

1 **BENNINGTON SELECT BOARD MEETING**

2 **BENNINGTON FIRE FACILITY**

3 **130 RIVER STREET**

4 **BENNINGTON, VERMONT 05201**

5 **NOVEMBER 9, 2015**

6 **MINUTES**

7 **BOARD MEMBERS PRESENT:** Thomas Jacobs-Chair; John McFadden-Vice Chair; Michael Keane; Jim Carroll;
8 Justin Corcoran; Sharyn Brush; and Donald Campbell.

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Zoning Administrator & Assistant Town Manager;
10 Michael Harrington-Economic & Community Development Director; Chief of Police Paul Doucette; Matt
11 Moore-Housing Vermont; Peter Hall; Brad Sporr; Mary Morrissey; Loyal Wescott; Keith Whitcomb-
12 Bennington Banner; 5 citizens; and Nancy Lively-Secretary.

13 **1. EXECUTIVE SESSION**

14 **A. Interview – Jackie Kelly**

15 At 6:07 P.M., Tom Jacobs called the open meeting to order.

16 A moment of silence was observed in honor of all of our Veterans.

17 **2. PLEDGE OF ALLEGIANCE**

18 Recited by all present.

19
20 **3. CONSENT AGENDA**

21 **A. MINUTES – OCTOBER 26, 2015**

22 **MINUTES – OCTOBER 31, 2015**

23 **B. WARRANTS**

24 **C. PROCLAMATION SMALL BUSINESS SATURDAY**

25 *Michael Keane moved and Sharyn Brush seconded to accept the Consent Agenda – A. Minutes*
26 *of October 26, 2015 and Minutes of October 31, 2015; B. Warrants - as submitted. The motion*
27 *carried unanimously.*

28 *Sharyn Brush moved and John McFadden seconded to accept the Proclamation Small Business*
29 *Saturday – November 28, 2015 as presented. The motion carried unanimously.*

30 **4. CITIZENS**

31 Loyal Wescott will ask his questions of Chief Paul Doucette as part of agenda item #8
32 BENNINGTON POLICE UPDATE.

33 No other citizens commented.

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35 **5. BENNINGTON AREA TRAILS (BATS)**

36 Mr. Campbell stated that he was Treasurer of BATS and introduced Peter Hall and Brad Sporr.

37 Mr. Sporr shared his personal history of coming to Bennington in 1997 and has been both
38 mountain biking and road biking in the area ever since – with a preference for mountain biking. Since
39 there are no formal mountain bike trails in this part of the State, this past April a meeting was
40 organized and attended by all trail enthusiasts - mountain biking individuals, representatives from the

41 colleges, Town, Bennington Museum, One Conservation Center, BCRC and several others. A couple of
42 months after that, the mountain bikers met, formed BATS, and became a chapter of the Vermont
43 Mountain Bikers Association (VMBA) which entitles them to a 501c3 designation, insurance coverage,
44 and the access to grant monies – the first grant being \$1,150 for trail marking. BATS has recently
45 signed a 10-year access agreement with Southern Vermont College who is very excited to enhance
46 their involvement in the community, and potentially, their curriculum. Work is ongoing with MAPS and
47 the National Forest to be part of the trail system. Presently, there are no requests of the Select Board
48 other than support.

49 Peter Hall reiterated the fact that there are no formal trails in Bennington, and noted the
50 economic boost that it would mean to the food and lodging industries in the area to have the draw of a
51 formal trail system.

52 Mr. McFadden noted the reference to the Kingdom Trails, and Mr. Sporr put in perspective
53 that the Kingdom Trail System is over 100 miles with a staff of 7 trail builders with a \$5M economic
54 impact on their area. If we could get 10-20% of that, it would be very significant to Bennington.

55 Mr. Carroll stated that Bennington College wants to become more “immersed” in the local
56 community, and suggested the opportunity to coordinate with the Ninja Trail.

57 Mr. Corcoran asked if BATS has a map of the trail development, and Mr. Sporr answered that
58 “it is in the works”.

59 Ms. Brush thanked the gentlemen for their work and dedication to the trail system project.

60 Mr. Sporr added that there is an e-mail sign up page on Facebook and BATS can be receive e-
61 mails at batsvt@gmail.com .

63 **6. HOUSING VERMONT APPLGATE CDBG APPLICATION**

64 For informational purposes, Ms. Brush stated that she was President of the Applegate Housing
65 Inc. Board.

66 Michael Harrington explained that the purpose of this presentation was to update the Board on
67 the status of the Applegate Apartment Rehab project.

68 Matt Moore noted that the project focused around energy efficiency upgrades and is 85%
69 funded at this time. The new heating system would heat all 124 units with wood chips or pellets and
70 enable more spending on services to the residents. We are requesting the Town’s support of the
71 \$495,000 CDBG application where the Town would serve as a flow through of these monies to
72 Applegate. That, with another funding source for \$500,000 would make the project 100% funded with
73 an anticipated completion within ~ 14 months – in time to begin heating the units next winter. Permits
74 are in hand, design work has been completed, and the project is ready to begin the construction/bid
75 documents. The total cost of the project is \$9,037,893. In addition, Applegate Apartments is pleased
76 to offer an easement for a rail trail connection through the property and contribute \$10K from their
77 operating budget to the cost of the construction of the trail.

78 Dan Monks added that the rail trail terminates at the Furnace Brook trestle which is at “the
79 backdoor of Applegate Apartments” and the railroad has required the Applegate easement. A formal
80 agreement will be forthcoming.

81 Mr. Campbell clarified that the amount requested from VHCB is a total of \$1.05M, and Mr.
82 Moore said that the \$500K was the second part of that. Mr. Campbell also commented on the
83 workability of the size of the project, and Mr. Moore stated that it will be where the basketball court is
84 now.

85 Mr. McFadden asked if the Town had an existing loan with the CDBG, and Mr. Harrington said
86 that there is a loan that had been deferred by the Select Board for 20 years. Similarly, by being an
87 equity partner, it gives the Town leverage over the project should it not be progressing to our
88 satisfaction.

89 Mr. Carroll asked what assurances the Town has that the project will use local contractors, and
90 Mr. Harrington responded that, since the project is federally funded, it is required to follow their bid
91 process although Applegate may be some influence over the sub-contractors used through Naylor and
92 Breen.

93 Mr. Corcoran noted that the Applegate Apartment Rehab project and the trail easement are
94 two separate things, and extended kudos to Applegate for working with the Town on the trail. Mr.
95 Corcoran also asked if the CDBG Application has been completed, and Mr. Moore stated that the pre-
96 application has been done but they need approval from the Select Board at the Public Hearing on
97 November 23, 2015 before the actual application can be completed. The pre-application is 4 pages
98 and the application is 75 pages with no merit or pre-approval attached to the pre-application. This is
99 federal money that goes to the state and then is granted to the towns as a pass through to loan out. It
100 is a loan – 0% for 20-30 years – with the expectation that it will be deferred and never repaid unless
101 the property ceases to exist.

102 Ms. Brush commented that the residents of Applegate are excited about the project because
103 they will be getting new roofs, new windows, insulation and a “much warmer place to live” while
104 Applegate will be spending \$50K a year less on oil.

106 7. SOLAR SCREENING ORDINANCE – 2ND READING

107 Mr. Monks stated that the Select Board suggested changes from the last meeting that protect
108 the Town’s interest have been approved by Attorney Rob Woolmington and made a part of the
109 Ordinance as presented.

110 ***John McFadden moved and Donald Campbell seconded to accept the TOWN OF BENNINGTON,***
111 ***VERMONT ARTICLE 28. SCREENING OF SOLAR FACILITIES as presented. The motion carried***
112 ***unanimously.***

113 Mary Morrissey stated that there is an upcoming Public Service Board site visit that the public is
114 welcome to attend. Mr. Monks noted that they cannot take testimony on a site visit.

116 8. BENNINGTON POLICE UPDATE

117 Police Chief Paul Doucette presented the following update to the Board:

- 118 • The police department is on par with where they have been in the past with 549 arrests from
119 January 1st to October 31st and a total of 841 offenses.
- 120 • The only place that they are a little lacking is in their traffic work with only 1,730 traffic
121 complaints this year to date – most of which are cell phone and speeding complaints. That
122 number should be upwards of 2,000.
- 123 • They have, however, handled 6,409 incidents so far this year which is also on par.

- 124 • The department has hired 7 new officers – 4 were on their own as of July 2015; 2 will graduate
125 from the Academy on November 20th and be on their own in February 2016; and 1 had been
126 working in the Sheriff's Department. However, there have been some retirements and will be
127 potential retirements in the near future.
- 128 • Law enforcement is a young person's job where active resistance has become more prevalent.
- 129 • The department has 3 detectives – 1 working on keeping our drug investigations active; 1
130 working at the Children's Advocacy Center with crimes against children; and 1 working on
131 sexual abuse cases.
- 132 • All of our required trainings are up-to-date so we can keep our certifications.
- 133 • Work is being done with the youth to recruit those that may pursue law enforcement careers.
- 134 • There are more foot patrols in downtown and the outskirts, as well as, the department stores.
- 135 • We are experiencing more offenders that are mentally challenged and we are working with
136 other local agencies to learn how to help all people and not just arrest them.
- 137 • We need ways to protect the officers, such as more electronic devices. Pepper spray is not
138 practical and body cameras are expensive with restricted use. The Chief is not on board with
139 supporting body cameras at this time.
- 140 • Chief Doucette is very much in favor of bringing a canine unit back to the department with the
141 startup costs covered by donations and not tax dollars.
- 142 • We are fortunate to have the dedication from our Fire Department volunteers and they deserve
143 a big thank you.

144 The Board asked the following questions:

145 Mr. Keane – What is the cost of a canine unit? Chief Doucette - Between \$6,000-\$7,500 startup
146 and around \$4,000 annual maintenance.

147 Mr. Keane – What about Homeland Security money? Chief Doucette – At this time, we have all
148 of the equipment that that money is funding.

149 Mr. Campbell – How many fire department volunteers do we have? Chief Doucette – We have
150 around 30 volunteers that consistently show up at the fires with many others doing the
151 background work.

152 Mr. McFadden – It appears that there will be some budget requests for next year, but there
153 should also be some savings for bringing in younger officers at lower salaries. Chief Doucette –
154 There are only two classes a year at the Vermont Police Academy and the February 2016 class is
155 already full. If we put 2 people in the August 2016 class, they won't be ready to be officers until
156 February 2017. We pay their salaries and buy their equipment so it is very expensive to train
157 someone.

158 Mr. Carroll – What is the ratio of men to women? Chief Doucette – We have 3 female officers
159 and I would not hesitate to work with any of them. Two of the three are from Bennington.

160 Mr. Carroll – Are there fewer drugs coming into Town? Chief Doucette – A lot of the cases have
161 gone Federal so you don't hear so much about those with "the big press splashes".

162 Mr. Carroll – How do you screen out the officers that may be "overzealous"? Chief Doucette –
163 All new hires are on a 1-year probation and we have good leadership and supervision.

164 Mr. Corcoran and Ms. Brush – Thanked the Chief for the work that his department does.

165 Mr. Jacobs – What is your opinion of the “1,000 foot rule”? Chief Doucette – I understand that
166 being a sex offender is an issue unto itself, however, not everyone on the sex offender registry
167 is a pedophile or needs to stay away from schools. Some of these people have had counseling
168 and/or therapy and want to be good citizens in our community. The purpose of the registry is
169 to know where they live and ~ 90% of them are compliant. If they’re not living where they say
170 they are, then they are in violation of their probation. I don’t feel that the “1,000 foot rule” is
171 necessary or enforceable.

172 Mr. Jacobs – What is an incident? Chief Doucette – An incident is either generated by an officer
173 – such as a traffic stop – or an individual reports something to the police – such as a car
174 accident.

175 Mr. Jacobs – Will you be at full staff in 2017? Chief Doucette – The police department has
176 never been at full staff for one reason or another. “2017 is a long way away but that is my
177 goal.” We are benefit competitive with other agencies our size.

178 Citizen Loyal Wescott stated that the number of incidents as of 4:19pm today were 7,272 which
179 differed from what Chief Doucette had said. The Chief acknowledged that he had mistakenly brought the
180 incorrect aged report that did not have current data on it. He also said that the department would be at par at
181 7,272. We are also documenting traffic crashes that take place in parking lots. Mr. Jacobs mentioned the
182 addition of the electronic device law, and Chief Doucette noted that the speeding laws have been in effect for
183 years but people are still speeding.

184 Mr. Wescott wanted to know why the public isn’t notified when a sex offender moves into our area,
185 and Chief Doucette reiterated that not all sex offenders need to be kept away from schools and that he
186 doesn’t know how the “1,000 foot rule” would be enforced. We shouldn’t be “harassing” people that are
187 following the conditions of their release.

188 Mr. Jacobs added that the “1,000 foot rule” is at the State level and will no longer be discussed at the
189 local level. “We’ve exhausted that subject.”

190 191 **9. APPOINTMENTS TO THE ORAL HEALTH COMMISSION**

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193 *Sharyn Brush moved and Justin Corcoran seconded the following appointments to the Oral*
194 *Health Commission as follows:*

195 *Mary Lou Albert and Michael Brady, D.D.S. - 1 year term*

196 *Marylou Chicote and Jackie Kelly - 2 year term*

197 *Robert Cauley, Jr., D.M.D. and Don Miller - 3 year term*

198 *The motion carried with 5 in favor with John McFadden and Michael Keane abstaining.*

199 200 **10. MANAGER’S REPORT**

201 Mr. Hurd had no action items for the Board.

202 203 **11. OTHER BUSINESS**

204 Mr. Campbell reminded everyone that taxes are due tomorrow, November 10th, and that the Farmer’s
205 Market will be open on Small Business Saturday, November 28th, at the Baptist Church on Main Street.

206 Mr. Keane stated that Chris Bates had asked about parking spaces at the White Rocks for campers,
207 hikers, etc., and wondered where we were at with that. Mr. Monks responded that the Green Mountain Club

208 is working with the land owners for an easement and the highway department has already designed the
209 improvements. As soon as the easements are in place, the project will begin.

210 Mr. Keane asked how the Resolution naming the Welcome Center in honor of Senator Jim Jeffords was
211 coming along, and Ms. Morrissey answered that it has been passed and she will find out the date of the
212 dedication.

213 Mr. Keane announced that there will a forum open to the public on Thursday, November 12th , at
214 Bennington College at 7:00pm on how Vermont intends to clean up its waterways.

215 Mr. Keane referred to the letter from Dick Pembroke in the November 1st Bennington Banner
216 expressing his frustration that \$10M had been allocated to the rail system between Rutland (16,000 people)
217 and Burlington (42,000 people) when the rail system between Bennington and Albany remains dormant. The
218 economic potential there needs to be addressed.

219 Mr. McFadden asked about the staff report card information, and Mr. Hurd said that the staff have
220 given him ideas that he needs to organize. He will have this to the Board by the middle of November.

221 Ms. Brush reminded everyone that the overnight parking ban will go into effect on November 15th .

222 Mr. Jacobs was pleased with the alliance that the community has developed with Southern Vermont
223 College and Bennington College.

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225 **12. EXECUTIVE SESSION (IF NECESSARY)**

226 An Executive Session was not necessary.
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229 ***At 8:15 P.M., Sharyn Brush moved and Donald Campbell seconded the adjournment of the meeting.***
230 ***The motion carried unanimously.***

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234 Respectfully submitted,

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236 Nancy H. Lively
237 Secretary
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