

1 **BENNINGTON SELECT BOARD**

2 **BENNINGTON FIRE FACILITY**

3 **130 RIVER STREET**

4 **BENNINGTON, VERMONT 05201**

5 **SEPTEMBER 9, 2019**

6 **MINUTES**

7 **SELECT BOARD MEMBERS PRESENT:** Donald Campbell-Chair; Jeannie Jenkins-Vice Chair; Jeanne  
8 Conner; Jim Carroll (at 6:38pm); Chad Gordon; Bill Scully; and Bruce Lee-Clark.

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

10 **ALSO PRESENT:** Stuart Hurd-Town Manager; Daniel Monks-Assistant Town Manager and Planning Director;  
11 Shannon Barsotti-Community Development Director; Melissa Currier-Finance Director; James Baker, Jessie Lee,  
12 Jennifer Wachuku, Catherine Cruz-IACP Team; Jess Rumlow-YMCA Interim CEO; Nancy White; Mike Bethel; Mary  
13 Gerish; Asher Edelson; Barbara True-Weber; Karlyn Ellis; 30 citizens; Jim Therrien-Bennington Banner; Mike  
14 Cutler-CAT-TV; and Nancy H. Lively-Secretary.

15 At 6:04pm, Chair Donald Campbell called the meeting to order.

16 **1. PLEDGE OF ALLEGIANCE**

17 The Pledge of Allegiance was recited by all present.

18 **2. CONSENT AGENDA**

19 **A. MINUTES - AUGUST 26, 2019 AND SEPTEMBER 4, 2019**

20 **B. WARRANTS**

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

23 *August 26, 2019 Minutes - Line 178, Change "We People" to "Re-Peopling"*

24 *Warrants - It was verified that the State will reimburse the Town for sludge removal*

25 *The motion carried with Chad Gordon abstaining from the August 26, 2019 and September 4, 2019*  
26 *Minutes and Bill Scully abstaining from the August 26, 2019 Minutes.*

27 **3. PUBLIC COMMENTS**

28 Mike Bethel asked how many loans were associated with the Putnam Block, and Mr. Hurd  
29 answered that the only loan the Town is associated with is for \$300,000 that will need to be paid by  
30 the Putnam Block regardless of whether the project is completed or not. The taxpayers are not  
31 responsible for this payback in any way.

32 Mike Bethel also supports "Mr. Scully's proposal" - (assuming to be regarding the Purchasing  
33 Policy).

34 Asher Edelson asked what the State and Town are doing with equities for people with  
35 disabilities, and Mr. Campbell responded that he will work on that and contact Mr. Edelson with the  
36 information.

37 Mary Gerish asked that the Minutes reflect the actions of the Board when the Board comes  
38 back into Open Session from Executive Session. That will be done going forward.

39 Barbara True-Weber informed and invited the Board to participate in the Global Climate Strike  
40 that will be taking place on September 20, 2019 at 1:00pm with a march and rally from People's Park  
41 to the Four Corners.

42 Karlyn Ellis, a Bennington College student, stated the support of the students and faculty in  
43 organizing the participation of Bennington College in the Global Climate Strike. Mr. Campbell noted  
44 that the Town is forming an Energy Committee and encouraged everyone to "stay engaged".

#### 45 4. IACP KICK OFF MEETING

46 Members of the International Association of Chiefs of Police (IACP) - James Baker, Subject  
47 Matter Expert; Jessie Lee, Lead Subject Matter Expert; Jennifer Wachuku, Civil Rights Attorney; and  
48 Catherine Cruz, Project Coordinator - did the following presentation on their process in doing an  
49 Independent Assessment of the Bennington Police Department:

- 50 • The four team members shared their extensive credentials and experience with everyone.
- 51 • The IACP is a 125 year old non-profit organization with 30,000 members in 150 countries.
- 52 • They work closely with several organizations such as the Lawyers Committee, the NAACP, the  
53 ACLU, and many others.
- 54 • Once the process begins, anyone that wishes to speak to the team will be able to do so publicly  
55 or privately and may choose to connect with the IACP team directly by contacting  
56 [BenningtonVT@theIACP.org](mailto:BenningtonVT@theIACP.org) . This e-mail address goes directly to the IACP and does not go to  
57 the Town.
- 58 • The Assessment will:
  - 59 ➤ Compare and contrast department operational policies and practices against best  
60 practices.
  - 61 ➤ Determine to what extent, if any, systemic racial bias manifests itself in department  
62 policies and practices.
  - 63 ➤ Recommend changes to department policies and practices to mitigate the effects of  
64 systemic racial bias, if any is found to exist.
- 65 • The Bennington Police Department will be participating fully with the IACP to ensure a full and  
66 accurate assessment can be performed.
- 67 • We will be doing confidential surveys - electronically, as well as, hard copy distributed  
68 throughout the community.

- 69 • We will be doing confidential individual interviews.
- 70 • We will not be going back and checking individual police report records. This is not an
- 71 investigation, it is a study to compare current practices to best practices.
- 72 • We will be back in the area October 7<sup>th</sup> thru 11<sup>th</sup> and November 4<sup>th</sup> thru 8<sup>th</sup>.
- 73 • The final product will be a comprehensive report and action plan that will outline the current
- 74 state of the department, as well as, recommendations to improve productivity, effectiveness,
- 75 and professionalism.
- 76 • The final report will be in writing with an in-person public presentation if the Town wishes.
- 77 • Resources will be provided to the Board as a follow-up to the final report.

78 **5. BERKSHIRE Y ANNUAL SUMMARY AND RECOMMENDATION**

79 Jess Rumlow, YMCA Interim CEO, did the following presentation:

- 80 ✓ The YMCA CEO has moved on and that has required some staff restructuring in the
- 81 organization.
- 82 ✓ Youth and Development -
  - 83 ○ Kid's Night Out - a couple of hours to swim, excellent daycare, and parents have some
  - 84 time to themselves
  - 85 ○ Tee Ball Program - pre-K thru age 6 - with 30 participants
  - 86 ○ Combination Soccer Program - to bring the Bennington and North Adams teams
  - 87 together to grow a league between the two branches
  - 88 ○ Boys Mentoring Program - a grant application has been done which will fund this
  - 89 program if we are accepted
  - 90 ○ Camp Green Mountain - averaged 60 participants each week with events at Willow Park
  - 91 and a visit by Gracie, the Police Dog
  - 92 ○ We are working with the schools to "go where the kids are"
  - 93 ○ We will also be partnering again for the 21<sup>st</sup> Century Grant
  - 94 ○ The high school 'School-To-Work' Program is working at the Senior Center and bringing
  - 95 them a tech program, event planning, and a fundraiser for Meals on Wheels
- 96 ✓ Health and Living -
  - 97 ○ Water Tae Chi - offered by SASH with 25 participants
  - 98 ○ Cardio Class - averaging 25 participants
  - 99 ○ Water Classes - over 40 participants
  - 100 ○ Boot Camp Class - with 5 participants at Willow Park to continue during the winter at
  - 101 the Senior Center
  - 102 ○ Silver Sneakers - 4 classes with 12 participants/class
  - 103 ○ Active Yoga Class - averaging 5 participants
  - 104 ○ Computer Class - to begin this week
  - 105 ○ A summer picnic and trips to New York City, Hampton Beach, and the Big E
- 106 ✓ Social Responsibility -
  - 107 ○ Summer Celebration with 150 in attendance

- 108 ○ Rise Vermont Stakeholders Meetings involvement
- 109 ○ Family Fitness Fest
- 110 ○ Meals on Wheels Fundraiser
- 111 ✓ There have been two Transition Group Meetings and a PULSE Meeting with the outcomes to
- 112 have more communication, more transparency, and what are we doing and where are we
- 113 going.
- 114 ✓ Our first e-Newsletter was available on September 1<sup>st</sup>.
- 115 ✓ We are proposing a 3-year Management Agreement where the Town will own and manage the
- 116 Rec Center facility and land, and establish the membership fees/rates. The YMCA will be
- 117 responsible for all staff, and all recreation and programs. "We are partners."

118 *Questions/comments from the Board:*

119 Mr. Campbell: Any decisions that the Board will make concerning the partnership will be done in open  
120 session.

121 Mr. Scully: Do you have a gauge of how the community feels about what you're doing, and Ms.  
122 Rumlow answered that we've had a lot of positive feedback.

123 Mr. Scully: Would like to see the financial impact of the 3-year agreement before December, and Mr.  
124 Hurd responded that the agreement does include a budget and is still in the discussion phase. Staff will  
125 bring a concrete proposal to the Board the first meeting in October. Mr. Scully noted that there are  
126 many people in Bennington who cannot afford a rate increase.

127 Mr. Gordon: Stated that any increases to the school teams' use of the Rec Center would be approved  
128 by the Board, and Ms. Rumlow agreed that she would suggest to the Board what their fees should be  
129 for the Board's approval.

130 Ms. Jenkins: How has the Transition Group helped you understand the community's needs, and Ms.  
131 Rumlow stated that transparency of what the YMCA is doing is very important to the community. She  
132 encourages everyone to attend the PULSE Meetings that take place every other month.

133 Mr. Carroll: What kind of outreach are you doing, and Ms. Rumlow responded that RISEVermont has  
134 been a huge partner, SASH through the Senior Center, as well as, other agencies that help us reach the  
135 Seniors and the Youth.

136 Mr. Carroll: Are there reciprocal memberships, and Ms. Rumlow answered that Bennington members  
137 could go to North Adams when the Rec Center was closed for two weeks. YMCA memberships are  
138 good at any YMCA so we can work on reciprocity of the Rec Center memberships within our 3-year  
139 agreement. Mr. Hurd added that we currently generate ~\$90,000 in fees/year and are paying the  
140 YMCA \$75,000-\$80,000 for 3 staff plus subsidizing some of the programs. "We are well within our  
141 budget."

142 Mr. Lee-Clark: Where do the Seniors come in under the management piece, and Ms. Rumlow said the  
143 Healthy Living and Social Responsibility sections.

144 *Questions/comments from the Public:*

145 Nancy White: Have you had other Management Agreements? Ms. Rumlow: Yes, we have had two  
146 others that have turned into partnerships.

147 Nancy White: Is Bennington the first agreement that has been funded by the taxpayers? Ms. Rumlow:  
148 Yes.

149 Nancy White: Have you had interactions with the school? Ms. Rumlow: Yes, but we don't have any  
150 contractual agreements with them.

151 Nancy White: Bennington residents don't have \$94 to pay for after school programs. Ms. Rumlow: We  
152 are a licensed child care provider in Massachusetts so we are subsidized by the State and also offer  
153 scholarships to those families that need assistance.

154 Nancy White: Did the staff person at the Senior Center contact Manchester? Ms. Barsotti: Yes, but  
155 only to discuss what programs they were offering to their seniors.

156 *It was the consensus of the Board for staff to bring a concrete proposal between the Town and*  
157 *the YMCA to the Board for their review.*

158 **6. REVISED PURCHASING POLICY**

159 Melissa Currier, Finance Director, did the following presentation for the 1<sup>st</sup> reading of the  
160 revised purchasing policy:

- 161 ❖ The Purchasing Policy Proposal has been posted on the Town's website, [www.benningtonvt.org](http://www.benningtonvt.org)  
162 .
- 163 ❖ The existing Purchasing Policy was adopted in 1982 and is outdated in style and content.
- 164 ❖ In 2018, staff began to update the policy giving consideration to several models, such as, the  
165 Vermont League of Cities and Towns (VLCT), the SVSU, the State of Vermont, and several  
166 municipalities.
- 167 ❖ The decision was made to use the VLCT template.
- 168 ❖ The existing policy was scrapped and a new one was written and reviewed by the Select Board  
169 Purchasing Committee (Donald Campbell, Carson Thurber, and Bill Scully).
- 170 ❖ There are four key areas within the policy - Code of Conduct; Designation of Purchasing Agent;  
171 Sealed Bid Process; and a limited number of exceptions to Competitive Proposals, Sole Source  
172 Purchases, Emergency Purchases, and Professional Services. There is also a section where the  
173 Policy needs to be more stringent or specific, such as, federal grants.
- 174 ❖ Some changes are increased limits that department managers are allowed to approve, an  
175 updated Code of Conduct, a more extensive tiered approach to specific categories and limits,  
176 and more formal documentation of when a situation should be communicated to the Select  
177 Board.

178 *Questions/comments by the Board:*

179 Mr. Lee-Clark: Referenced "EXCEPTIONS. The following exceptions may apply:" If you are going to use  
180 'may apply' then it should also be stated when they would not apply. Mr. Scully and Mr. Lee-Clark will  
181 meet outside of the meeting to further discuss this issue.

182 Ms. Conner: Feels there should be a time - say 5 years - when the Policy would be reviewed again, and  
183 Ms. Currier said that was an oversight and is an easy addition.

184 Ms. Conner: Understands the allegiance to the professionals that we've done business with for a long  
185 time but feels that there should be a way for a new business to be able to submit a proposal, as well.  
186 Mr. Scully explained that the policy reads that the Select Board shall be notified no later than April 30<sup>th</sup>  
187 of each year with the list of professional services that we wish to enter into a one year contract with.  
188 Ms. Conner noted that her concern was that we were being fair to new businesses. Mr. Hurd added  
189 that the Town is often approached by new businesses informing him of what they do, their expertise,  
190 etc. so we are aware of the new businesses available. Mr. Carroll feels that it would be "an additional  
191 layer and expense" to have the Town Manager do this every year.

192 *The Purchasing Policy Proposal will be considered for adoption at the next Select Board Meeting.*

## 193 **7. APPOINTMENTS TO BOARDS & COMMISSIONS**

### 194 **A. ENERGY COMMITTEE**

195 Mr. Campbell stated that there are over 47 energy issues so we have decided to create an  
196 Energy Committee. The Committee will be formed with 7 members which would allow for additional  
197 members should the opportunity present itself.

198 Mr. Scully noted that the Energy Committee is an Advisory Board that takes no action, however,  
199 since he has a 20-year contract with the Town, he would recuse himself from any contractual  
200 advisement discussions.

201 *Bruce Lee-Clark moved and Jim Carroll seconded to appoint Bill Scully to the Energy*  
202 *Committee. The motion carried with Bill Scully recusing himself from the vote.*

203 *The Select Board voted by secret ballot for the seven (7) members from the nine (9)*  
204 *candidates to the Energy Committee. Chad Gordon knows one of the candidates and recused himself*  
205 *from the vote. The members of the Energy Committee are:*

206	<i>David Traver Adolphus</i>	<i>Michael Kuser</i>
207	<i>Bruce Lierman</i>	<i>Deanna Oakes</i>
208	<i>William Scully</i>	<i>Wendy Sharkey</i>
209	<i>Nancy Thompson</i>	

## 210 **8. MANAGER'S REPORT**

211 *Bill Scully moved and Bruce Lee-Clark seconded to close lower Grandview Street on October 6,*  
212 *2019 from 1:00pm-4:00pm for a Neighborhood Block Party. The motion carried unanimously.*

213 Mr. Hurd reported the following:

- 214 ○ 217 Washington Avenue Auction - The public auction was held August 29<sup>th</sup> and the successful  
215 bidder was Charles Jewett of Monument Avenue in the amount of \$10,000. He plans to restore  
216 the home as a single family dwelling bringing it back to productive use and an asset to the  
217 community.
- 218 ○ WWTF Project - The first digester cover was replaced last week. The odors should dissipate  
219 entirely over the next week or so. We now have the compost facility on line, but it will take  
220 time to catch up. Kudos to our staff for the compost facility suggestion and stepping up during  
221 this unexpected problem.
- 222 ○ Morgan Spring Delivery System - We now own the 747 Main Street property and we will have a  
223 meeting tomorrow to have further conversations with the interested investor to better  
224 understand how we will finance the relocation of the delivery system to this site.
- 225 ○ Opioid Lawsuit - On September 18<sup>th</sup>, the Vermont League of Cities and Towns will host an  
226 informal meeting for other towns/cities to understand how this action will work and to  
227 determine if others may want to participate.
- 228 ○ Splash Pad - A lawsuit has been filed, so we now await the advice of town counsel to see when  
229 we might move forward to complete the project using funds available from donations. We  
230 would then seek reimbursement through the court action.

## 231 **7. FUTURE AGENDA**

232 The following are planned for the indicated meeting dates:

- 233 ❖ September 23<sup>rd</sup> - Housing in Bennington
- 234 ❖ September 23<sup>rd</sup> - Purchasing Policy-2<sup>nd</sup> Reading
- 235 ❖ September 23<sup>rd</sup> - Executive Session-Contracts
- 236 ❖ October 14<sup>th</sup> - We will be meeting as regularly scheduled

## 237 **8. OTHER BUSINESS**

238 Mr. Campbell: Congratulations to Garlicfest for bringing over 16,000 people to Bennington.

239 Mr. Campbell: Kudos to Shannon Barsotti for doing a fine job as Community Development Director.

240 Mr. Gordon: Reminded everyone that the Food Trucks will be back on September 14<sup>th</sup> and that the  
241 sports season is underway at the high school.

242 Ms. Jenkins: Noted how "fabulous" the 336 Main Street Park is starting to look. Thank you to the  
243 Town, Heather McNeely, and the BBC for their contributions to its development.

244 Ms. Jenkins: On September 12<sup>th</sup>, the BCRC will be hosting an Energy Committee Meeting for all of the  
245 Energy Committees in the county at the Manchester Community Library at 5:30pm followed by a  
246 Transportation Climate Initiative Meeting at 6:30pm.

247 Mr. Carroll: Has joined the Legislature's Solutions Caucus that is working to contain our carbon  
248 footprint.

249 Mr. Lee-Clark: Kudos for the work that has been done at the Start Street Park and urges everyone to  
250 attend the Energy Future Meeting at 7:00pm at Bennington College.

251 Ms. Conner: Key in [www.VermontBeginsHere.com](http://www.VermontBeginsHere.com) to get to the website.

252 Ms. Conner: The sidewalk on Kocher Drive is underway.

253 Ms. Conner: There is a fundraiser for Meals on Wheels on September 13<sup>th</sup> from 5:00pm-7:00pm.  
254 Contact Meals on Wheels for the location.

255 **9. EXECUTIVE SESSION**

256 **A. CONTRACTS**

257 **B. PERSONNEL**

258 **C. REAL ESTATE**

259 *At 8:10pm, Bill Scully moved and Bruce Lee-Clark seconded that the meeting was adjourned*  
260 *finding that an Executive Session be held on Contracts, Personnel, and Real Estate as premature*  
261 *public knowledge would place a person involved in the subject matter at a substantial disadvantage.*  
262 *The motion carried unanimously.*

263

264

265 *The Select Board came out of Executive Session, took no action, and adjourned at 9:00pm.*

266

267

268 Respectfully submitted,

269 Nancy H. Lively

270 Secretary

271

272