

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

MONDAY, OCTOBER 23, 2017

MINUTES

BOARD MEMBERS PRESENT: Tom Jacobs-Chair; Donald Campbell-Vice Chair; Jim Carroll; Jeanne Conner; Carson Thurber; Jeannie Jenkins

Absent: Chad Gordon;

ALSO PRESENT: Stuart Hurd, Town Manager; Dan Monks, Zoning Administrator & Assistant Town Manager; Zirwat Chowdhury, Community Development Director; Linda E. Bermudez – Secretary; (5) Citizens

At 6:00 P.M., **Tom Jacobs** called the meeting to order.

1. PLEDGE OF ALLEGIANCE

2. CONSENT AGENDA (A-B)

A) Minutes – October 09, 2017

Jeanne Conner added a correction for page (3) “Other Business”. Her statement was more of a question of did they own it, not clarifying if they did.

B) Warrants

MOTION: Carson Thurber motioned, and Donald Campbell seconded to accept and approve the Minutes of October 09, 2017 with correction as well as the warrants as submitted. Motion passed unanimously (*Chad Gordon absent*)

3. CITIZENS

William Stewart, resident, stated he witnessed several people as well as the State of Vermont at Morgan Springs two times in September. He questioned if something was wrong. Also, what is the update on the trucks? The Manager stated there is nothing wrong with Morgan Springs aquifer. He is unaware of those visits and not sure what they would be doing there. The town is currently waiting on the engineering quotes for a new loading location.

Mr. Stewart continued by claiming the Town of Bennington spent \$120 Million dollars to build the Route 279 bypass, so trucks would not travel downtown. Why are these water haulers not using it?

Tom Jacobs stated he will look into this as a provision of the next contract.

Jeanne Conner wanted it clarified that the Town of Bennington did not spend the money to build Route 279. It was not Town tax money that built it. Mr. Jacobs agreed by noting it was Federal and State money used.

David Crowley, area resident, suggested the Town Office and Court House (downtown) use only powerless lawn maintenance equipment. It will reduce noise pollution in that area. The Manager stated he appreciates the thought, but it could complicate things as the Town has many properties we maintain.

No other citizens spoke this evening.

4. RBC CONSTRUCTION LOAN AND AUTHORIZATION TO ENGAGE ENGINEER

The Manager presented the actual loan application to be signed by the Select Board for the RBC portion of the Wastewater Plant Upgrade (Bond approved October 2017). The application and certificate need to be signed so the Town can access the funds necessary.

In the original discussion, an Engineer would oversee the Bid process and award. The State has now decided they would like to have more oversight by the engineer during the RBC construction process.

Tom Jacobs suggested each item be discussed/voted separately.

MOTION: Donald Campbell motioned, and Carson Thurber seconded a motion to approve and sign the loan application for the RBC Construction portion of the Wastewater Plant upgrade.

Discussion:

Jeanne Conner wanted to confirm this is all part of the Sewer Bond Vote that took place, and was approved, in October 2017. The Manager stated it was. This is the first portion of work

VOTE: Motion passed unanimously. (Chad Gordon absent)

Discussion continued regarding the additional oversight by engineers.

MOTION: Donald Campbell motioned, and Carson Thurber seconded a motion to accept the Engineering Amendment and authorize the Town Manager to sign.

Discussion:

Carson Thurber asked if there would be an engineer on site for the second portion of the project. The Manager stated there would be. Mr. Thurber questioned if these would overlap resulting in two engineers overlapping unnecessarily.

The Manger stated he would discuss this concern with the engineers. Tom Jacobs expressed concern that the State had given approval for the plan submitted and now are changing the rules.

Mr. Thurber suggested weekly or monthly meetings with the engineer for updates/oversight instead of daily oversight as suggested by the state in order to keep costs down.

VOTE: TABLED (No Vote) To be held until further discussions with the engineers.

5. SEEDLING PROGRAM

Jeannie Jenkins noted this program came out of the Community Forum in 2012. It is designed to bridge the gap in achievements for those children living in poverty. It helps improve academic skills, resilience and self-confidence and community connections. She then introduced Lorianna Weathers and Sarah Truax who are currently running this program.

Ms. Weathers made a brief presentation. The current program takes place three days a week at both Molly Stark and Bennington Elementary. There are (22) students taking part ranging from First Grade through Sixth Grade. The program provides an afternoon snack, semi-private tutoring and local outings to such places as the Bennington Museum and to Southern Vermont College (SVC) to meet and interact with coaches etc. This furthers their community connection.

There are currently (28) volunteers working with the children. They are made up of College Students, High School Students, Retired Teachers and other community residents. More information can be found at seedlingsprogram.com or by contacting Ms. Weathers directly at lorianna.seedlingsprogramvt@gmail.com.

Donald Campbell asked what some of the challenges were. Ms. Weathers stated the program is only four years old. We hope to expand to Pownal and other areas in need. All money currently needed to run the program comes from private donations and/or grants.

Jim Carroll stated this was great work being done. He believes they could take it nationwide. It could be transformative in areas such as Chicago, Boston and New York.

Carson Thurber re-iterated their need to raise an additional \$25,000. It is important that the public understand what you are in need of to continue this great work.

Jeanne Conner asked if the volunteers stay within their own group as time goes on. Ms. Weathers stated they do. Ms. Conner also asked if there were behavior changes in the students while in the program. Ms. Weathers stated they do receive annual surveys from both classroom teachers and the parents. Each have expressed that they have seen the children more engaged in school and now look more forward to actually going to school.

Donald Campbell noted that change does not come quick, but this is evidence that it can happen. He thanked Ms. Jenkins for all her help/work on this project.

Tom Jacobs wished all those involved continued and growing success.

6. ACT 46 UPDATE

Donald Campbell recused himself from the Board to present this update. He announced Thursday October 26, 2017 at 7:00pm at the Mount Anthony High School would be an extensive forum on the Act 46 issue.

This all came about in response to declining student numbers and the desire for an increase in quality of education and efficiency. It is a governance merger. The State of Vermont is giving their communities the opportunity to transform and merge on the own. If they cannot accomplish this, the State will come in June 2018 and design the merger for them.

The Act 46 committee has developed a merger plan and needs to be voted upon and approved on November 7th, 2017 or the State will do it for us. The plan developed by the committee will combine boards, provide equal education and even provide some tax incentives. It is based on the MAU structure where each community's seat at the table bares equal weight. This will keep smaller communities involved and balances decision making. Provisions also included that no smaller schools could be closed for at least (5) years. Additionally, the "new district" may have inter-community school choices.

There will not be another opportunity to vote on something like this. If we cannot approve the merger, the State will take over and design one for us.

7. VCDP MUNICIPAL POLICY ADOPTION

Zirwat Chowdhury, Community Development Director stated the Town's Municipal Policy and Codes have recently expired. These need to be in place and are required by the Federal Government in order to receive Federal Grant monies. Once updated, signed and in place they are good for (10) years. The policy presented this evening has only minor revisions.

MOTION: Donald Campbell motioned and Jim Carroll seconded a motion to accept & adopt the VCDP Municipal Policy as presented

Discussion:

Donald Campbell asked if this was a "boiler plate" format from the State. Ms. Chowdhury stated it was, as it comes from both State and Federal legislation. He then suggested an addition/change to include Health and Safety Risks.

Tom Jacobs thought that would be best addressed by the Town's Attorney. He asked what the timeline of acceptance was. Ms. Chowdhury stated it must be in place in order to receive any grant money for the Putnam Redevelopment project. Mr. Jacobs then suggested the Municipal policy be accepted as presented and then could be amended if needed.

REVISED MOTION: Carson Thurber motioned and Jim Carroll seconded a motion to accept & adopt the VCDP Municipal Policy as presented.

Motion passed unanimously (*Chad Gordon absent*)

Donald Campbell then suggested the following amendment be added to the VCDP Municipal Policy regarding safety risk:

"except when entrance to a facility violates local, state, or federal codes or otherwise presents a threat to human safety, or is private property"

MOTION: Donald Campbell motioned and Jeanne Conner seconded a motion to accept & adopt the amendment to the VCDP Municipal Policy as presented.

VOTE: Motion passed (*Tom Jacobs abstained; Chad Gordon absent*)

8. AMENDMENT TO MUNICIPAL SOLID WASTE AND VARIABLE PRICING ORDINANCE

The Manager stated the original municipal solid waste ordinance required both haulers and facilities to report quantities received quarterly. Currently Cassella runs the Transfer Station and reports as a whole, quantities collected. The legislature has realized that reporting for the smaller haulers is overbearing and is allowing the Transfer Stations to report them. The amendment to the Municipal Solid Waste Alliance Ordinance presented simply “deletes” the section stating smaller haulers must report quarterly.

MOTION: Donald Campbell motioned and Jeannie Jenkins seconded a motion to accept & sign the amendment to the Municipal Solid Waste Ordinance as presented. Motion passed (*Chad Gordon absent*)

9. MANAGER’S REPORT

Tom Jacobs would like to reconcile the Bowen Road budget when it is near completion. The Manager agreed.

The Manager announced the resignation of Scott Fox from the Housing Authority Board. This is a resident position on the Board. They will be seeking a new resident to fill that seat.

The Manager wanted to remind the Board that this is the year that all, but one agency must petition to be on the ballot according to the “three year” ordinance. The one remaining is not required because it is a new agency and had not reached its third year yet.

Discussion continued with thoughts of changing the ordinance. Options included amending the policy to combine all agencies on one ballot to petition each year and eliminate the need for a petition for those agencies requesting \$7,500 or less.

Donald Campbell questioned if this should be its own agenda item for another night. The Manager noted a decision did not have to be made tonight. Jeannie Jenkins stated that many of these agencies provide vital community service. Petitioning each year would put a burden on these agencies and take members away from doing their important work. She is not opposed to some sort of cycle however.

Tom Jacobs asked the Manager to work with Town’s Staff to design a revised policy for consideration.

The Manager continued by announcing PFOA Waterline Extensions have begun. No roads will be closed entirely moving forward. There had been some confusion in the beginning. Hopefully most of the work can be completed before the snow arrives, with completion next spring.

10. OTHER BUSINESS

Jeanne Conner gave "Kudos" to Dan Monks for the TIF/VEPC meeting recently. Several TIF and VEPC members noted they have been very impressed with Bennington as a whole.

Jeannie Jenkins stated CCV (Community College of Vermont) is accepting donations for the Vermont Veteran's Home on Thursday November 10th, 2017. Some suggestions are CD's (music of all types), stamps, writing paper, envelopes, hats, belts and puzzles. Ms. Jenkins wanted to thank Crae's Printing for printing the flyers and their own donations.

Tom Jacobs also thanked Dan Monks for his work on the recent TIF meeting. Mr. Monks serves his community well. VEPC members stated it had been the best presentation they have seen.

There was no other business this evening

Tom Jacobs stated there was a need for Executive Session.

Motion: Donald Campbell moved and Jim Carroll seconded a motion finding that an Executive Session be held on a contracts matter and that premature general public knowledge of this matter would place person(s) involved at a substantial disadvantage. Motion passed unanimously (*Chad Gordon absent*)

11. Executive Session

A) Contracts

Respectfully submitted,

Linda E. Bermudez
Secretary

**TOWN OF BENNINGTON
NOTICE OF AMENDMENT TO
TOWN OF BENNINGTON
MUNICIPAL SOLID WASTE VARIABLE RATE PRICING AND
HAULER REGISTRATION AND REPORTING ORDINANCE**

Article 28-7 Registration & Reporting

DELETE THE FOLLOWING: "Haulers & Facilities shall report on the quantities of municipal solid waste, organics, and mandated recyclables collected in the Town for each preceding quarter on April 15, July 15, October 15, and January 15 of each year on forms to be provided by the Town of Bennington. All other provisions of the Municipal Solid Waste ordinance remain in effect."


Complete text of this ordinance can be found: Bennington Town Clerk's Office, Monday-Friday 8am – 5pm.

Contact Town Manager's office with questions 802-442-1037.

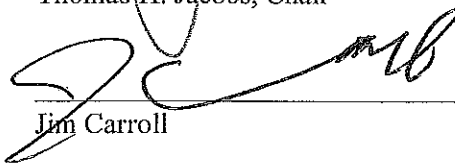
Citizens have the right to petition per Title 24 Section 1973. Unless a petition for a vote is received the Amended Ordinance becomes effective 60 days after adoption.

Dated at Bennington, Vermont this 23rd day of October 2017.

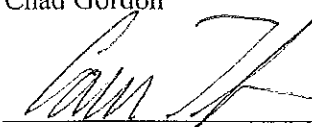
Select Board
Town of Bennington, Vermont




Thomas H. Jacobs, Chair



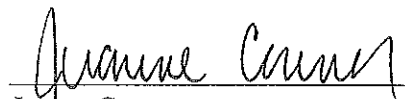
Jim Carroll

Chad Gordon


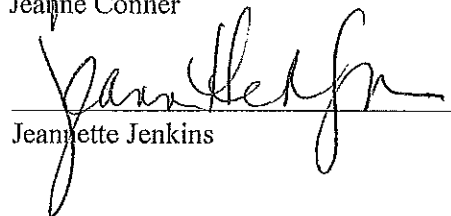
Carson Thurber



Donald A. Campbell, Vice Chair



Jeanne Conner



Jeannette Jenkins