

1 **BENNINGTON SELECT BOARD**

2 **BENNINGTON FIRE FACILITY**

3 **130 RIVER STREET**

4 **BENNINGTON, VERMONT 05201**

5 **AUGUST 12, 2019**

6 **MINUTES**

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

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

10 **ALSO PRESENT:** Stuart Hurd-Town Manager; Daniel Monks-Assistant Town Manager and Planning Director;
11 Curtiss Reed-Consultant; Jason Dolmetsch-MSK Engineering; Bill Stewart; Mary Gerish; Jason Bushee; Mia
12 Schultz; Lisa Cardaman; Rachel Blumenthal; 15 citizens; Jim Therrien-Bennington Banner; CAT-TV; and Nancy H.
13 Lively-Secretary.

14 At 6:02pm, Chair Donald Campbell called the meeting to order.

15 **1. PLEDGE OF ALLEGIANCE**

16 The Pledge of Allegiance was recited by all present.

17 *Jeanne Conner moved and Bill Scully seconded to move Agenda Items #6. Forest Fire Warden*
18 *& Deputy Appointment and #7. Revised Purchasing Policy between Agenda Items #3. Public*
19 *Comments and #4. Police Audit Procedure. The motion carried unanimously.*

20 **2. CONSENT AGENDA**

21 **A. MINUTES - JULY 22, 2019**

22 **B. WARRANTS**

23 *Bruce Lee-Clark moved and Jeannie Jenkins seconded to approve the Consent Agenda*
24 *amended as follows:*

25 *July 22, 2019 Minutes - Line 97, Change "Opiod" to "Opioid"*

26 *The motion carried with Jeannie Jenkins and Jeanne Conner abstaining from A. MINUTES - JULY 22,*
27 *2019.*

28 **3. PUBLIC COMMENTS**

29 Bill Stewart stated that there are 10,000-12,000 gallon tri-axle trucks coming every 25 minutes
30 from all different directions and are tearing up the streets. The small trucks that come one every hour
31 as agreed would still get them the water they need in a more respectful way. "Our water is liquid gold
32 and we are giving it away to a billion dollar industry (Golden Sax).

33 Mr. Campbell noted that this will be addressed in the Manager's Report at the end of the
34 meeting.

35 6. FOREST FIRE WARDEN & DEPUTY APPOINTMENT

36 Mr. Hurd reported that the Town Forest Fire Warden and Deputy Warden through the Vermont
37 Forests, Parks and Recreation "is a thankless job" that primarily oversees enforcement of burn permits
38 for no compensation.

39 *Bill Scully moved and Bruce Lee-Clark seconded to reappoint Matthew G. Hathaway as Town*
40 *Forest Fire Warden and Henry F. Higgins as Town Deputy Forest Warden. The motion carried*
41 *unanimously.*

42 7. REVISED PURCHASING POLICY

43 Mr. Campbell, Mr. Scully, and Mr. Thurber had served on the Select Board Purchasing Policy
44 Committee. Mr. Campbell and Mr. Scully shared the following with the Board:

- 45 • The proposed Purchasing Policy was drafted to replace the existing Purchasing Policy, adopted
46 in 1993, and deemed outdated.
- 47 • The Committee conferred with Finance Director, Melissa Carrier, and the Vermont League of
48 Cities and Towns (VLCT), as well as, other communities with relatively new purchasing policies.
- 49 • This proposed policy has been reviewed and well received by our employees - the people that
50 will be using it.
- 51 • Further discussion needs to occur on "Professional Services. The bid process shall not apply to
52 the selection of providers for services that are characterized by a high degree of professional
53 judgment, discretion and continuity including legal, financial, auditing, engineering, and
54 insurance services including risk management." This does not require prior approval of the
55 Select Board like all of the other towns policies of our size do. Some are case by case, and some
56 are annually.
- 57 • The Policy includes a Code of Conduct, Designation of the Purchasing Agent, a defined Sealed
58 Bid Process, and a limited number of exceptions in Competitive Proposals, Sole Source
59 Purchases, Emergency Purchases and Professional Services. Exceptions will be communicated
60 to the Select Board within 30 days of the transaction.
- 61 • Under Grant Funded Purchases, the more stringent requirements of a grant, albeit federal or
62 state, are followed.
- 63 • The Town Charter states that the Town Manager is the Purchasing Agent as defined in the
64 Purchasing Policy.

65 *Board comments:*

66 Mr. Lee-Clark suggested:

- 67 ➤ In general, it would be helpful to see the existing policy and incorporate the changes made
68 to it on the existing policy. In this case, however, it is understood that this is basically a
69 complete rewrite, and should be noted as such.
- 70 ➤ Number the lines.

71 ➤ Make it available to the public for their review prior to the Board adopting it. Mr. Hurd
72 added that it will be posted on the website.

73 Ms. Conner suggested:

- 74 ➤ Include a review date and get Ms. Currier's opinion as to when that should be.
75 ➤ Vendors currently under contract based on the existing Policy would be grandfathered in, if
76 necessary.

77 Mr. Hurd stated:

- 78 ✓ Under Professional Services, to potentially change attorneys, auditors, etc. every year is "going
79 too far". We have developed relationships with these professionals for years, they know our
80 systems, and this "endangers our relationships with people that have served us well for years".

81 The proposed Purchasing Policy will be discussed further with Ms. Currier and brought back to
82 the Board at the September 9, 2019 meeting.

83 **4. POLICE AUDIT PROCEDURE**

84 Curtiss Reed, Consultant, shared the following on the Police Audit Procedure and the
85 International Association of Chiefs of Police (IACP) proposal for the Bennington Police Department
86 Assessment:

- 87 ❖ He has had many years of experience working and training with several sheriff's departments,
88 police departments, and the State Police.
89 ❖ A Committee was developed that created the RFP criteria that was filtered through the town
90 attorney's office.
91 ❖ The RFP was sent out to 10 organizations - 7 known nationally and 3 known locally - and was
92 closed on June 16, 2019.
93 ❖ The selection was made on five categories - organizational experience, budget, technical
94 proposal, personnel, and length of time.
95 ❖ There were a wide range of proposals from "sketchy to sticker shock", and only one, IACP, that
96 had multi-racial, multi-gender personnel - important components "with the local needs".
97 ❖ The IACP also had some sticker shock, however, they ultimately reduced their price by \$17,000.
98 Also, they are the only organization that is non-profit.
99 ❖ All of the other proposals referred to the IACP as their point of reference. They are the
100 platinum standard, go to organization that develop professional best practices that are set
101 nationally.
102 ❖ The team will consist of:
103 ✚ Dr. Jessie Lee, Lead Subject Matter Expert
104 ✚ Kristen Clarke, Subject Matter Expert
105 ✚ James Baker, Subject Matter Expert
106 ✚ Sara Dziejma, Policy Review
107 ✚ Maghann Cassanova, Project Manager
108 ✚ Carl Maupin, Project Oversight
109 ❖ The IACP Project Strategy is:

- 110 The Goal -
- 111 ✚ “Sustain safe and secure community
 - 112 ✚ Conduct police services dedicated to integrity, responsiveness, accountability, justice,
 - 113 and public trust
 - 114 ✚ Sustain creative and constructive partnerships and build trust with the community,
 - 115 criminal justice system, city and county agencies, school district officials, safety-
 - 116 relevant public and private sector interests, and advocacy organizations
 - 117 ✚ Employ the most contemporary policy and program strategies and innovations
 - 118 ✚ Maximize return and value added on resource investments
 - 119 ✚ Sustain a safe and rewarding work environment for members of the agency”

120 The Objectives -

- 121 ✚ “Determine how they compare and contrast to professional best practices
 - 122 ✚ Identify what, if any, systemic racial bias is contained within department policies and
 - 123 practices
 - 124 ✚ Provide insight into the department’s policies and practices as they relate to responding
 - 125 to bias-motivated incidents and possible hate crimes
 - 126 ✚ Develop an action plan and recommendations based on the findings of the audit”
- 127 ❖ The IACP Scope and Methodology is:
- 128 ✚ “In conducting independent assessments that evaluate the policing environment, the
 - 129 assessment team engages a variety of tools, which, depending upon project scope, and
 - 130 client expectations and preferences, include interviews and/or focus groups, both
 - 131 internal and external, examination of existing organizational and operational data, and
 - 132 gathering of other new primary data through worksheets, questionnaires, and/or
 - 133 surveys. The following information provides additional detail concerning these
 - 134 methodologies.”
- 135 ❖ The IACP will be Assessing the Policing Environment, Administer Workforce and Community
- 136 Feedback Surveys, and Conduct Interviews and Focus Groups.
- 137 ❖ Community members will have the opportunity to be interviewed as part of the process.

138 *Public questions/comments:*

139 Mary Gerish: Appreciates that the public can have a say, however, the people most affected by the

140 problems are afraid to speak out, and Mr. Reed responded that the Team has a way of identifying the

141 people in the community that others trust and go to if they, themselves, do not want to speak.

142 Mia Schultz: Is disappointed that the community wasn’t involved in the process up to this point, but

143 would like to see the community involved going forward. Ms. Schultz also asked what the timeline is

144 and what sustainability there will be in the future, and Mr. Reed answered the timeline is 4 months,

145 and then the IACP will provide recommendations to the Select Board at the conclusion of their

146 assessment on how the Town should proceed going forward.

147 Lisa Cardaman: Wants to be one of the community members that is interviewed by the IACP.

148 Rachel Blumenthal: Reiterated the lack of community participation so far, and noted that it was

149 mentioned that the IACP is not a local organization, however, James Baker is from Arlington and is part

150 of the Project Team as a Subject Matter Expert. The IACP proposal will be available to the public on
151 the Town website.

152 Mr. Campbell stated that the range of prices in the proposals was from \$10,000 to \$100,000
153 with the IACP coming in at \$66,000. Mr. Hurd noted that this was not budgeted for but will be paid for
154 from the Fund Balance of the General Fund. Mr. Reed added that this “is an investment rather than an
155 expenditure that will strengthen the delivery of services”.

156 ***Bill Scully moved and Bruce Lee-Clark seconded to accept the International Association of***
157 ***Chiefs of Police Bennington, Vermont, Police Department Assessment proposal for \$66,000.00.***

158 Mr. Hurd recommended that anyone interested in being interviewed by the IACP should send
159 their names and contact information to SelectBoard@benningtonvt.org and a signup sheet for those
160 present was also circulated.

161 Mr. Hurd stated that, if the motion passes, the IACP will begin their work in early September.

162 ***The motion carried unanimously.***

163 The Board thanked Mr. Reed for his work so far on the project, as well as, any further work he
164 may do in the future.

165 **5. LEAD LINE REPLACEMENT GRANT: DRINKING WATER LOAN FUND**

166 *Bill Scully recused himself from this agenda item.*

167 Jason Dolmetsch, MSK Engineering & Design, presented the following to the Board:

- 168 ○ The Vermont Water & Wastewater Revolving Loan Funds have been approved for \$2.2M of
169 100% reimbursable funds for lead service line replacements.
- 170 ○ The recommendation is for the Town of Bennington to apply for an \$80,000 planning loan that
171 is 100% reimbursable from these monies.
- 172 ○ This money would go toward outreach efforts to achieve homeowner participation, as well as,
173 planning and design for replacements as needed.
- 174 ○ It is a 3-step process - environmental review, comprehensive public outreach, and onsite
175 inspections.
- 176 ○ Prior mapping work indicates 1,583 service lines to be completely or partially made of lead or
177 unknown per town records. We aim to reach and conduct inspections at 800 homes and
178 businesses, or roughly half of these connections.
- 179 ○ Letters will be sent to the 1,583 service line owners for the responses to go to MSK. Direct
180 outreach will also be done and work will be done on a first come, first serve basis. With the
181 potential “free money” available, we are expecting a good response, even though we only
182 received a 5% response from the previous mailing.
- 183 ○ We expect inspections at 800 properties to reveal between 200 and 600 lead service lines still
184 in use.
- 185 ○ Bennington had previously received a \$100,000 grant for mapping and public outreach. The
186 \$80,000 planning loan is a continuation of that work but was not available at the time the
187 \$100,000 grant was awarded.

- 188 ○ Mr. Hurd agreed that the \$80,000 is definitely 100% reimbursable and is confident that all of
189 the \$2.2M is, as well.

190 ***Bruce Lee-Clark moved and Jeannie Jenkins seconded to approve the Vermont Water &***
191 ***Wastewater Revolving Loan Funds Application for an \$80,000 Planning Loan as presented. The***
192 ***motion carried with Bill Scully recused.***

193 Mr. Campbell thanked Mr. Dolmetsch for his work on this and bringing it to the Board's
194 attention.

195 **8. MANAGER'S REPORT**

196 ***Bruce Lee-Clark moved and Jeanne Conner seconded to appoint the Town Manager as the***
197 ***Bennington Delegate to the Vermont League of Cities and Towns Annual Meeting and to authorize***
198 ***the Chair to sign. The motion carried unanimously.***

199 Mr. Hurd reported the following:

- 200 ○ 217 Washington Avenue Auction - The property had been sold twice but both sales failed. The
201 public auction is scheduled for August 29th at 10:00am in the Town Offices. This is a no reserve
202 auction so the highest qualified bidder wins. A viewing is scheduled for Saturday, August 24th at
203 9:00am.
- 204 ○ PFOA - Work has begun on the three contracts recently awarded. Work will be along Route 7A
205 moving north from BPI, also in the Apple Hill/Michaels Drive area, and the Willow Road area.
206 The other two contracts have not been bid yet for the upper end of East Road and Chapel Road.
- 207 ○ WWTF Project - The second phase of this project is one month behind but is moving along
208 albeit slower than we would like. Work is now focused on the upgrade of the digesters because
209 both primary digesters are off line and odors are occurring. We are removing wet sludge by
210 truck and we hope to have the first primary digester back on-line in early September. The
211 contractor has said they will be bringing in additional crews to catch up the time line, however,
212 that remains to be seen. There aren't any damage clauses in our agreement with the
213 contractor because it was thought that a year was sufficient time to complete their work.
- 214 ○ Morgan Spring Delivery System - The closing for the purchase of the Main Street lot will take
215 place on August 19th at 9:00am. There will be another meeting with Premium Water tomorrow
216 to discuss potential investment in the system and the project, as well as, the transportation
217 problems that we are having in and out of the site.
- 218 ○ Opioid Lawsuit - We expect that filings on behalf of the Town will be forthcoming in a week and
219 a half in the Ohio Federal Court. Vermont League of Cities and Towns will host a meeting as
220 there are many towns will more of a problem than Bennington who are not part of the lawsuit.
- 221 ○ Splash Pad - We may be headed to court to resolve the dispute with the primary contractor
222 which has prevented us from moving forward towards completion. We can't go forward
223 without litigation and the funds that have been raised for the project will cover that cost. The
224 general contractor hired a sub-contractor who did not follow the design plans, refused to fix the
225 errors, and is no longer in the picture. Our issue is with the general contractor.

226 **9. UPCOMING AGENDA**

227 The following are planned for the indicated meeting dates:

- 228 ❖ August 19th - Meeting in the Town Office at 5:15pm for Boards and Commissions interviews.
- 229 ❖ August 26th - BCIC Report.
- 230 ❖ August 26th - Jonah Spivak presentation on the Vermont 250th Anniversary.
- 231 ❖ September 9th - Revisit the Purchasing Policy.
- 232 ❖ September 9th - YMCA Report.
- 233 ❖ Payment of Tax Bills are due on November 10th.
- 234 ❖ Business Survey due in November.

235 **10. OTHER BUSINESS**

236 Mr. Campbell: Stated what a pleasure it was to go to the momentous occasion of the Putnam ground
237 breaking.

238 Mr. Scully: Noted the impact on the community with the loss of Lindy Lynch. On a lighter note,
239 congratulations to the Marauders and a reminder that the Rec Center will be closed for two weeks in
240 10 or 12 days. Our memberships, however, are good at the North Adams YMCA while the Rec Center is
241 closed.

242 Mr. Lee-Clark: Thanked Larry Gates and R.J. Joly for taking him on a tour of our three major sites, as
243 well as, all other staff that shared information about their jobs, and encouraged everyone to attend the
244 Sun N Fun Festival on Hillside at The Second Congregational Church on August 24th.

245 Ms. Conner: Stated that it is good to see work done at the Depot Street Garage.

246 *At 8:08pm, Jeanne Conner moved and Chad Gordon seconded the adjournment of the*
247 *meeting. The motion carried unanimously.*

248 Respectfully submitted,

249 Nancy H. Lively

250 Secretary

251