

1 **BENNINGTON SELECT BOARD**

2 **BENNINGTON FIRE FACILITY**

3 **130 RIVER STREET**

4 **BENNINGTON, VERMONT 05201**

5 **MAY 13, 2019**

6 **MINUTES**

7 **SELECT BOARD MEMBERS PRESENT:** Donald Campbell-Chair; Jeannie Jenkins-Vice-Chair;  
8 Jeanne Conner; Chad Gordon; Carson Thurber; and Bill Scully.

9 **SELECT BOARD MEMBERS ABSENT:** Jim Carroll.

10 **ALSO PRESENT:** Stuart Hurd-Town Manager; Daniel Monks-Assistant Town Manager and Planning  
11 Director; Shannon Barsotti-Community Development Director; Forest Weyen-Bennington Rescue Squad  
12 Executive Director; Brian Peat-Bennington Rescue Squad Board President; Bennington Rescue Squad  
13 Paramedics-Captain Katie Vandale and Captain Michael Condon; William Stewart; Rebecca Hill; Robert  
14 Ebert and Charles Copp-Planning Commission Members; Jim Sullivan and Katherine Bryars-BCRC; Donald  
15 Sherefkin-Bennington College Professor of Architecture and 6 Bennington College Architecture students;  
16 John Shannahan-Better Bennington Corporation Executive Director; Joey Kulkin; Lorna Mattern-United  
17 Counseling Service Executive Director; Betsy Rathbun Gunn-United Counseling Service Director of Early  
18 Childhood Services; 15 citizens; Mike Cutler-CAT-TV and Nancy H. Lively-Secretary.

19 At 6:04pm, Chair Donald Campbell called the meeting to order.

20 **1. PLEDGE OF ALLEGIANCE**

21 The Pledge of Allegiance was recited by all present.

22 **2. CONSENT AGENDA**

23 **A. MINUTES - APRIL 22, 2019 AND APRIL 29, 2019**

24 **B. WARRANTS**

25 **C. PROCLAMATION - EMS WEEK**

26 *Carson Thurber moved and Bill Scully seconded to approve the Consent Agenda with*  
27 *the Minutes of April 22, 2019 amended as follows:*

28 Lines 11 and 32 - change "Cutsopics" to "Cutsumpas"

29 Lines 40 and 41 - delete "The ravine project has now removed that sidewalk, and Ms.  
30 Holden would like to have it replaced."

31 *The motion carried with Jean Conner and Jeannie Jenkins abstaining from the Minutes of April*  
32 *29, 2019.*

33 The EMS Week Proclamation was read by Jeannie Jenkins, circulated for signatures and  
34 presented to Forest Weyen, Executive Director of the Bennington Rescue Squad.

35 **3. PUBLIC COMMENTS**

36 William Stewart reiterated his inquiry to the status of the Bradford Street water pickup  
37 related truck traffic, and Mr. Hurd responded that all of the State permits have been acquired  
38 to relocate the Morgan Spring discharge to the Scarfoni property across from Johnny Suds. The  
39 cost to purchase the land is \$71,000 with a closing date potentially to take place before June 1<sup>st</sup>  
40 and a current estimated project cost of \$378,000. How the project will be funded has not yet  
41 been determined.

42 Mr. Stewart further asked if the water would be accessible to the town, and Mr. Hurd  
43 stated that this new location is strictly for the truck sales, however, there is a public spigot at  
44 the Community Park. Our current contract with Vermont Pure (Crystal Rock) allows them to  
45 take up to 100,000 gallons of water per day from a system that produces 2,000,000 gallons per  
46 day. The average is ~47,000 gallons/day with a high being ~88,000/day. This contract is in  
47 place until 2022 with some thoughts for after that with nothing specific at this time.

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49 Rebecca Hill, the operator of the Opiate Treatment Facility at the back of Mt. Anthony  
50 Primary Care, introduced herself to the Board and community. There are two other nurses  
51 there and they currently have 200 patients with another 150 anticipated within a month. Ms.  
52 Hill would like to be the liaison between the facility and the Board, and invited the Board to visit  
53 the facility. Mr. Campbell would like to set that up as a group visit.

54 **4. PLANNING COMMISSION UPDATE**

55 Robert Ebert, Planning Commission member, shared the following with the Board  
56 regarding the Land Use and Development Regulations (LUDR) Update Project:

- 57 • The Town Plan states “the Town shall insure that municipal regulations and  
58 public investments support the Land Use policies of this Plan. Consideration  
59 should be given to develop a Form Based Land Use Ordinance to simplify  
60 implementation and further these policies.”
- 61 • The Downtown and Northside Drive have already incorporated some of the  
62 Form Based Standards.
- 63 • This will bring our regulations into the 21<sup>st</sup> century and eliminate any  
64 redundancies or inconsistencies.
- 65 • This will also make the Standards more intuitive and graphic, as well as, making  
66 it easier for the citizens of Bennington to use.

67 Dan Monks:

- 68 • The Town was awarded a Municipal Planning Grant for ~\$20,000 in December 2018 for  
69 the project. RFP’s went out with three responses and the BCRC was chosen for their  
70 scope of the project and familiarity with the area.
- 71 • Our hope is to have a LUDR draft by February 2020 with the main focus being the  
72 Downtown.

- 73           • We will be soliciting input from as many areas as possible through focus groups that  
74           include the public, the Select Board, and from those outside the community.  
75           • Any comments about the LUDR can be sent to [permits@benningtonvt.org](mailto:permits@benningtonvt.org) .

76 Professor Donald Sherefkin-Bennington College:

- 77           • There are 8 Bennington College students from all over the world - 6 in attendance this  
78           evening - who have each taken on their area of interest in the LUDR project. They are  
79           more accessible bike paths, water systems in flood zones, school districts, entrance  
80           paths into the Town, the transition between zones, and residential zones. Georgia  
81           explained her approach to the transition between zones.

82 Jim Sullivan-BCRC:

- 83           • The focus is on the physical form of development and re-development, and to de-  
84           emphasize the focus on specific uses, as well as, to simplify the process.

85 Kathryn Bryars-BCRC:

- 86           • Reiterated the scope of the project and shared some frontage types, glazing standards,  
87           windows, etc. with the Board.

88 *Board comments/questions:*

89 Mr. Campbell: To be sure that the time and location of public forums is well publicized so that  
90 everyone has the opportunity to participate in the process. Mr. Ebert agreed.

91 Ms. Conner: Perhaps piggybacking on other events taking place in town where there are a  
92 number of people in attendance would be a good mechanism to raise public awareness. Mr.  
93 Ebert agreed.

94 Mr. Thurber: Be cognoscente of the financial impact on the building owners that the new  
95 regulations will impact.

96 Ms. Jenkins: We need to be clear what is expected of building owners and where these changed  
97 regulations will take us. Mr. Monks stated that he sees these changes to be for the future.

98 Mr. Scully: Wants to be sure that the process for what we will be regulating also opens the door  
99 on what we are loosening the regulations on.

100           Kudos to the Planning Commission for their work.

## 101 **5. DOWNTOWN IMPROVEMENT DISTRICT WORKPLAN AND FUNDING**

102           John Shannahan, Executive Director of the Better Bennington Corporation (BBC), did the  
103 following presentation:

- 104           ➤ The BBC works with Downtown businesses in three different ways - Partnerships,  
105           Promotion, and Projects.  
106           ➤ There is a long list of businesses that the BBC partners with. The largest partnership is  
107           with the Town of Bennington and the Grow Bennington Initiative.

- 108       ➤ Promotion is done primarily with the Downtown Visitors Center and the Four Corner  
109       Kiosk.
- 110       ➤ Projects are where most of our funding is spent. Such as, garbage barrels, benches,  
111       Bennington in Bloom, parks, streetscape, etc.
- 112       ➤ The BBC does not market individual businesses. They enhance what the businesses do  
113       for themselves.
- 114       ➤ The BBC belongs to several media corporations from \$0 to minimal cost at the State,  
115       Region, and Local levels.
- 116       ➤ The BBC is the only organization that is designed to work with other organizations.
- 117       ➤ Office relocation multiple times due to flooding and the summer paving project made  
118       the 2018-2019 year difficult.
- 119       ➤ The Stay-To-Stay Relocation Program has been very successful for Bennington and  
120       Bennington County.
- 121       ➤ The upcoming Putnam Project and Town Garage sale, as well as, other activities will  
122       have substantial impacts on the Downtown going forward.

123    *Board questions/comments:*

124    Mr. Scully: Last year Mr. Shannahan stated that social media traffic would be increased by 25%,  
125    and has that been done? Mr. Shannahan responded yes with clicks on Facebook and page  
126    views, however, the return on that is unknown.

127    Mr. Scully: Does the BBC represent the businesses in the Downtown that pay the DID tax, and  
128    Mr. Shannahan answered yes, we support all the businesses that approach us with those that  
129    are more active receiving more of our attention. Mr. Scully added that it is important that  
130    everyone is treated fairly and that the BBC remains as impartial as possible.

131    Mr. Campbell: How does the BBC fit into the \$50,000 town-wide marketing budget, and Mr.  
132    Shannahan described the process of how that budget item came to be. Ms. Barsotti stated that  
133    the \$50,000 is to market the entire Town, and not just the Downtown, but the BBC is  
134    instrumental to the Downtown portion of that marketing plan. There were 8 responses to the  
135    marketing RFP's and we chose the most local one of 802 Marketing so we are ready to proceed.

136            Joey Kulkin asked Mr. Shannahan if he had shared on social media with every business in  
137    the Downtown since 2017, and Mr. Shannahan answered that every business that approached  
138    the BBC was shared. Mr. Kulkin further noted that a 20-year business paying \$500/year in DID  
139    taxes has not been represented on the BBC social media since 2016.

140    Mr. Scully: Stated that the DBA and Chris Wright pop up to him more than the BBC "for  
141    whatever reason", and is there a way that we can work more collaboratively with all of these  
142    positive efforts? Mr. Shannahan had no explanation as to why there are more pop ups from  
143    some and not others.

144    Mr. Campbell: Added that social media is a small portion of the Work Plan as presented.

145 *Jeannie Jenkins moved and Jean Conner seconded to approve the Better Bennington*  
146 *Corporation July 2019-June 2020 Work Plan and funding request of \$79,637.00 as presented.*  
147 *The motion carried unanimously.*

148 **6. UCS LEASE FOR GAGE STREET PROPERTY**

149 Lorna Mattern stated that she and Betsy Rathbun-Gunn had presented the plans that  
150 UCS had for the Recreation Center back in November 2018. The lease as presented is a 30-year  
151 lease with two 30-year renewable segments at the cost of \$1/year. Ms. Rathbun-Gunn added  
152 that the expectation is to return before the Board with the architectural plans in June 2019,  
153 however, approval of the lease is a requirement of the federal government who will be  
154 financing this project.

155 *Board comments/questions:*

156 Mr. Thurber: What is the funding that is paying for the project, and Ms. Mattern answered that  
157 we have \$3.4M in federal grants. Ms. Rathbun-Gunn added that "the feds" increased their  
158 funding because of the partnership with UCS and the Town.

159 Mr. Campbell: Felt that the \$1M in insurance coverage was low, and Mr. Hurd answered that  
160 \$1M is standard for the requirement of UCS to carry liability protection for their operations  
161 only. Mr. Monks added that Town Attorney Rob Woolmington had discussed this at length  
162 prior to issuing his firms letter of approval for the lease.

163 *Bill Scully moved and Jeannie Jenkins seconded to approve the United Counseling*  
164 *Service Lease for the Gage Street Property as presented and authorize the Town Manager to*  
165 *sign on behalf of the Town. The motion carried unanimously.*

166 **7. PROPOSAL TO NAME THE SPLASH PAD SITE PLEASANT PARK**

167 Mr. Monks stated that not naming the Park will not hold up any work there so it is not  
168 necessary to do so this evening.

169 Mr. Thurber noted that there is still an opportunity for philanthropy to support this  
170 project, and Ms. Jenkins added that donations of any kind can still be accepted.

171 *It was the consensus of the Board that they are very supportive of everyone's efforts for*  
172 *the Park but do not want to name it at this time.*

173 **8. LIQUOR LICENSES**

174 The following 2019 Liquor License and Renewal Applications were circulated for  
175 signatures:

176 *2019 1<sup>st</sup> Class Liquor License Application -*

177 1. Beverage Den

178 *2019 1<sup>st</sup> Class Renewal -*

179 1. Two Brews Café (& outside consumption)

180 **9. MANAGER'S REPORT**

181 *Carson Thurber moved and Jeannie Jenkins seconded to close the named roads for the*  
182 *dates and times as follows:*

183 *Mayfest - May 25, 2019 - Main Street from the Four Corners east to Valentine Street, School*  
184 *Street from Pleasant to Main Street, and Silver Street from Main to Union Street from 5:00am*  
185 *until 6:00pm.*

186 *Fallapalooza - October 26, 2019 - Main Street from the Four Corners east to Valentine Street,*  
187 *School Street from Pleasant to Main Street, and Silver Street from Main to Union Street from*  
188 *7:00am until 4:00pm.*

189 *First Fridays - June 7, 2019, July 5, 2019, August 2, 2019, and September 6, 2019 - School*  
190 *Street from Pleasant to Main Street from 4:00pm until 8:00pm.*

191 *The motion carried unanimously.*

192 Mr. Hurd reported the following:

- 193 ✓ Six properties went up for tax sale last week with two sold and one redeemed prior to  
194 the sale for a total of \$55,123 in fees and taxes for the Town.
- 195 ✓ The Morgan Spring update was given during Public Comments.
- 196 ✓ The tentative agreement between the State and Saint-Gobain is in its final review with  
197 work to start early summer for an anticipated two year completion.
- 198 ✓ The second phase of the WWTF project has begun again and Town staff continues to  
199 work hard to complete preparations for the upcoming work.
- 200 ✓ The RFP for the Police Department Assessment was developed in association with the  
201 Vermont Partnership for Fairness and Diversity and has been sent to firms specializing in  
202 this work. The due date for proposals is June 14, 2019.
- 203 ✓ Representative Mary Morrissey has advised that the Charter has been taken up with the  
204 Ways and Means Committee, will move to the House for a vote tomorrow, and onto the  
205 Senate by Wednesday.

206 **10. UPCOMING AGENDA**

207 Agenda items that we currently have for upcoming meetings are:

- 208 ❖ May 28<sup>th</sup> - Tuesday - 6:00pm, Bennington Fire Facility - normal meeting with  
209 reconsideration for the Community Solar Project at the Beale property
- 210 ❖ May 28<sup>th</sup> - Set Water and Sewer Budgets work session
- 211 ❖ June 10<sup>th</sup> - UCS Plan and Phase 2
- 212 ❖ June 10<sup>th</sup> - Set Water and Sewer Tax Rates
- 213 ❖ June 10<sup>th</sup> - Set DID Tax Rates
- 214 ❖ June 10<sup>th</sup> - Some Boards and Commissions approvals and/or interviews. (Mr. Hurd  
215 would like it in writing if a Board member desires to be on the Energy Committee.)
- 216 ❖ June 10<sup>th</sup> - Morgan Street Delivery Plan Update
- 217 ❖ June 24<sup>th</sup> - Building Bright Futures

218 ❖ August - YMCA Report

219 **11. OTHER BUSINESS**

220 Mr. Campbell: On May 18<sup>th</sup> many Downtown merchants will make a 10% donation to  
221 the Southern Vermont College Staff Support Fund. Contact the Chamber of Commerce to get  
222 the final list of which merchants will be participating.

223 Ms. Conner: What is the update on the planting on the Dewey Street/Elm Street ravine,  
224 and Mr. Hurd answered that he has redone the original quote from Ron Pembroke and is  
225 waiting for Mr. Pembroke's analysis of that. Also, the accident information from that  
226 intersection has been provided with extra information to Tim Payne. It does not fall into the  
227 top 100 in accidents at an intersection.

228 Ms. Conner: Reminded everyone that May 18<sup>th</sup> is HazMat Day and thanked all that  
229 participated in Green Up Day. There were many green bags around Town.

230 Ms. Jenkins: Many trees have come down at Merchants Park and River Street, and Mr.  
231 Hurd stated that the trees at Merchants Park were from the construction and will be replaced  
232 when it is timely to do so. Also, the trees on River Street were taken down because we are  
233 doing a new streetscape on that street.

234 Mr. Gordon: Thanked Mr. Hurd for the report to the students on crossing Part Street  
235 and noted that they may be coming back to the Board.

236 Mr. Scully: Had a great visit at the Senior Center and a very impressive tour of the  
237 filtration plant. On May 30<sup>th</sup>, all filtration plants in the State will be open to the public and he  
238 encourages everyone to see where their tax dollars are going. Also, a thank you to all of the  
239 Emergency Medical Services personnel that responded to the Bennington College fire.

240 **12. EXECUTIVE SESSION**

241 **A. LEGAL**

242 *At 8:23pm, Jeannie Jenkins moved and Bill Scully seconded that the meeting was*  
243 *adjourned finding that an Executive Session be held on Legal as premature public knowledge*  
244 *would place a person involved in the subject matter at a substantial disadvantage. The*  
245 *motion carried unanimously.*

246

247

248

249 Respectfully submitted,

250 Nancy H. Lively

251 Secretary

252