

BENNINGTON SELECT BOARD
BENNINGTON FIRE FACILITY
130 RIVER STREET
BENNINGTON, VERMONT 05201
FEBRUARY 5, 2018

MINUTES

SELECT BOARD MEMBERS PRESENT: Thomas Jacobs-Chair; Donald Campbell-Vice Chair; Jim Carroll; Carson Thurber; Jeannie Jenkins; Chad Gordon and Jeanne Conner.

SELECT BOARD MEMBERS ABSENT: None.

ALSO PRESENT: Stuart Hurd-Town Manager; Joey Kulkin; William Stewart; Joe Schoenig; Libby Harris; Dan Malmborg; Greg Van Houten; Doug Krause; Eric Hatch; Peter Green; Michael Stern; Brad Debour; Liz Coleman; Robert Ebert; Robert Plunkett; Tim Payne; 40 citizens; CAT-TV; Jim Therrien-Bennington Banner and Nancy H. Lively-Secretary.

At 6:00 pm, Chair Thomas Jacobs called the meeting to order.

1. PLEDGE OF ALLEGIANCE

Recited by all present.

2. PUBLIC HEARING, PROPOSED AMENDMENTS, TO THE CHARTER OF THE TOWN OF BENNINGTON

Mr. Jacobs explained the process of the Public Hearings on a new section to the Charter 24A V.S.A. Chapter 103 that will be before the voters on March 6, 2018 to replace the Town Manager and adopt a mayoral form of government.

The following citizens expressed their comments/opinions on the subject:

Joe Schoenig: Mr. Schoenig noted that our current form of government, albeit local or national, is fluid and able to change if we feel something needs changing. It is his recommendation that we embrace the suggested changes proposed by the Charter Review Committee and maintain our current form of government. To implement a mayoral form of government in Bennington would be more costly, inadequate, and give too much power to one person that would not be able to be replaced until the next election instead of in 90 days.

Libby Harris: Ms. Harris stated that there are mayoral forms of government in Vermont that have checks and balances that are successful. However, this petition is for a strong mayor that can veto any Select Board decision. "Why should one person have this power over elected officials?" "If there is another mayoral proposal in the future to look at, that is fine, but this form is unacceptable to the democratic process." The Select Board is working through the current issue in the Town, but it would be beneficial if they had more oversight of the Town Manager's actions.

Dan Malmborg: Mr. Malmborg stated that a mayoral form of government would be a mistake because we would have to live with a bad decision for years, and, we don't even know how many years because it isn't mentioned in this article. Recommended changes to the Charter by the Committee are to appoint a Town Manager for a 3-year term with annual reviews, and for the Chair of the Select Board to be the ceremonial

head of the town government who could possibly have a budget for this purpose. A strong mayoral form of government in a town our size "could be divisive"...and "there is no provision for a veto override in this article". "This whole initiative smacks of a personal campaign against our Town Manager." "Our current form of government is working - it's not perfect - but it serves us well."

Greg Van Houten: Mr. Van Houten agreed with the previous three speakers and noted that the issue of a mayoral form of government has been before the voters before. The concept that one person is going to "lead us to the Promised Land might sound like a good idea" but this is from "the hopes in our head and not what will actually happen". Our charter gives us the guidance for the present and future, and this article does not.

Eric Hatch: Mr. Hatch agrees with the previous speakers and feels that this article has "some underlying current to it and not just the dry topic of town governance". It is difficult to take this article seriously when it is so incomplete and is "bumper sticker jargon".

Peter Green: Mr. Green supports our current form of government and is against the proposed article because there is no veto override. The Town Manager's job requires education and experience when the article has no requirements other than being a popularity contest. We would have to live with a bad decision for the term of the mayor and there is no length of term in the article. This would "move the Town backwards and create a fiscal nightmare." Mr. Green also reminded everyone that this is a binding vote and not just an advisory vote.

Michael Stern: Mr. Stern moved to Bennington from New Jersey where there were successful mayoral forms of government, and noted that the people of Bennington do not work together. Whatever form of government we have, people must work together. "Without a vision people perish."

Brad Deboer: Mr. Deboer supports the current form of government and noted that in the mayoral proposal there are no checks and balances and no experience required for the mayor which puts the Town at risk.

Liz Coleman: Dr. Coleman agreed with the previous speakers that are in support of our current form of government and stated that it is "remarkable in addressing the issues of democracy". The Select Board represents the "public good" and the Town Manager represents where competence and experience are "central". "What we have is precious and there is no system that is without screw ups."

Robert Ebert: Mr. Ebert noted the recommended Charter change that the Town Manager have an annual review and is appointed for a 3-year term, as well as, adding "pursuant to the purchasing and bid policies by the Select Board" to the fact that the Town Manager was the Purchasing Agent of the Town. These changes were made for the purpose of increasing accountability.

Joey Kulkin: Mr. Kulkin appealed to the "silent majority" to vote in favor of the article on March 6, 2018, and was not allowed to reiterate statements that he had made at the last hearing.

William Stewart: Mr. Stewart asked what the current form of government has done for the Town in the last 10-15 years citing that the "downtown is a ghost town", no one is in the stores, and no one is looking out for the people of the town. Management has no "checks and balances" and isn't accountable. He urged the "silent majority" to vote on March 6, 2018.

Doug Krause: Mr. Krause noted that there are "two silent majorities in this town - one is positive and one is negative", and encouraged everyone to vote.

Robert Plunkett: Mr. Plunkett stated that, "if the article passes, we are not going to have a mayor in Bennington. It's to allow for another petition, and another vote, for mayor." This vote is "to change the Charter in a way that would put into State law a mayoral form that has absolutely no detail to it whatsoever". "For those in favor of a mayor, vote this one down, put together a better proposal, and argue that one."

Tim Payne: Mr. Payne encouraged everyone to argue whichever side they're on in a civilized manner.

Comments from the Select Board as follows:

Jeanne Conner: Ms. Conner appealed to everyone to educate themselves with accurate information without emotion and to vote for what is best for our community "for the long haul".

Carson Thurber: Mr. Thurber appreciated all of the public comments and encouraged everyone to vote.

Jim Carroll: Mr. Carroll stated that he is not necessarily opposed to the idea of a mayor, however, this "iteration effectively silences the voice of the people with the veto power". Those in favor of a mayor can come out with a better version, but "this version is troubling".

Don Campbell: Mr. Campbell stated there was good public input and cited some comments from the two hearings:

- Our system is binary
- We would be training up
- A terrible change at exactly the wrong time
- Keep the current system with more oversight
- The salt shed should not be a reason to blow up our form of government
- Our system is imperfect but effective
- A weak mayor could be a good system
- If you have a flat tire, you don't throw out the whole car
- Consistent government for the indefinite future
- Be clear as to what is expected from Management and what is expected from Leadership
- Not all change is good change
- We need to work as a team
- The risks far outweigh the reward
- Maybe we should vote this one down and put together a better proposal
- The challenge is to help facilitate making our system a stronger system

Mr. Campbell added that this is a very important vote and should not be taken lightly. Voters should understand exactly what they are voting for and "not shoot from the hip".

Jeannie Jenkins: Ms. Jenkins was happy to see so many people in attendance at the hearings and noted that there were 26 that spoke. This is a very important vote and we "should not just wing it". Ms. Jenkins is "terrified of the idea to have a single person that we vote in on a popularity contest" with an absolute veto power. Running a town this size requires a special skill set and we need to insure that we have a manager in place who knows how to run our town effectively. Ms. Jenkins thanked everyone for their participation and hopes that we have a record voting turnout on March 6th.

Chad Gordon: Mr. Gordon echoed the comments of the others and was appreciative of the process to be able to use this as a teaching moment to his students - some of whom will be voting for the first time. Both sides have made good comments with the one common theme being that "changes need to be made". Mr. Gordon supports changes to the Charter through the Charter Review Committee process and does not support "an incomplete ballot initiative like this that is currently on the table".

Tom Jacobs: Mr. Jacobs stated "as messy as it is, democracy does work. We are not perfect." "Vermont is old and the Charter is our governing tool." The article as presented "serves no useful purpose except to confuse the electorate" to elect someone with absolute veto power. The suggested charter changes by the Committee, "will not micro-manage administration but will get the Select Board more involved in the process". Mr. Jacobs encouraged the voters to "move past this" and go forward with the Charter changes as recommended by the Charter Review Committee.

At 7:05pm, the Public Hearing, Proposed Amendments, To The Charter of The Town of Bennington was closed.

Respectfully submitted,

Nancy H. Lively

Secretary