

1 **BENNINGTON SELECT BOARD**

2 **BENNINGTON FIRE FACILITY**

3 **130 RIVER STREET**

4 **BENNINGTON, VERMONT 05201**

5 **JULY 8, 2019**

6 **MINUTES**

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

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

10 **ALSO PRESENT:** Stuart Hurd-Town Manager; Daniel Monks-Assistant Town Manager and Planning
11 Director; Shannon Barsotti-Community Development Director; Ilsa Svoboda-Meals on Wheels; Jennifer
12 Plouffe-Council on Aging; Cathy Aliberti-RSVP; Becky Arbella-SASH; Carrie Fabricius-Senior Center; Betsy
13 Rathbun-Gunn; Lorna Mattern; and Beth Wallace-United Children’s Services; Jeff Goldstone and Jeff
14 Byar-Goldstone Architecture; Pat Kinney; Rose Telford; Nancy White; Representative Mary Morrissey;
15 Mike Bethel; 15 citizens; Mike Cutler-CAT-TV; and Nancy H. Lively-Secretary.

16 At 6:03pm, Chair Donald Campbell called the meeting to order.

17 **1. PLEDGE OF ALLEGIANCE**

18 The Pledge of Allegiance was recited by all present.

19 *Jeannie Jenkins moved and Jeanne Conner seconded to amend the Agenda to add 12.*
20 *Executive Session, A. Legal Matter. The motion carried unanimously.*

21 **2. CONSENT AGENDA**

22 **A. MINUTES - JUNE 17, 2019 AND JUNE 24, 2019**

23 **B. WARRANTS**

24 *It was moved and seconded to approve the Consent Agenda amended as follows:*

25 *June 17, 2019 Minutes - Line 44, Change “It is” to Is it”*

26 *June 24, 2019 Minutes - Line 219, Change “the Hayden” to “the Police Station Cooling*
27 *and Heating Hayden”*

28 *The motion carried with Bruce Lee-Clark recusing himself.*

29 **3. PUBLIC COMMENTS**

30 Nancy White is concerned that it hasn't been announced when the voters will vote on
31 the YMCA and UCS at the Rec Center. Mr. Hurd stated that the Lease Agreement was accepted
32 by the Board at the May 13, 2019 meeting. The UCS project presentation is Agenda Item #5 so
33 further comments will be made at that time.

34

35 Rose Telford asked if anyone has been hired for the part time job at the Senior Center,
36 and Mr. Hurd answered that the part time position had been removed from the budget
37 because there is now full time personnel at the Senior Center.

38

39 Pat Kinney stated that the Board "has got to start doing their job and stop giving the
40 Town away". Mr. Kinney is concerned about the additional expense to the taxpayers for the
41 YMCA at the Rec Center, the WWTF project, the purchase of land by the new Town Garage, and
42 the maintenance of these additional projects.

43 **4. SERVICE AGENCIES FOR SENIORS PRESENTATION**

44 Shannon Barsotti, Community Development Director, introduced Ilsa Svoboda from
45 Meals on Wheels, Jennifer Plouffe from the Council on Aging, Cathy Aliberti from RSVP and
46 Becky Arbella from SASH. They did the following presentations:

47 Ilsa Svoboda-Meals on Wheels (MOW):

- 48 • We deliver 250-300 meals/day in Bennington.
- 49 • We work out of 124 Pleasant Street - a facility owned by the Town that we pay rent to
50 the Town for.
- 51 • There are 5 other sites in Bennington, Manchester, Arlington, Stamford, and Pownal.
- 52 • Our mission is to keep people in their homes, give them a nutritional meal, and to
53 encourage socialization at the sites.
- 54 • Our main funding comes from the Council on Aging and we have a deficit of \$30,000.
55 We have requested to hold off paying our rent to the Town for the rest of our fiscal year
56 which ends September 30th - July thru September - for a total of \$2,595.
- 57 • We are putting out a community funding challenge for \$15,000 next week. We also
58 have private donations (which are down) and some grants, although with 300 non-profit
59 organizations in Vermont, the grant amounts are minimal.

60 Jennifer Plouffe-Council on Aging (SVCOA):

- 61 ✓ We are the Southwestern Vermont Council on Aging located in the Benmont Mill at 160
62 Benmont Avenue and cover Bennington and Rutland counties.

- 63 ✓ We serve anyone 60 or over, and our Mission is to be a community force in creating and
- 64 sustaining opportunities for elders and caregivers in our region to help assure that
- 65 elders are able to maintain maximum independence and quality of life.
- 66 ✓ We have a Helpline that offers several areas of information and assistance for meals,
- 67 home care options, financial assistance, transportation, and senior housing, to the
- 68 callers.
- 69 ✓ We have the following programs available:
- 70 ○ Elder Care Clinician
- 71 ○ Nutrition
- 72 ○ Wellness
- 73 ○ Case Management & Options Counseling
- 74 ○ Volunteer & Senior Companion
- 75 ○ Green Mountain Retired Senior Volunteer
- 76 ○ Money Management & Representative Payee
- 77 ○ State Health Insurance
- 78 ○ Transportation
- 79 ✓ There is a national initiative to bring all community partners together every year on the
- 80 first Tuesday of August that we hope to start participating in.

81 Cathy Aliberti-RSVP:

- 82 ➤ We are a federally funded senior volunteer program sponsored by the Southwestern
- 83 Vermont Council on Aging.
- 84 ➤ We have sites in Bennington at 160 Benmont Avenue, Ascutney, and Brattleboro.
- 85 ➤ We have trainings in several areas for our volunteers.
- 86 ➤ Volunteering reduces depression, chronic pain, stress, risk of disease and social
- 87 isolation.
- 88 ➤ Volunteering also increases physical fitness, mental functionality, sense of purpose,
- 89 social connection, and longevity.
- 90 ➤ We serve anyone 55 or older.
- 91 ➤ We provide companionship, financial literacy, food delivery, food pantry support, health
- 92 & wellness, tax-aid support, transportation, and other community priorities.

93 Becky Arbella-SASH:

- 94 ❖ SASH (Support and Services At Home) is a Medicare and Shires Housing funded program.
- 95 ❖ We are in Bennington County and the Deerfield Valley section of Windham County, and
- 96 were formed 4 years ago.
- 97 ❖ Our goal is socialization so we offer a huge array of socialization programs, many in
- 98 partnership with the Senior Center and the Bennington Rec Center.
- 99 ❖ We have re-instituted Vermont Foodbank food drops at Applegate that are open to
- 100 everyone.
- 101 ❖ We also take in usable medical equipment that is available at no charge to anyone.

102 Carrie Fabricius-Senior Center:

103 ✚ We are at 124 Pleasant Street, open from 8:00am to 4:00pm, and are available to
104 anyone 50 or older.

105 ✚ We work in collaboration with all of the other agencies previously mentioned which is
106 essential to the services we provide.

107 ✚ Our goal is to provide a safety net for our seniors in the community and to fill the gaps
108 in that net so people don't fall through.

109 ✚ Socialization is a high priority and we have multiple programs that encourage that.

110 *Board questions/comments:*

111 Mr. Lee-Clark: Do you have an equipment replacement wish list and do you pay rent at your
112 other sites? Ms. Svoboda said yes, she has a wish list but not with her now, and no, MOW
113 doesn't pay rent anywhere else.

114 Mr. Carroll: How many more meals could be delivered if the rent expense were waived, and Ms.
115 Svoboda responded that it cost \$11.05/meal inclusively, that equates to 234 more meals from
116 \$2,595.

117 Mr. Carroll: To all agencies, how can someone initiate services:

118 - SVCOA= Helpline 1-800-642-5119 is the contact for SVCOA and MOW, and the
119 SVCOA is tied into the State database;

120 - SASH=website SASHVT.org for anyone 65 or older with Medicare as their
121 primary insurance with 80% of their referrals coming from the hospital and doctors'
122 offices;

123 - Senior Center-get many phone calls that they refer to other agencies.

124 - MOW when called directly make sure that, in addition to meals, an individual
125 has heat, water, etc. and refers them to the SVCOA.

126 - Calling 211 is a general information source for referrals to all of the agencies, as
127 needed.

128 Mr. Gordon: Can the Senior Center Newsletter be put into a pdf form, and Ms. Fabricius stated
129 that they are working on it.

130 Ms. Jenkins: Is there a 5:30pm meeting coming up, and Ms. Fabricius answered that is the Pulse
131 Meeting in conjunction with UCS at the Rec Center. The first meeting will take place on August
132 21st.

133 Mr. Scully: Had asked the MOW some questions in May concerning their profit and loss that he
134 wanted answered before the Town just started funding non-profits, and Ms. Svoboda stated
135 that they are open to negotiation.

136 Ms. Conner: Are your agencies a part of a hospital discharge, and the answer was yes.

137 Ms. Conner: Can loved ones accompany their family members, and the response was yes, it is
138 encouraged.

139 Ms. Conner: All of the agencies complement each other and work well together without
140 duplicating services.

141 Mr. Campbell: Kudos to all of the agencies for what they do.

142 **5. UCH HEAD START PRESENTATION**

143 Ms. Barsotti explained that the expansion of the Rec Center has been discussed for
144 years as follows:

- 145 ▪ In 1994, infrastructure plan that looks at the larger expansion of the Rec Center;
- 146 ▪ In 2003, a study was done by Centerline Architects that also looked in an expansion
147 among other things;
- 148 ▪ In 2009, the Planning Commission adopted the Urban and Space Plan and also looked
149 into the need for the expansion of the Rec Center;
- 150 ▪ In 2013-2014, the Bennington Recreation Task Force was developed as a result of the
151 Vermont Council on Rural Development meeting which again, looked into the need for
152 the expansion of the Rec Center;
- 153 ▪ And, in 2016, the YMCA Working Group was formed which has led to our present
154 partnership.

155 The project has been divided into three phases as follows:

- 156 ▪ Phase 1 -
 - 157 ○ Paid for by UCS - new playground open after school hours to the public.
 - 158 ○ Improved entrance to the Rec Center with natural light and gathering space.
 - 159 ○ A community kitchen and café.
 - 160 ○ Increased access to the basement with an elevator.
- 161 ▪ Phase 1A -
 - 162 ○ Paid for by Town - more usable space in the weight room and more natural light.
163 It makes sense to do this while the building is already being worked on.
- 164 ▪ Phase 2 -
 - 165 ○ Paid for by Town after much more work on a Capital Campaign and grants for
166 funding.
 - 167 ○ A multi-court gymnasium with a running track.
 - 168 ○ Improved recreational equipment with multi-use community room.
 - 169 ○ More health and wellness programs for all ages.
 - 170 ○ Improved space for these programs and improved locker rooms.

171 Lorna Mattern, Executive Director of UCS, shared the following:

- 172 • UCS is United Counseling Service and UCH is United Children’s Services - a subsidiary of
173 UCS that is Headstart and the funding source for this project.
174 • We have hired Breadloaf, a construction management firm.
175 • Some areas we’re sure of, such as, the footprint. However, some we are not sure of yet,
176 such as, the solar concept.

177 Betsy Rathbun-Gunn, UCH Director, shared the following:

- 178 ✓ We have been able to fit everything in that we wanted and still remain within the
179 original footprint from almost a year ago.
180 ✓ There will be 5 classrooms - 2 pre-school classrooms and 3 infant and toddler
181 classrooms. One infant and toddler classroom is able to be converted into two if
182 needed.
183 ✓ A commercial kitchen, a kids learning kitchen, many multi-purposes spaces, as well as, a
184 new entry way.
185 ✓ We are in the process of finalizing our federal grants for \$3.5M and are exploring other
186 grants, as well.
187 ✓ We hope to break ground in October 2019 and be complete by September 2020.

188 Beth Wallace, Family Community Partnership Manager of Bennington County Headstart, shared
189 the following:

- 190 ➤ Communication among the partners and with the community is essential, especially for
191 a project this size.
192 ➤ Every other month beginning August 21st at 5:30pm there will be a meeting at the
193 Senior Center hosted by the Town, the YMCA, and UCH where project program updates
194 and construction updates will be shared with the public. Notifications of the meetings
195 will be on the UCS Facebook page and in the Bennington Banner.

196 Jeff Goldstone, Goldstone Architects, shared the following:

- 197 ❖ The original presentation of three phases has been somewhat consolidated into two
198 major phases.
199 ❖ We have addressed the Town’s concerns, for example, to be sure there is continued
200 lighting for the pool.

201 Jack Byar, Goldstone Architects, shared the following:

- 202 ✚ Multiple views of the Rec Center building - interior and exterior - plus the surroundings
203 as they exist today on the 1.2 acre property.
204 ✚ The proposed Phase 1 addition is ~11,500 square feet on the west side of the building.
205 ✚ There will be a new entrance on the north side of the building to the Rec Center, as well
206 as, to the classrooms.

- 207 🚧 There are currently 69 parking spaces and there will be 25 more spaces added to those
 208 on the west side.
- 209 🚧 A drop off lane separated by a curb will be added by the entrance with 4 additional ADA
 210 parking spaces.
- 211 🚧 The fenced in playground would be UCH children only during school hours and opened
 212 to the public when school is not in session.
- 213 🚧 There is a multi-purpose room that is accessible from both the front entrance and the
 214 classrooms and can be used as a playroom if needed during inclement weather. This is a
 215 shared room so the functionality of it will need to be scheduled with UCH and the Rec
 216 Center staff.
- 217 🚧 Access to the new elevator to the basement is through the lobby.
- 218 🚧 The community kitchen is for food preparation for UCH during school but available to
 219 the public for other events when school is not in session.
- 220 🚧 The kids learning kitchen will be equipped and built with 3-5 year olds in mind and a
 221 window looking into the commercial kitchen.
- 222 🚧 All the classrooms have balconies/patios and access to the outside playground.
- 223 🚧 Where the existing flat roof meets the new slanted roof, a “dog house” attaching the
 224 two will maintain the natural lighting that currently exists over the pool.
- 225 🚧 Phase 1 is a one story addition to the existing one story building and multiple views of
 226 the exterior of the building as it will look when Phase 1 is complete were shown.
- 227 🚧 Work is still being done on the material to be used for the façade of the building.
- 228 🚧 The weight room will be expanded into existing administration offices (Phase 1A).
- 229 🚧 Phase 2 -
- 230 - Is the addition of a 2nd floor. Multiple views of the exterior of the building as it will
 231 look when Phase 2 is complete were shown.
- 232 - Includes a gymnasium with additional indoor basketball courts and volleyball courts
 233 on the first floor, and a running track on the second floor. There are currently 3
 234 outdoor basketball courts. When Phase 2 is complete, there will be 2 outdoor
 235 basketball courts.
- 236 - The elevator to the basement will also go to the 2nd floor.
- 237 - Insulating the roof and outside walls of the existing building will be part of Phase 2.
- 238 - Solar panels on the roof will also be part of Phase 2.
- 239 🚧 The locker rooms will be improved and an observation deck will be added to the pool
 240 area.
- 241 🚧 The exercise rooms will establish a flexibility of space and can be adjusted to
 242 accommodate a few people or many.
- 243 🚧 There will be an outdoor roof terrace to be able to access the outdoors without going
 244 out the main entrance.

245 *Board questions/comments:*

246 Ms. Conner: How much greenspace are we losing for the addition, and Ms. Rathbun-Gunn
247 answered just a “small slice” that is currently not being used for any recreation.

248 Ms. Jenkins: Do you operate year round, and Ms. Rathbun-Gunn responded yes, we provide
249 child care year round.

250 Mr. Gordon: What will be the impact on the Rec Center during the construction of Phase 1,
251 and Mr. Goldstone answered that there will be minimal shut downs for sprinkler installation
252 and roof reinforcement.

253 *Public questions/comments:*

254 Ms. White: Feels that UCS is getting the best part of the building and there are “no
255 partnerships with the citizens, no partnerships with the taxpayers”. When will we be voting
256 on this, and Mr. Campbell stated that this has been discussed at public meetings. UCS has a
257 lease to do Phase 1, they are paying for it all, and are giving “the Town a tremendous gift”.

258 Ms. White: What about the YMCA, and Mr. Hurd explained that we have a management
259 agreement contract for one year with the YMCA that terminates in September. They will
260 then come back to the Town with additional opportunities and the Board will decide if we
261 will continue to work with them.

262 Representative Mary Morrissey: Is there a required match for the federal funds, and Ms.
263 Rathbun-Gunn answered that we have indicated to the feds that the 25% match would
264 cause “undue hardship” because we are in a small community. There have been several
265 items that could be applied to the match, however, the Town is in no way responsible for it.

266 Ms. Telford: There hasn’t been any mention of the seniors, and Ms. Rathbun-Gunn stated
267 that the multi-purpose room at the entrance of the building is available for all generations
268 to use, as well as, the addition of the elevator will make the basement ADA accessible when
269 it currently is not. Ms. Telford reiterated her feelings that “things are not the way they used
270 to be”, and that she “is not impressed”. Mr. Campbell added “If this doesn’t impress you,
271 nothing will.”

272 **6. RECREATION CENTER EXPANSION**

273 This agenda item was part of Agenda item #5. UCH Head Start Presentation.

274 **7. RATIFY ASSURANCE OF DISCONTINUANCE**

275 Mr. Hurd stated that the Assurance of Discontinuance (AOD) was reviewed in Executive
276 Session and the consensus was to accept the negotiated settlement and move forward.

277 Mr. Campbell explained that the AOD is for the fine concerning the salt shed wetlands
278 permit “C. Without formally admitting or denying wrongdoing or liability, Respondent agrees to
279 this settlement of the violations alleged above in order to resolve all outstanding disputes.” and

280 "K. Respondent shall not be liable for additional civil or criminal penalties with respect to the
281 specific sites and facts described herein occurring before the effective date, provided that
282 Respondent fully complies with the agreements set forth above."

283 Town council has advised that we sign it.

284 ***Jeannie Jenkins moved and Chad Gordon seconded to Ratify the Assurance of***
285 ***Discontinuance as presented.***

286 Mr. Scully asked if "this is the end", and Mr. Hurd stated that it was.

287 Mr. Lee-Clark had contacted Mr. Hurd to see if insurance would pay for this, and they
288 will not. Mr. Lee-Clark agrees that this is the best agreement that we can get, however, he
289 cannot support a motion that doesn't specify how this will be paid and thinks that "it stinks"
290 that the taxpayers have to pay for this. Unfortunately, he has no alternative plan to offer.

291 Mr. Campbell added that the AOD is an agreement with the State and not a personnel
292 matter with the Town Manager. The Board has issued ongoing financial repercussions to the
293 Town Manager and have put this personnel issue behind us.

294 Ms. Morrissey stated that, if the Town had applied for the \$340,000 federal grant -
295 which we did not do - the Town would have paid \$85,000 for a project total of \$425,000. The
296 Banner had indicated it was a total of \$450,000 so which was it, and Mr. Hurd does not know
297 the answer off the top of his head. He did, however, clarify that to apply for a federal grant is a
298 20-step process. "We were already at step 19 and would have had to start all over again". "It
299 made no sense to start the process over."

300 Mr. Monks added that it wasn't that we weren't aware of the federal funding, "the
301 funding didn't exist when we started the project". Mr. Scully verified that the \$340,000 would
302 have never been available for this project, and Mr. Monks answered no, it would not have
303 been.

304 ***Jeannie Jenkins moved and Jeanne Conner seconded to amend the motion to reflect***
305 ***the payment schedule below:***

306 ***Initial Payment - \$1,030.00 to ANR***

307 ***Legal Fees - \$769.86 to Treasurer***

308 ***Monthly Payment of \$865.00 for 9 months following 1st payment from reserve - \$7,785.00***

309 ***Beyond that the amount to be paid monthly totals \$11,055.14***

310 ***Monthly Payment of \$865.00 for 12 months - \$10,380.00***

311 ***Final Monthly Payment of \$675.14 - \$675.14***

312 ***The motion carried with Bruce Lee-Clark and Bill Scully abstaining.***

313 **8. LIQUOR LICENSE**

314 2019 2nd Class Liquor License Application was circulated for signatures.

315 1. East Road M.R.E.

316 **9. MANAGER'S REPORT**

317 Mr. Hurd stated that we must adopt the Road and Bridge Standards recently revised by
318 the State to qualify for grants.

319 *Bruce Lee-Clark moved and Chad Gordon seconded to adopt the Road and Bridge*
320 *Standards revised by the State as presented and circulate for signatures. The motion carried*
321 *unanimously.*

322 Mr. Hurd reported the following:

- 323 ○ PFOA - Preconstruction meetings for the first three contracts for Route 7,
324 Houghton Lane, and Apple Hill are scheduled for the coming week. Work is
325 expected to start in two weeks. Two additional contracts for the East Road
326 Expansion and the Chapel Road Expansion remain to be bid.
- 327 ○ WWTF Project - The second phase of this project had experienced a slow-
328 down, however, we are back on pace with all systems go.
- 329 ○ Morgan Spring Delivery System - The planned purchase of the lot on Main
330 Street has been postponed due to additional environmental impacts being
331 investigated. No closing date has been set. A meeting with Premier Waters
332 has been set for July 9th to discuss its participation in the project cost. When
333 an agreement has been met, it will come back to the Select Board.
- 334 ○ Opioid Lawsuit - A lengthy discussion with the AG's Office has indicated that
335 there is a lot of talk that there is a major settlement of the federal case and
336 municipalities are encouraged to participate but not necessarily litigate. A
337 judge in Ohio is moving on how negotiations will take place for this. There are
338 currently 6,000 claimants. St. Albans has decided to file suit in federal court
339 and a call will be made to the Manager of St. Albans to understand their
340 reasoning and their forecast for staff effort. More discussion will take place
341 on this in Executive Session. "Time is of the essence."
- 342 ○ Energy Committee and Housing Authority Openings - A date needs to be set
343 to interview applicants for these two committees. We have not yet closed the
344 Energy Committee so anyone interested may still apply.

345 **10. UPCOMING AGENDA**

346 The following are planned for the indicated meeting dates:

- 347 ✓ July 22nd - Purchase Process Plan Draft will be presented with a vote on August 12th.
- 348 ✓ August 12th - BCIC.

349 **11. OTHER BUSINESS**

350 Mr. Scully: Will be at the Y and happy to hear the thoughts of the Seniors.

351 Mr. Gordon: Kudos for the bike trail network.

352 Ms. Conner: Congratulations to the McCullough Free Library for their recent Award and
353 kudos to the Pump Track, the Fireworks, and the Pride Parade.

354 **12. EXECUTIVE SESSION**

355 **A. LEGAL MATTER**

356 *At 8:52pm, Bill Scully moved and Chad Gordon seconded that the meeting was*
357 *adjourned finding that an Executive Session be held on a Legal Matter as premature public*
358 *knowledge would place a person involved in the subject matter at a substantial*
359 *disadvantage. The motion carried unanimously.*

360

361

362 Respectfully submitted,

363 Nancy H. Lively

364 Secretary

365