

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

***MONDAY, JUNE 26, 2017***

**MINUTES**

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

*Absent: Carson Thurber*

**ALSO PRESENT:** Stuart Hurd, Town Manager; Dan Monks, Zoning Administrator & Assistant Town Manager; Joan Pinsonneault, Director of Collections; Linda E. Bermudez – Secretary; (34) Citizens

At 6:05 P.M., **Tom Jacobs** called the meeting to order.

**1. PLEDGE OF ALLEGIANCE**

**2. CONSENT AGENDA (A-B)**

*A) Minutes – June 12, 2017 / June 19, 2017  
Jeannie Jenkins asked that the meeting minutes of June 12 strike the last sentence of the Citizen's portion as it was continued/re-opened later in the meeting.*

*B) Warrants*

The Manager noted there was a last-minute addition to the warrants. These are all payments due by July 5<sup>th</sup> but are a FY'17 expense. Most are payments on equipment etc that have previously been budgeted for.

**MOTION:** Donald Campbell motioned and Jim Carroll seconded to accept and approve the Minutes of June 12 and June 19<sup>th</sup>, 2017 as amended well as the warrants as submitted. Motion passed unanimously (*Jeanne Conner abstained from June 19<sup>th</sup> Vote ONLY; Carson Thurber absent*)

**3. CITIZENS**

Bill Stewart stepped forward and asked if there has been any resolve on the Morgan Spring/Bradford Street matter. The Manager said in two weeks' time there has not been any

resolve. This is going to take a little bit of time as land will have to be acquired and some engineering will have to be done.

Mr. Stewart then asked about “secret meetings”. Tom Jacobs stated there have not been any secret meetings. All meetings are warned and open to the public; including the water/sewer budget meetings last week.

Mr. Stewart then continued by asking why there is a “short fall” and we have to borrow money to cover it. The Manager stated there is no “shortfall”. This has been in practice for decades. The new fiscal year begins July 1<sup>st</sup>. Real estate Taxes are not due until November 10th. This borrowing covers the town expenses until the tax money comes in. Then it is paid back. It is common practice in many towns in Vermont. Jeanne Conner stated that the SVSU (School System) does this as well.

Mike Bethel asked about the Town’s (44) acre woodlot. The Manager stated he had not yet presented to the Select Board. He expects to do so at the next regularly scheduled meeting on July 10<sup>th</sup>.

Mr. Bethel continued by asking why the “real stuff” is not put in front of the people. Mr. Jacobs stated the Board is not just a “two meeting a month” position. Everyone also has full time jobs. Mr. Bethel suggested meeting three times a month.

Mary Morrissey stepped forward and asked if the public would be able to comment on the Solar presentation. Donald Campbell stated they would be allowed to comment. Additionally, for those who could not speak tonight they will get priority at the second meeting to speak.

Ms. Morrissey then asked about the Town’s priority list and when it would be on the agenda for discussion. She does not want to read it in the paper, she would like a discussion and the public to comment.

Joel Lentzner stated he would like to do a mural on the wall of his building that faces Katie Cleaver. Now that the Park @ 336 will be going in, he would like to collaborate with the designers to combine efforts. The Manager stated he will have the designers contact him.

Rorary Price, Coordinator for the Kitchen Cupboards stepped forward. She wanted to discuss the new initiative “Harvest for Kids”. This program will fill in the gap of free lunches for children between August and when school starts. The Abbey Group supplies approximately 22,000 lunches in June and July to hungry children.

Ms. Price stated there are many ways to help. Within fundraising efforts, they are organizing fundraising teams for a fun competition. They are also in search of volunteers to help with cutting and preparation of food.

Tom Jacobs stated it’s outstanding what you have already accomplished. This is a real call out to the community.

Forrest Byrd stated he is currently working on his business plan for an art walk in Bennington. He has been connecting with different businesses all over Bennington for sponsorships, ideas for window paintings etc. He hopes to have this all together by the end of August.

Mr. Jacobs stated this would bring great vibrancy to the community. He suggested that Mr. Byrd speak with John Shannahan and Matthew Harrington as well as Mr. Lentzner to keep this moving. The community is looking for something like this.

Jeanne Conner asked if there was a way to contact him. Mr. Byrd stated at this time he should be contacted at [benningtonmurals@gmail.com](mailto:benningtonmurals@gmail.com) with any thoughts and ideas.

No other citizens spoke this evening.

#### **4. CHELSEA/APPLE HILL SOLAR PROJECTS – REVISED PRESENTATION**

Tom Jacobs recused himself from this presentation. Donald Campbell, Vice Chair read a beginning statement regarding the presentation. This will be an information gathering session. There will be two meetings. Those who are unable (or choose not to) speak this evening will be given first precedence at the second meeting.

Brad Wilson, Ecos Energy began the presentation of the revised site plan for the Chelsea and Apple Hill Solar projects. The renewable energy will be sold locally under a twenty-five year contract. The Renewable Energy Credits (REC's) will also be sold locally.

Some of the changes noted in the revised plan for example are the clearing will be reduced to 15.9 acres, down from original 27 acres. Supplemental plantings will also be added to increase the screening even further. The panels will now be on a compressed footprint and be reduced in height from 9 feet down to a 7-feet. The structures are a fixed tilt and black in color to reduce noticeability and glare/reflection. Lastly access to the site(s) will no longer be from Apple Hill. The access road is now designed from Willow Road.

Mr. Wilson showed winter visual simulations of the area from different viewpoints. He also offered information from wind and highway noise experts obtained to analyze the potential changes from the clearings. Noise levels are expected to increase approximately 2.5 decibels which has been labeled "not significant". Wind was also labeled as "not significant" as the expected increase was approximately 1 mph.

Lastly Mr. Wilson cited several other benefits from this project such as reduce regional carbon emissions, contributing to local and state renewable energy goals and increase municipal tax revenue.

The presentation was then open for public comments.

Jeanne Conner asked Mr. Wilson if the wind and noise experts were part of his organization and how many times they have used them. Mr. Wilson stated they are separate from his organization and this is the first time he has used them.

Donald Campbell had more questions regarding the wind study. It was asked if the wind report (as well as the noise results) could be made available for the public. The Manager stated it would be made available.

Mary Morrissey asked if there was a settlement amount decided for each lot. Town Council (Rob Wilmington) stated that was up to the Select Board to disclose. Donald Campbell stated the Town has been offered \$100,000 for each lot to offset legal fees. Ms. Morrissey stated Newfane VT was offered that amount for a smaller wattage project. Bennington should be offered double this.

Ms. Morrissey suggested if the developer wanted to be a good neighbor they should look at the 550 other acres that have been identified as "preferred" locations for solar projects.

Mr. Wilson stated the draft map identifying those locations has not been released. Once they have been they would love to consider another project.

Jerry Byrd resident of Bennington for last four years, stated how much he loved Bennington. He was however disappointed in seeing how the town buckles to bullies. This project will help 900 homes. People are constantly railing against these projects, and yet no one shows up to the BCRC meetings to help these projects be better.

Forrest Byrd would like to see the town move forward in a positive way. If the Apple Hill project is adopted he will support it.

Mike Bethel moved forward. He feels everyone wants solar but only where its best for Bennington. He hopes the Select Board doesn't sell out. Scenic beauty is what Bennington is known for.

Wendy Lawrence, resident of Apple Hill, stated she is not against solar. However, this is the wrong project in the wrong location. The developer needs to look for a “preferred site”.

Bill Knight, President of Apple Hill Homeowners Association, stated the revised plan is better than the original. However, he wanted assurance that if granted they could not come back and enlarge the project. Mr. Wilson stated if this project was granted a “Certificate of Public Good” by the Public Service Board (PSB) it can only be this layout – that is the project. Any enlargement would deem it a different project.

Mark Lane, aesthetic designer discussed the viewpoint from the Monument. Due to the angles of the windows at the top of the Monument it would be difficult to see, however it could be seen if someone tried hard.

Laura Block, Apple Hill resident, appreciates the larger buffer zone created in the revision. However, she still feels this project is in the wrong zone. It does not comply with the Town Plan and is in violation because this area is zoned “Rural Conservation”.

Ms. Block also questioned if the Select Board accepts the money offered for the two project sites, would this mean they would no longer defend or fight for Apple Hill residents?

Diana Leezer, Apple Hill resident stated she too is not against solar. She does believe, however, this project goes against the Town Plan. Ms. Leezer then asked how much of a cost savings is the new model proposed in the revision. Mr. Wilson stated there was no cost savings. In fact, the lower profile model and color is more expensive. They agreed to take on that expense in response to the Town and the community’s feedback. They will be less visible; the footprint will be smaller and the dark color will be less visible.

Mark Keen discussed the installation of the additional screening. For example, the Spruce trees will be installed at a height of 8-10 feet. A fence with black fabric will be installed around the perimeter of the panels in addition to more shrubs. The view through the natural buffer will then just be dark. It has been very effective in mitigation.

Ms. Block asked if the trees die who is responsible for replacing them. Mr. Keen stated that they must be maintained for the life of the project as per the PSB. If they die, they will be replaced.

Rebekah Dragon, resident of Pownal, spoke of being good neighbors.

Donald Campbell thanked all those who spoke this evening. This will continue at the next scheduled meeting on July 10<sup>th</sup>, 2017. Those who did not speak this evening will get first preference to speak at the next meeting.

*A five-minute recess was taken.*

## **5. TAX ANTICIPATION BORROWING (FY’18)**

The Manger reviewed briefly the documents at hand. Each year this is done to cover the gap between the beginning of the new fiscal year (July 1) and when the real estate tax money is collected (November 10).

**Motion: Jim Carroll moved and Donald Campbell seconded a motion to accept and approve the Tax Anticipation Note and waive the reading of the documents. Motion passed unanimously (Carson Thurber absent)**

## 6. WATER/SEWER FUND BUDGETS ADOPTION / SET RATES

The Town Manager reviewed the information regarding the budgets discussed in the open budget meeting held one week prior. The Water Budget is up approximately 8%. This is due to the first bond payment for the South End Water Tank project. The first one is the most expensive. Payment for the bond will decrease each year moving forward. If the bond payment were removed from the budget you would see all other sections of the budget have decreased from last year. The Town worked hard to absorb as much as they could for this first bond payment however decreased usage has also forced the rates to increase. Although usage is down there are still fixed costs to cover.

The Sewer budget is up approximately 2.97%. This too is effected by the decrease in usage.

The new Water and Sewer (Flate) rates will be as follows:

	<u>FY'17</u>	<u>FY'18</u>
Water Rate	\$118.32	\$133.11
Sewer Rate	\$ 88.58	\$ 95.44

The Water rates should not see a significant increase again for a number of years because the bond payments will decrease moving forward.

**Motion: Chad Gordon moved and Jim Carroll seconded a motion to accept and approve the Water and Sewer Budgets as well the proposed rates as presented. Motion passed unanimously (Carson Thurber absent)**

Tom Jacobs stated they will continue to look at ways to increase additional income revenue.

Donald Campbell thanked the Town Manager for going line by line with the Board at the Budget meeting. The State forced us to make those improvements and take the bond. The staff worked hard to tighten the belt below even last year's costs.

## 7. MANAGER'S REPORT

The Manager stated the Select Board needed to renew the Bond Anticipation note for the Recreation Center repairs. This amount is now down to approximately \$122,000.

**Motion: Jim Carroll moved and Donald Campbell seconded a motion to accept and approve the Bond Anticipation Note and waive the reading of the documents. Motion passed unanimously (Carson Thurber absent)**

## 8. OTHER BUSINESS

There was no other business this evening

Tom Jacobs stated there was a need for Executive Session.

**Motion: Jim Carroll moved and Donald Campbell 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 (*Carson Thurber absent*)**

**9. Executive Session**

- A. — ~~Litigation~~**
- B. Contracts**

Respectfully submitted,

Linda E. Bermudez  
Secretary