

1 **BENNINGTON SELECT BOARD**

2 **BENNINGTON FIRE FACILITY**

3 **130 RIVER STREET**

4 **BENNINGTON, VERMONT 05201**

5 **NOVEMBER 26, 2018**

6 **MINUTES**

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

9 **SELECT BOARD MEMBERS ABSENT:** Donald Campbell-Vice Chair and Jim Carroll.

10 **ALSO PRESENT:** Stuart Hurd-Town Manager; Daniel Monks-Planning Director; Zirwat Chowdhury-Community
11 Development Director; Jessie Rumlow-Associate Director Berkshire YMCA; Representative Mary Morrissey; Jackie Kelly;
12 Michael Leake; Mike Cutler; Thomas Dee-CEO of SVMC; Andrea Malinowski; David Reese-Senior VP of Bennington
13 College; Derrick Hurley; Rose Talbert; Nicole Goswami-Marauders Swim Coach; Sarah Callanan-President of the
14 Marauders Swim Teach Board; 10 citizens; Mike Cutler-CAT-TV; Jim Therrien-Bennington Banner and Nancy H.
15 Lively-Secretary.

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

17 **1. PLEDGE OF ALLEGIANCE**

18 The Pledge of Allegiance was recited by all present.

19 **2. CONSENT AGENDA**

20 **A. MINUTES - NOVEMBER 12, 2018**

21 **B. WARRANTS**

22 *Jeanne Conner moved and Carson Thurber seconded to approve the Consent Agenda as submitted.*

23 Mr. Hurd explained that the payment to Goldstone Architecture was for a more detailed presentation
24 of Phase 2 of the Bennington Recreation Project for the Town to evaluate. The Board will receive a copy of the
25 plan and invite Jeff Goldstone back to a meeting for a presentation when it has been completed.

26 Ms. Conner clarified that the money for the Splash Pad is flowing through the Town but the taxpayers
27 are not paying for it.

28 *The motion carried unanimously with Donald Campbell and Jim Carroll absent.*

29 **4. CITIZEN PUBLIC COMMENTS**

30 Tom Jacobs recused himself from any comments on the Stark and Warner Solar Projects.

31 Mary Morrissey verified that the Select Board reviewed the letter of November 19, 2018 to the
32 Vermont Public Utilities Commission that stated the Stark and Warner Solar Projects complied with the
33 screening ordinance of November 9, 2015, were in a Preferred Area and complied with the land conservation

34 measures in the Town Plan as was determined by VHB from South Burlington, and as was required in the
35 Settlement Agreement. Ms. Morrissey expressed her disappointment in this process.

36
37 Jackie Kelly stated that her personal water rates have doubled in the past couple of years and people
38 that have been affected by PFOA now on Town water are having a difficult time paying their water bills. Mr.
39 Hurd explained that water rates have only increased 2% this year because of the 150 residents that have been
40 added to the system. Our rates are currently above average due to the two bonds that we have to pay off to
41 make our system compliant. We should again look into meters vs. flat rate to help equalize the 5 person
42 household vs. the 1 person household. Also, having a well is not free - there are costs related to that, as well.

43
44 Mike Cutler announced that community theatre returns to Old Castle with “The Curious Savage” on
45 December 7th and 8th with two shows at 7:30pm and a matinee at 2:00pm.

46 **3. Y PROPOSAL FOR RECREATION CENTER**

47 Ms. Chowdhury stated that Bennington was the home to a YMCA from 1912 to the early 1970’s. A
48 preliminary agreement in 2017 with the Berkshire-Y proposed summer camps and afterschool programs as the
49 first and sequential steps in this partnership. While the Berkshire-Y offered summer camps in both 2017 and
50 2018, afterschool programs remain a working goal. The proposed management agreement is the next step for
51 evaluating if, and how, the Town could bring the YMCA back to Bennington.

52 The agreement is in lieu of hiring a full time Recreation Center Director and will place Jessie Rumlow,
53 Associate Director for the Berkshire-Y, in the role of Interim Director of the Recreation Center for 12 months at
54 a fee of \$3,600.00/month. Ms. Rumlow will do a full operational assessment within the first 120 days and
55 membership rates will not change during the 12 month agreement. There will also be a Transition Committee
56 that will be a cross-section of the community that will meet quarterly to assist and evaluate the partnership.

57 Ms. Rumlow stated the following:

- 58 • The assessment during the first 120 days will evaluate existing programs, determine if they
59 need improvement or will stay as they are, suggest new programs, and see how space can be
60 better utilized.
- 61 • Afterschool programs and senior programming are two priority areas that will be addressed.
- 62 • The Y will collaborate with other agencies within the community to also offer programs in
63 facilities other than the Rec Center.

64 Board questions/comments:

65 Ms. Conner: Have you done this type of agreement before, and Ms. Rumlow answered, yes, we’ve had
66 management agreements with the North Berkshire YMCA, Pittsfield YMCA, and CUIC Basketball Program, also
67 in Pittsfield, MA.

68 Ms. Conner: Added that having more programs may be beneficial for grants as we consider Phase 2.

69 Mr. Thurber: How much would you be here, and Ms. Rumlow responded that she would be splitting
70 her time with Bennington and Northern Berkshire, and would be in Bennington 15 days/month, or 4
71 days/week with the same job title in both.

72 Mr. Jacobs: How would you implement a relationship with the existing staff, and Ms. Rumlow stated
73 that existing staff would always be involved for their input.

74 Mr. Jacobs: How do you see 'discussing options' at the end of the contract working, and Ms.
75 Chowdhury answered that that will be determined in the next 12 months.

76 Ms. Jenkins: Asked about relationships with other school systems for their before and after school
77 programs, and Ms. Rumlow stated that they have a strong partnership relationship with both the Pittsfield and
78 North Adams school systems. They use their cafeterias and gyms throughout the school year - including snow
79 days - and provide day care services in Pittsfield.

80 Ms. Jenkins: What kind of senior services do you have, and Ms. Rumlow responded we have programs
81 on balance, enhanced fitness that focuses on arthritis, Silver Sneakers which may be covered by insurance
82 and/or grants. Also, there are programs on diabetes and cancer survivors, as well.

83 Ms. Jenkins: Can you bring strategic planning to the community for the best Rec Center that we can
84 have, and Ms. Rumlow stated that they have YUSA support which has helped them with strategic planning.
85 We are in the middle of a capital campaign for our Pittsfield branch.

86 Mr. Gordon: Would fundraising done in Bennington stay in Bennington, and Ms. Rumlow answered
87 that we do a capital campaign for scholarships and memberships that is spread out to all of the partners so
88 they would benefit Bennington residents directly.

89 Public questions/comments:

90 Jackie Kelly spoke in favor of the snow day coverage, using additional facilities, and staying open longer
91 hours. She also noted that membership fees in Pittsfield are \$396/year and our seniors are now paying
92 \$62/year. Can membership rates be based on what they can afford, and Ms. Rumlow stated that they are
93 generally based on the amenities that are available, however, they do get grants and subsidies, as well as,
94 offer financial aid to those that are in need.

95 Mike Leake noted his years of competitive swimming, being a master swimmer, and serving as a life
96 guard. He is excited about the future and would like to serve on the Transition Committee when it is formed.

97 Rose Talbert asked how the senior programs would be affected, and Ms. Rumlow reiterated that she
98 will be evaluating and assessing everything in the next 4 months.

99 Nicole Goswami, Coach of the Marauders Swim Team, noted that they are an independent club and
100 could they remain so, and Ms. Rumlow answered that as long as they were renting space and time, they would
101 remain independent and not become the 'YMCA Bennington Swim Team'. Ms. Goswami would also like to
102 serve on the Transition Committee when it is formed.

103 Thomas Dee- CEO of SWMC, David Reese-Senior Vice President of Bennington College, and Andrea
104 Malinowski strongly support the Y coming to town.

105 Derrick Hurley asked who makes the decision when this year is over, and Mr. Jacobs answered that the
106 Select Board does after a Public Hearing or two. Mr. Hurley noted that, in the 2017 agreement, there were
107 programs that were promised but never offered, and the programs that the Rec Center usually had offered did
108 not occur, such as, T-Ball and Summer Soccer Camp. Ms. Chowdhury stated that these were not the Y's
109 responsibility in that agreement, and Mr. Hurd added that it was the Town that "dropped the ball, literally"
110 back then. However, those programs will be coming back.

111 Sarah Callanan, President of the Marauders Swim Team Board of Directors, clarified that the
112 Marauders Swim Team would remain independent, and Ms. Rumlow agreed.

113 ***Jeannie Jenkins moved and Carson Thurber seconded to approve the Management Agreement***
114 ***between the Town of Bennington and the Berkshire Family YMCA and to authorize the Town Manager to***
115 ***sign on behalf of the Town. The motion carried unanimously with Donald Campbell and Jim Carroll absent.***

116 5. DOWNTOWN BENNINGTON ALLIANCE - MARKETING PROPOSAL

117 This agenda item will be rescheduled when a full Board is present.

118 6. FED UP VERMONT LAWSUIT

119 Mr. Hurd stated that Sanford Heisler Sharp (SHS), LLP is a national public interest law firm with offices
120 in Washington, DC, New York City, San Francisco, San Diego, and Nashville that specializes in litigating class
121 action employment discrimination cases and whistleblower matters, wage and hour actions, financial services
122 and ERISA claims, among others. The others include significant expertise in opioid litigation. SHS represents
123 nearly forty cities and towns in Virginia in their opioid actions and would like to represent all cities and towns
124 throughout Vermont, seeking to hold accountable the prescription opioid manufacturers and other defendant
125 corporations for their role in creating the present epidemic. SHS will pay all expenses and retains 25% of any
126 monetary recovery as their full compensation with the remaining 75% paid directly to the Town of
127 Bennington. There is no cost to the Town.

128 SHS want to file the lawsuit in Vermont District Court. Currently, there are no Vermont cities or towns
129 participating. Town Council has not yet reviewed the proposal.

130 Board questions/comments:

131 Mr. Jacobs: Supports participating in the lawsuit.

132 Mr. Gordon: Supports participating in the lawsuit.

133 Ms. Jenkins: Would like to look at the downsides to this and get Council's opinion.

134 Mr. Thurber: Thanked all who have been affected by opioids for sharing and coming to the meeting
135 again tonight.

136 Ms. Conner: Admires the courage of all who shared their stories at the last meeting and thanked Dr.
137 Dundas for his work with this issue. Unless there's a downside, we should support participating in the lawsuit.

138 ***Chad Gordon moved and Carson Thurber seconded for the Town of Bennington to participate in the***
139 ***Opioid Lawsuit brought by Sanford Heisler Sharp, LLP pending advice of Bennington Council on the retainer***
140 ***agreement and process. The motion carried unanimously with Donald Campbell and Jim Carroll absent.***

141 7. MANAGER'S REPORT

142 Mr. Hurd reported that the Town acquired the abandoned former motel property at 209 Pleasant
143 Valley Road at a tax sale. The minimum bid sought was for \$79,413.30 which was for taxes and interest.
144 There are 13 outbuildings and a home currently assessed at \$230,000 but worth much less in its current
145 condition. We only received one bid from James Horst in the amount of \$12,500. The estimated cost to
146 demolish and remove the 13 outbuildings is \$35,000 to \$40,000 plus the house needs to be gutted and

147 renovated. Mr. Horst would secure the property this winter and begin the demolition/renovation in the
148 spring. Approval is sought to accept the bid.

149 ***Jeanne Conner moved and Chad Gordon seconded to accept the bid of \$12,500.00 from James Horst***
150 ***for the 209 Pleasant Valley Road property.***

151 Ms. Conner asked how many acres went with the property, and Mr. Hurd did not know exactly but said
152 that “it is a good sized lot”.

153 Ms. Jenkins noted that this was the second property in two meetings that is in disrepair, and is there
154 something we can do to get this properties moved sooner. Mr. Hurd responded that we give the property
155 owners many chances by entering in payment agreements. If the agreements are not honored, this extends
156 the time that the Town retains the property. Generally, these agreements are successful, however, we should
157 probably be more diligent in enforcing the one year timeframe.

158 Mr. Thurber thanked Mr. Horst for his interest in the property but would like to “take pause” for this
159 evening to see if there is additional interest in the property with the public discussion that has taken place at
160 this meeting.

161 ***Carson Thurber moved and Chad Gordon seconded to table the motion to accept the bid of***
162 ***\$12,500.00 from James Horst for the 209 Pleasant Valley Road property. The motion carried unanimously***
163 ***with Donald Campbell and Jim Carroll absent.***

164

165 Mr. Hurd reported that the agency budget requests totaling just under \$1M were distributed to the
166 Board. Two agencies did not submit a request but may be planning to petition.

167 **8. OTHER BUSINESS**

168 Mr. Jacobs: Congratulated Ms. Chowdhury on the two Town of Bennington grant awards.

169 Ms. Conner: Would like to put getting the information on our woodlots as an agenda item in February
170 2019 with David Dence in attendance.

171 Ms. Jenkins: BCRC is having two meetings at 6:30pm - one on Tuesday in Sunderland and one on
172 Thursday in Arlington - to discuss how they’re funded and what they offer. These are primarily for
173 municipalities but open to everyone so they can understand BCRC’s contributions to us.

174 Mr. Gordon: Thanked RJ Joly and his crew for taking such good care of the roads.

175 **9. EXECUTIVE SESSION**

176 **A. CONTRACTS**

177 An Executive Session to discuss Contracts was not needed.

178 ***At 7:47pm, Jeanne Conner moved and Carson Thurber seconded the adjournment of the meeting.***
179 ***The motion carried unanimously with Donald Campbell and Jim Carroll absent.***

180 Respectfully submitted,

181 Nancy H. Lively, Secretary