

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

MONDAY, APRIL 10, 2017

MINUTES

BOARD MEMBERS PRESENT: Tom Jacobs; Jim Carroll; Jeanne Conner; Jeannie Jenkins; Donald Campbell; Chad Gordon; Carson Thurber

Absent: None

ALSO PRESENT: Stuart Hurd, Town Manager; Dan Monks, Zoning Administrator & Assistant Town Manager; Linda E. Bermudez – Secretary; (17) Citizens

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

1. PLEDGE OF ALLEGIANCE

2. REORGANIZATION

MOTION: Jim Carroll motioned and Jeannie Jenkins seconded to appoint and accept Donald Campbell as Vice-Chair of the Select Board. Motion passed unanimously (*Donald Campbell abstained*)

MOTION: Jeanne Conner motioned and Jim Carroll seconded to appoint and accept Tom Jacobs as Chair of the Select Board. Motion passed unanimously (*Tom Jacobs abstained*)

Tom Jacobs asked each member to make brief statements for the coming year. Mr. Jacobs started by stating he looks forward to the Board working as a cohesive unit. The two new members will bring fresh new ideas. The Board will work to revitalize the Town but it doesn't come without risk. He would like to have the town be truly livable for all. Talent attracts talent. We already have a lot of talent in Bennington so that is our currency to work with.

Donald Campbell stated the Board will work hard on Economic Development but each member has their own additional passion/strength. His is getting people outdoors. Mr. Campbell briefly spoke of the great outdoor paths etc that have been developing (i.e. NINJA Trail, Bennington Area Trail System – BATS etc).

Jeannie Jenkins stated her passions were education and recreation. Bennington needs to continue to strengthen our education system. We need to focus on academic excellence for all including those experiencing poverty conditions. Ms. Jenkins also stated the new partnership with the "Y" is a great opportunity. It will enhance what we already offer.

Chad Gordon stated his two passions were also education and recreation. He is a local teacher and feels there is a lot of good going on in our schools. We need to promote what good

things are happening in our schools. He also agrees the partnership with the “Y” is a great opportunity. He looks forward to some long-term goals.

Jim Carroll would like to push for more solar in Bennington. He would like to make an amendment to the Town’s Loan Program so that more homeowners or small businesses have opportunity to install solar panels. Mr. Carroll asked for a consensus from the Board to have the Manager and Staff to move forward with this.

Tom Jacobs stated this should be a separate agenda item for discussion.

Mr. Carroll continued by stating he would also like to have a comprehensive evaluation of the Town’s buildings to determine where we could install solar panels. Additionally, he would like to have further discussions on bringing the 1% Option Tax to Bennington.

Tom Jacobs stated the 1% Option Tax requires a charter change. Mr. Carroll stated he wants to get that started. Lastly Mr. Carroll stated he would like the Board to agree on 3 or 4 common goals to accomplish this year.

Carson Thurber thanked everyone who came to the meeting this evening and the opportunity to serve the community. At this time he feels that the issues at the Wastewater Treatment Facility (WWTF) need to be recognized and to be mindful that they are serious.

Jeanne Conner stated her focus will be Bennington’s Downtown. It is the “public face” for tourists and a happy place for locals. We are very lucky to have determined shop keepers. They are the foundation of downtown. She hopes and expects that the Board will support the efforts in the downtown area.

3. CONSENT AGENDA (A-D)

A) Minutes – March 27, 2017

MOTION: Donald Campbell motioned and Jim Carroll seconded to accept and approve the minutes of March 27, 2017 as submitted.

Motion passed (*Chad Gordon & Carson Thurber abstained*)

B) Warrants

C) 2017 Liquor License Renewals

There were no questions.

MOTION: Donald Campbell motioned and Jim Carroll seconded to accept and approve the warrants and Liquor License Applications and Renewals as submitted.

Motion passed unanimously

D) National Library Week Proclamation

Donald Campbell read the proclamation

MOTION: Jim Carroll motioned and Jeannie Jenkins seconded to accept and sign the National Library Week Proclamation as submitted. **Motion passed unanimously**

Karson Kiesinger, Bennington Library, thanked the Select Board and the community for their continued support. She reviewed some of the many Spring activities to be held at the library. They continue to do community outreach including programs for the blind and visually handicap, participating in "career week" and working with the Department of Labor and Southern Vermont College on a fashion show to help people understand how to dress for work. Lastly, Ms. Kiesinger reminded the public the Annual Book Sale is May 12th & 13th.

Tom Jacobs stated the Bennington Free Library is one of the best investments in town.

4. CITIZENS

Joel Lentzner, owner of Fiddlehead Gallery for 18 years stepped forward. He discussed the downtown hotel study by Pinnacle noting it was very positive. He would like to encourage the Board to move forward with Phase III of this study. Mr. Lentzner believes developers are now interested. Today he presented a petition to downtown property and business owners for signatures to encourage the Board to move forward with this. He stated they all signed the petition in support (*see attached*).

Tom Jacobs stated this was not an agenda item this evening. He will look to put it on a future agenda for further discussion.

Bill Knight stepped forward as the President of the Apple Hill Homeowners Association (HOA). They do not support the Chelsea or Apple Hill Solar Projects. He discussed some of the history of the project development and some changes. He noted that the project does not fit with the Town Plan but the owners of the property/projects are continuing to try. The HOA met recently and reviewed their "new" plan for a smaller solar project. The HOA voted against the project and do not support it.

Mike Bethel asked if the Board will make Joel Lentzner's premise an agenda item for further discussion. Tom Jacobs stated the community deserves to have the discussion.

Gary Bird stepped forward to discuss the Southshire Community Solar Project. He has been working on this for three years. It is a project focused on low and middle income single family homes converting to solar.

Lora Block stepped forward as resident and member of the Apple Hill HOA. She wanted to bring to the attention of the Select Board some of the specific language in the Chelsea Solar Project denial by the Public Service Board (PSB). They state that the Bennington Town Plan is not specific enough in the description of a "visual gateway" (for example).

Tom Jacobs stated this is not an agenda item this evening. In order to have further discussion it will need to be added to a future agenda.

Laura Green wanted to clarify that the impact study has not been completed regarding the addition of a downtown hotel. She looks forward to an actual dialogue during an agenda item, not just comments.

Brad Wilson, Ecos, stepped forward. He wanted to address comments made at the last Select Board meeting. Tom Jacobs thanked Mr. Wilson for coming, however this is not an agenda item this evening. Mr. Wilson asked if he could submit his (written) comments to the Board. Mr. Jacobs agreed.

Sophia Gardner, Manager of Publyck House stepped forward and wanted to submit written comments to the Select Board regarding the Battlecreek Solar Project. They do not support it (*see attached*).

Tom Jacobs thanked everyone who spoke this evening. They are all important topics. Please do not think the Board is not interested in hearing them. He looks forward to discussing them further on future scheduled agendas.

No other citizens spoke this evening.

5. APPOINTMENTS TO BOARDS/COMMISSIONS: PROCESS AND SCHEDULE

The Manager stated there were still several vacancies on different boards and commissions. In the past, the Select Board has interviewed new and returning members either just before regularly scheduled Select Board meetings or on a separate night at the Town Offices. How would the Board like to conduct interviews this year?

Tom Jacobs suggested developing an application form for each candidate (new and returning) and then invite them to speak in open session.

Jim Carroll asked if Town's Counsel has been consulted. The Manager stated Vermont League of Cities and Towns (VLCT) advises interviews should be in open session. The Secretary of State also prefers this. The Manager suggested additional open meetings during the week in the conference room at the Town Offices. It will be open to the public and CAT-TV will be invited to tape the meeting. Jim Carroll stated he liked this idea. The smaller setting would be less intimidating.

Mr. Jacobs asked the Manager to design an application and begin scheduling the open meeting interviews.

The Manager stated the Housing Authority will be a priority as they are now down to only two members. Residency is not a stipulation, except that at least one member of the Board must live in the housing complex. All others are not restricted to living in just Bennington.

6. MANAGER'S REPORT

The Manager requested action for the Downtown Alliance (formerly BBC) request for road closure for the Annual Mayfest to be held on Saturday May 27, 2017. The road closures are the same as last year from 5:00am (to allow for setup) to 6:00pm (to allow for clean-up)

Motion: Donald Campbell moved and Jim Carroll seconded a motion to approve to approve the Downtown Alliance Road Closure Request for Mayfest 2017 as presented. Motion passed unanimously (Justin Corcoran absent)

The Manager continued by informing the Board and the public the waterline extension designs are almost complete. The State of Vermont and St. Gobain continue negotiations.

The Wastewater Facility was assigned a "Discontinuance" by the State of Vermont for odor issues in October 2016. The Town is committed to a bond vote for October 2017. It is estimated to be \$10-12 Million Dollars. This will be the largest Bond the Town faces but is necessary. The plant is old and is in great need of upgrades. If we do not perform the upgrades we will continually receive fines from the State of Vermont, which will be more costly in the long run.

Jim Carroll asked if the Town is compelled to do so. The Manager stated yes, we are compelled to make the improvements. There will be several public hearings before the vote so the public may be more informed.

Next, the Manager asked the Board to consider imposing a penalty on late Water & Sewer Quarterly bills. With more owners living out of state and some foreclosures, banks etc are ignoring the water and sewer payments while still paying the real estate taxes on time. The delinquency has risen to approximately \$300,000 (in Water/Sewer Fund). Some have already been shut off for non-payment, but there is no additional incentive to pay. The Collections Director has suggested imposing an 8% penalty on a quarterly basis for late payments.

Donald Campbell expressed concern that this would excessively punish those who may only be one or two quarters behind. The Manager stated as the policy is being built it can be designed with some flexibility. Discussion will continue on a future agenda.

The Manager announced Youth Appreciation Day will be May 20th, 2017.

HazMat day will also be Saturday May 20th, 2017 between 8:00am – 1:00pm. The Transfer Station will be open till 3:00pm for regular drop-off's.

Today, the Manager was informed that the Town was deemed "eligible" for an \$80,000 Lead Reduction Strategy Grant. Due to events in Flint, MI the Federal Government has released grant money to work on lead water line reduction strategies.

Jeannie Jenkins asked for an update on the new job description for the Community Development Director. The Manager stated it was finished today and the job opening will be posted tomorrow on the Town's website, VLCT and several other digital job search engines. We are looking to conduct a regional search to fill the position.

7. OTHER BUSINESS

Jeanne Conner reminded the public there will be a Turning Point vigil at the Town Offices in late April. She plans to attend.

Jim Carroll welcomed Carson Thurber and Chad Gordon.

Donald Campbell suggested creating a shared calendar for the Select Board. It would be helpful to map out key dates and activities in advance.

Jeannie Jenkins was proud how April Career Month has been going. Great participation from the schools and businesses in town.

Tom Jacobs would like to make room in future agendas to still have local businesses come and speak with the Board. Additionally, he would like to see some of the Non-Profits who petition for money each year come and speak to the Board before budget season. It's a lot of information to digest all at the same time. Mr. Jacobs suggested alternating in the calendar throughout the year businesses and non-profits on the agenda.

There was no other business this evening

Tom Jacobs stated there was a need for Executive Session.

Motion: Donald Campbell moved and Jeanne Conner seconded a motion finding that an Executive Session be held on a contract matter and that premature general public knowledge of that matter would place person(s) involved at a substantial disadvantage. Motion passed unanimously

8. Executive Session

A. Contracts

Respectfully submitted,

Linda E. Bermudez
Secretary

For the record,
Attach to minutes

PETITION OF SUPPORT FOR A DOWNTOWN HOTEL

A hotel in Downtown Bennington will make the business district a destination, attract new businesses and industry (job creation), increase property values for existing commercial and residential property owners, and increase foot traffic and sales throughout the year (as reported in the recent Pinnacle Hotel Market Demand Study, and prior studies: Bennington Downtown Area-Wide Plan, 21st Century Initiative, and New Models Project).

WE, THE UNDERSIGNED concerned property owners and business leaders, urge the Bennington Select Board to work with the Bennington Redevelopment Group, Town staff, Bennington County Regional Commission, et al., to pursue all potential leads to recruit a hotel to Downtown Bennington.

Printed Name	Signature	Business Name or Address	Date
Joel Lentzner		Fiddlehead	4/9/17
Bernard Nelson		A Kind Place	4-9-17
Don Miller		D.R. Miller Agency	4-10-17
NATHAN JOHNSON		LI BARTKOP	4-10-17
Eric Falter		Falter Music Co	4/10/17
M Papadouran		PIZZA	
Ryan Hassett		BRING US Young UT	4/10/17
Heather Hassett		Bringing You Ut	4/10/17
Dan Mason		Perrott Realty	4-10-17
Robert Baker		TAM Corp	4-10-17
R. M. Sleeman		MEXICAN CO.	604 2nd St.
M. P. Lachari		FEUBING BUDU	445-447 Main St
Peter M. Lawrence		BARB STEPHENS	4/10/17
TAMSEN Strubel		Adams Lock	4/10/17
Eric Strubel		Adams Lock	4/10/17
DAVID Shaffe		Spafford	4/10/17
MATTHEW PERRY		MASONIC HALL	4-10-17
Eric Peterson		Oldcastle Theater	4/10/17

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Printed Name	Signature	Business Name or Address	Date	
JAMES THORNTON	<i>[Signature]</i>	112 W. Main St BENN	4-10-17	(State Farm)
Jay Zurembur	<i>[Signature]</i>	115 South St BENN	4-10-17	(Jay's)
John Shanahan	<i>[Signature]</i>	285 South St	4-10-17	(BBC, BDA)
Troy Richardson	<i>[Signature]</i>	210 South Street	4-10-17	(Maple Leaf)
Corey Mears	<i>[Signature]</i>	116 South Street	4-10-17	(Willis)
BETSY GREENAWALT	<i>[Signature]</i>	411 Main St	4-10-17	(Yogurt shop)
Jayne L. Orsato	<i>[Signature]</i>	417 Main St.	4/10/17	(Wrapps)
Dwain Wilwol	<i>[Signature]</i>	431 Main St	4/10/17	(Gift Shop)
Kath Carey	<i>[Signature]</i>	457 Main St	4-10-17	(Gambro's, Galletto)
Robert Matus	<i>[Signature]</i>	463 main st	4-10-17	(movements)
Linda Foulsham	<i>[Signature]</i>	467 Main st.	4-10-17	(Benn Bookshop)
James Navarra	<i>[Signature]</i>	256 Bernacka	4/10/17	
Donna Fly	<i>[Signature]</i>	483 Main St	4/10/17	
Debi Miller	<i>[Signature]</i>	418 main st	4/10/17	(glow lamp)
Patrick Winburn	<i>[Signature]</i>	409 main st	4/10/17	(Winburn Law)
Coral Hunt	<i>[Signature]</i>	359 main st	4/10/17	(Verizon)
Jennifer Moragan	<i>[Signature]</i>	105 South St	4/10/17	(south st cafe)
Katie Cleaver	<i>[Signature]</i>	334 Main St.	4.10.17	(Katie Cleaver)

I'd like to introduce myself - I'm Rachel Leard - Sophia Garder - part of mgmt team @ Publyk House

A statement via Sophia Garder, Manager of The Publyk House Restaurant on behalf of the owners, Steven and Lauren Bryant.

We first want to extend deep gratitude to Rick Carroll, Mary Morrissey and all members of the Solar Siting Committee for their continued advocacy on our behalf and for their vigilant care of the beautiful surroundings of our community, the gateway to Vermont.

Throughout the past year we have been involved in the process of ECOS' bid to obtain a CPG to build a solar field in our local community which we strongly believe will have a negative impact on our business on Harwood Hill as well as to neighboring businesses and residents on Rice Lane.

The Publyk House Restaurant is considered a "mainstay" of this community. The history of the restaurant is well known throughout Southern Vermont. There have certainly been challenges throughout the years but this restaurant, a "charming barn on the hill" with an amazing view, draws people from all over the world to appreciate everything Vermont has to offer. As a successful business we have seen more than 20% year to year growth over the past five years. Our confidence in our community and in our business model has provided us, with thanks to The Bank of Bennington and ALL local contractors, the opportunity to expand and we have in this past year opened our new event space, The Orchard Room. We are incredibly proud of our growth and investment in Bennington, especially in the current economic climate, and feel excited about our future. As this community knows, our business relies heavily on our pristine view of our great State. In fact, the view is an integral asset to our success. Should our view be impacted, and we believe it will be by any expansion from ECOS of solar fields on our neighboring property, then we believe the effects will be negative and far outside the reach of what attracts visitors to this area.

The Publyk House appreciates and supports the need for clean and renewable energy but strongly urges the Select Board to refrain from any support of any ECOS Battlefield projects.

The following is an excerpt of an email exchange between the Publyk House and Brad Wilson and we hope that it further helps you understand our position.

"You clearly stated your intention of expanding the solar field past where the current plan exists. Therefore we have no choice but to view this current project as hostile to our business environment and our intention is to intervene in all ways possible. The Publyk House Restaurant is considered one of the most successful businesses in this area. We believe strongly that our community leaders realize the positive impact that our business has on the local economy. We can not support any plan that will impact our view, now or in future."

Thank you for your time and consideration.