

1 **BENNINGTON SELECT BOARD**

2 **BENNINGTON FIRE FACILITY**

3 **130 RIVER STREET**

4 **BENNINGTON, VERMONT 05201**

5 **SEPTEMBER 10, 2018**

6 **MINUTES**

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

9 **SELECT BOARD MEMBERS ABSENT:** None.

10 **ALSO PRESENT:** Stuart Hurd-Town Manager; Bruce Lee Clark; William Stewart; Peter  
11 O’Dierna; James Solierno; Keith Leary; Lorna Charitan; 5 citizens; Mike Cutler-CAT-TV  
12 and Nancy H. Lively-Secretary.

13 **EXECUTIVE SESSION - INTERVIEWS**

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

15 **1. PLEDGE OF ALLEGIANCE**

16 Recited by all present.

17 Mr. Jacobs noted that we owe Kiah Morris “a debt of gratitude” for her service.  
18 She has decided to not seek re-election primarily due to racial comments directed at her  
19 and her family. “That’s not something that we, as a community, can ever accept.” If  
20 you are aware this is taking place, or it is directed toward you, you owe it to yourself  
21 and the community to report it to the police.

22 Mr. Carroll added “this is not who we are”. Kudos to Ms. Morris for her service,  
23 and Mr. Campbell concurred.

24 **2. CONSENT AGENDA**

25 **A. MINUTES - AUGUST 27, 2018**

26 **B. WARRANTS**

27 *Donald Campbell moved and Jim Carroll seconded to approve the Consent*  
28 *Agenda as submitted.*

29 Ms. Conner felt that her comment questioning the issuing of the \$20,000 check  
30 to Vermont Partners was concerning the closing on the building and not the notification  
31 of a credit check or signed lease agreement for January 1, 2019 occupancy. Mr. Jacobs

32 stated that the Minutes did reflect that the closing will take place on September 7, 2018.  
33 There were no changes to the Minutes.

34 *The motion carried unanimously.*

35 **3. PUBLIC COMMENT PERIOD**

36 William Stewart reiterated his concern about the truck traffic in his  
37 neighborhood due to the Morgan Springs contract. He has obtained 9 or 10 signatures  
38 from others in the neighborhood - and will get more - with the same concerns, and  
39 wanted to know if anything is being done about it. He has been speaking on this for 4  
40 years and this contract should not be renewed. "It was made by one person, not the  
41 Select Board."

42 Mr. Stewart added why do we have to buy the water back in the store when we've  
43 already paid for it with our taxes?

44 Mr. Jacobs answered that it is the Town's contract, not Stuart Hurd's, and there  
45 will be a response to your concerns. Some things take longer than one would like. This  
46 is important to the Town, as well as, to those that live in the area.

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48 Peter Odierna and James Solierno informed everyone about a new Workforce  
49 Training Initiative that manufacturing companies have partnered in. Due in part to an  
50 aging workforce, there is a "workforce gap" for trained CNC machine operators. This is  
51 the computer controlled version of the milling and lathe machines that you used to see  
52 in a machine shop. The first class will be completed on September 11<sup>th</sup> with the next  
53 one to start on October 2<sup>nd</sup>. The training consists of 30 hours of classroom study over 5  
54 weeks with each student completing the course being guaranteed an interview with the  
55 participating companies. The course is for a Level 1 Operator where skills include some  
56 math ability, being able to "put things together" and being able to read a diagramed  
57 chart. The starting pay is in the low to mid-teens/hour with benefits and opportunities  
58 for additional trainings and increased pay. The average manufacturing wage in Vermont  
59 is \$54,000/year. The cost to run the training at the CDC is \$1,500 with a maximum  
60 capacity of 12 students, so the cost is \$125/student with tuition assistance available  
61 through the Department of Labor (DOL). We are also working with the DOL for future  
62 certification upon completion of the course.

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64 Keith Leary, a resident of Bennington and employee of Tastee Freeze, noted the  
65 excessive speed of vehicles going past Tastee Freeze. Even though it is a state road, the  
66 Town police patrol it, so Mr. Hurd will inform the Town police of the situation.

67 Lorna Charitan requested that the No Parking Sign at the intersection of Prospect  
68 Street and Silver Street be moved farther away from the intersection because, even  
69 though cars are currently parking legally, there isn't enough visibility to safely pull out of  
70 the intersection. Mr. Hurd will look into moving the sign.

71 **4. IMPROPER USE OF PUBLIC WAYS ORDINANCE: CONSIDERATION OF ARTICLE 17.3**  
72 **PARAGRAPHS F-G INCLUSIVE AND ARTICLE 17.4 PARAGRAPHS J-S INCLUSIVE**

73 Mr. Hurd stated that this is in response to the ACLU Vermont letter that went  
74 out to several communities concerning aggressive panhandling ordinances. In 2014,  
75 Bennington was prompted by some downtown merchants that we needed to address  
76 panhandling and our ordinances were somewhat "aggressive". There haven't been any  
77 citations issued in quite some time. More recently, anyone panhandling has been  
78 referred to social services. The ACLU letter has been reviewed by an attorney and is  
79 constitutionally correct.

80 The Board was in agreement that these Articles should be removed, however,  
81 Mr. Jacobs and Mr. Carroll noted that the Board in 2014 were advised by counsel and  
82 did what they thought was best for the Town at the time.

83 Bruce Lee Clark spoke in favor of the removal of the Articles, that they are  
84 unconstitutional in the limiting of the freedom of speech, and put the police in a difficult  
85 position to have to evaluate what is "speaking in a volume unreasonably loud under the  
86 circumstances". He also requested that an in-depth evaluation be done before  
87 "stepping on the First Amendment" in the future.

88 ***Donald Campbell moved and Carson Thurber seconded to remove the following***  
89 ***Articles from ARTICLE 17 IMPROPER USE OF PUBLIC WAY AND ABATEMENT OF PUBLIC***  
90 ***NUISANCES:***

91 ***Article 17-3 Definitions, paragraphs F. thru G., inclusive***

92 ***Article 17-4 Prohibitions, paragraphs J. thru S., inclusive***

93 Ms. Conner asked if this would take place immediately, and Mr. Hurd answered  
94 that there is a 60-day appeal period but that hasn't been enforced in quite a while.

95 ***The motion carried unanimously.***

96 **5. ERRORS AND OMISSIONS**

97 ***Donald Campbell moved and Jim Carroll seconded to correct the error of not***  
98 ***adjusting the homestead value of Parcel 51557400, Jason and Jennifer Sausville,***  
99 ***resulting in an adjusted tax bill of \$135.05 less. The motion carried unanimously.***

100 **6. MANAGER'S REPORT**

101 *Jim Carroll moved and Jeanne Conner seconded to waive the alcohol*  
102 *prohibition for the Bennington Fire Department Clambake on September 16, 2018*  
103 *from 10:00am until 5:00pm. The motion carried unanimously.*

104 Mr. Hurd reported that we are close to receiving the remaining \$6,000,000 from  
105 the bond bank for the WWTF. We have two options to consider for the sewer rate  
106 increases - 1. To increase the rates 12% for 3 years; and 2. To increase the rates 10% and  
107 then drop to 7.5% over a 4 year period. The overall impact on the rates is the same.  
108 This will be part of our budget discussion in April 2019, but the bond bank wanted the  
109 Board to be aware of the large increase ahead of time. It may be able to be stretched  
110 out over a longer period of time, but we haven't looked at that at this time. The first  
111 increase will be in 2020 and we may be able to push the second increase to 2021.

112 Mr. Hurd stated that it looks like the community meeting on PFOA will be in the  
113 first part of October.

114 Mr. Hurd noted that Kingsbury Companies is just getting starting on their part of  
115 the WWTF project with more activity by the end of September. "So far, so good."

116 And, Bill Colvin will be attending the next Board meeting to report on his  
117 contract with the BCIC and to discuss the Putnam Block project.

118 **7. OTHER BUSINESS**

119 Mr. Thurber thanked all of the volunteers for the successful Garlicfest this past  
120 weekend. Special mention and thanks to Lindy Lynch - "she is a tremendous asset to  
121 this community".

122 Mr. Campbell noted that the Citizen Survey should be released in early October  
123 and the paving project is expected to be complete on October 12<sup>th</sup>.

124 Mr. Campbell also stated that the Second Congregational Church Energy Fair was  
125 very successful.

126 Mr. Gordon reminded everyone of the Food Truck Festival this weekend.

127 Mr. Jacobs would like the Police Chief to come to a meeting in October to discuss  
128 the opiate epidemic, as well as, the Rescue Squad and hospital, if they wish. Mr. Gordon  
129 also suggested that Gracie, the drug dog, should come with her handler since she  
130 contributed greatly to the large drug bust that received national attention.

131 Mr. Jacobs would also like the Town to look at the issue of single use shopping  
132 bags. Brattleboro has adopted an ordinance to eliminate them, and we have an  
133 obligation to our future to also look into eliminating them.

134 **8. EXECUTIVE SESSION**

135       A. REAL ESTATE

136       B. LITIGATION

137               *At 7:06pm, Jim Carroll moved and Donald Campbell seconded finding that an*  
138 *Executive Session be held on Real Estate and Litigation as premature public knowledge*  
139 *would place a person involved in the subject matter at a substantial disadvantage.*  
140 *The motion carried unanimously.*

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145       Respectfully submitted,

146       Nancy H. Lively

147       Secretary