program currently in Bennington. We would like to encourage the young professionals to purchase in Bennington. Many times the up-front costs inhibit this.

Michael Keane stated he had several more questions for Mr. Harrington. He will e-mail those to him for consideration. Ms. Conner agreed she would e-mail Mr. Harrington further questions as well.

Tom Jacobs thanked Mr. Harrington and stated they would review this again at the next meeting.

7. UPDATED CONFLICT OF INTEREST POLICY

Tom Jacobs noted that the Board touched on this subject at the last meeting. This is to address not only conflicts but also the Rules & Regulations of the Select Board meetings. He noted that in a small town such as Bennington it is common to sit on more than one Board (or Commission). The Select Board, however, is the mother ship.

Board members discussed different sections of the policy. Perceptions of direct or indirect benefits were also addressed. It may not be reality, however if it may be perceived that a Board member would receive direct or indirect benefits from a vote, they should recuse themselves to simply make it clear.

Jeannie Jenkins stated she would like a copy of the Rules & Regulations present at each meeting.

Michael Keane suggested a change in the wording of the “purpose” of the policy (*see motion below*).

MOTION: Michael Keane motioned and Jim Carroll seconded to change the purpose of the Conflict of Interest Policy to read as follows: *“The purpose of this policy is to preserve the public trust in municipal officials and ensure that no public official of the municipality will gain personal or financial advantage from his/her work for the municipality”*

Motion passed unanimously

8. UPDATED RULES OF PROCEDURE

Tom Jacobs reviewed the changes to #8

MOTION: Jim Carroll motioned and Jeannie Jenkins seconded to accept the changes made to the Rules of Procedure - #8 (as presented)

Motion passed unanimously

Tom Jacobs reviewed the changes to #16. Declarative statement is required when posting in social media in their private account

MOTION: Michael Keane motioned and Jim Carroll seconded to accept the changes made to the Rules of Procedure - #16 (as presented)

Motion passed unanimously

Jeanne Conner questioned if #10 & #11 were redundant. Tom Jacobs explained how they were not. They agreed however to add to each of these the need for any person to speak must identify themselves and be acknowledged by the Chair (or Vice-Chair accordingly) before they may speak at the meeting. No motion was necessary for this change. It will simply be added.

Donald Campbell asked if the "Rules" are posted to the Town's website. The Manager stated they currently were not. Jeannie Jenkins stated not all Boards allow the public to speak, she thinks it would be helpful for the public to know. Mr. Harrington stated once fully updated he will post to the Town's Select Board page.

9. MANAGER'S REPORT

The Manager announced the Four Chimney's had sold. The new owners applied for the Liquor License today. He circulated the license for signatures.

The Manager then announced there are (2) applicants for the open DRB seat. He will set an interview time and inform the Board accordingly. There are still (2) seats open on the Housing Board and (1) seat open on the Planning Commission with no applicants.

Tom Jacobs asked the Manager to have the Housing Board come speak at an up and coming Select Board meeting so the public can understand better what they do.

The Manager continued by stating bids had been received for the connection of those along Northside Drive with PFOA contaminated wells. Those who are adjacent to municipal water but not yet connected will now be connected. The Contractor and the Engineer will sign an agreement with the Town. Invoices will be submitted to the Town for approval and then be forwarded to the State of Vermont for payment. The State will then seek reimbursement from the "Potentially Responsible Party" (PRP). We expect this work to be complete this fall.

The State continues negotiations with St. Gobain for the other contaminated areas. The Manager reviewed his results of a survey conducted to understand interest in municipal water connection for those in the contaminated area. These numbers are important, as the State will use them in negotiations and determining the ultimate long-term solution.

10. OTHER BUSINESS

Jeanne Conner discussed how so many are concerned about businesses closing in the downtown area. She asked everyone to shop local, shop downtown. Instead of buying a book on-line, go to the downtown bookstore. This would help prevent businesses from closing.

Jim Carroll thanked Jeff Grimshaw, his wife and Sam Restino for the 911 Memorial. The Town Manager and the Town Staff also assisted in a lovely dignified ceremony.

Tom Jacobs showed off the mosaic presented to the Town by the Quantum Leap program. The Manager suggested it be placed in the Firehouse to honor First Responders. Mr. Jacobs agreed this would be very appropriate. He thanked Quantum Leap.

Michael Keane stated he and his wife were in New York City yesterday at his High School in Brooklyn for the memorial. Many classmates had died in this tragedy. We have to just keep moving.

Donald Campbell commended the Town Staff, many take their service very seriously. Mark Sawyer helped remove a huge wasp nest interfering with a service on Town property. He thanked him.

Tom Jacobs stated there was a need for Executive Session.

Motion: Michael Keane moved and Jim Carroll seconded a motion finding that an Executive Session be held on a personnel matter and that premature general public knowledge of that matter would place persons involved at a substantial disadvantage. Motion passed unanimously

11. Executive Session

A. Personnel

Respectfully submitted,

Linda E. Bermudez
Secretary