

1 **BENNINGTON SELECT BOARD**

2 **BENNINGTON FIRE FACILITY**

3 **130 RIVER STREET**

4 **BENNINGTON, VERMONT 05201**

5 **OCTOBER 14, 2019**

6 **MINUTES**

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

9 **SELECT BOARD MEMBERS ABSENT:** Bill Scully.

10 **ALSO PRESENT:** Stuart Hurd-Town Manager; Daniel Monks-Assistant Town Manager and Planning
11 Director; Jess Rumlow and Morgan Flynn-Berkshire YMCA; Andrea Malinowski-RiseVT; Bill Stewart;
12 Nancy White; Al Plemplin; Sarah Callahan; Nicole Goswami; Rachel Trumbull; Loren Nesbitt; Rose
13 Talbot; 16 citizens; Jim Therrien-Bennington Banner; CAT-TV; and Nancy H. Lively-Secretary.

14 At 6:00pm, Chair Donald Campbell called the meeting to order.

15 **1. PLEDGE OF ALLEGIANCE**

16 The Pledge of Allegiance was recited by all present.

17 **2. CONSENT AGENDA**

18 **A. MINUTES - SEPTEMBER 23, 2019**

19 **B. WARRANTS**

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

22 *September 23, 2019 Minutes - Lines 14 and 28, Change "Marsh Knapp" to "March Hudson-*
23 *Knapp"*

24 *The motion carried with Bill Scully absent.*

25 **3. PUBLIC COMMENTS**

26 Bill Stewart "begged" the Select Board to stop the big tri-axle trucks that are loud and damaging
27 the road from picking up the water on Bradford Street. Mr. Hurd responded that he has been told that
28 the trucks are not that large and we are moving as fast as we can to relocate the operation off of
29 Bradford Street. The sale of the water generates over \$100,000 in revenue, and, if we nullify the
30 contract, everyone's water rates will be increased to make up for that lost income.

31 **4. BERKSHIRE Y PROPOSED NEW MANAGEMENT AGREEMENT**

32 Mr. Campbell stated that we are hearing the staff recommendation for the Berkshire Y
33 Management Agreement 2020-2023 this evening with Board comments and public comments. The
34 same process will also take place at our October 28th meeting.

35 Mr. Hurd stated the following in reference to the Agreement:

- 36 • The Y will provide full staffing needs for the Recreation/Community Center and its programs. It
37 will continue to provide programming assistance to the Senior Center but the Town will
38 maintain management of the Senior Center.
- 39 • The one remaining full time Town employee will be relocated to the reception desk at the Town
40 Office and the DPW administrative assistant will move to the Bowen Road facility. All part-time
41 Town employees will be offered the opportunity to become Berkshire Y employees.
- 42 • We will pay the Y \$12,300/month, or \$147,600 annually to manage the Center and provide
43 enhanced programming.
- 44 • The proposed annual budget reviewed and approved by the staff for operating the Center is
45 \$293,500. The current administrative budget for the Rec Center is nearly the same at \$290,170.
- 46 • All revenue from programs, memberships, use of the Center and fees, from residents remain
47 controlled by the Town.
- 48 • Any revenue generated by the Y will be collected by the Town and paid to the Y to offset its
49 cost. The contract fee to manage the Center is fixed for the year at \$147,600 regardless of
50 revenues. If no revenues are generated from their efforts, we still only pay them the \$147,600.
- 51 • If the revenues exceed that anticipated by this proposal (\$146,700), the excess remains with
52 the Town and may be used for future credit.
- 53 • It has been requested as a second part of this proposal that the non-resident member's rates
54 mirror those of the Y. This would make them members of the Y with access to any YMCA
55 nationwide.

56 *Questions/comments by the Board:*

57 Mr. Campbell: The termination agreement that either party can terminate the Agreement in 30 days
58 needs to be added to the Agreement.

59 Mr. Campbell: Read the following as stated by Bill Scully - "Two points about the Rec Center, I would
60 like to state with absolute clarity that the rates must not go up for the citizens of Bennington and this
61 includes the Marauders Swim Team. It has always been stated that the rates will not go up and I
62 wanted to enforce my support of that. It has also been stated that the Marauders ditch the Guppy
63 Program and also become a source of revenue for the Y. I cannot state strongly enough that I am
64 opposed to this. The Marauders are a school organization and should be paid for by the SVSU." Mr.
65 Hurd noted that the Marauders and the Guppy Program will remain as is for the next season with the
66 only ask of the Marauders being on how we may improve our own swim lessons.

67 Mr. Campbell: Every year the Town and the Y will have to agree on a budget. Is it foreseen that these
68 will not involve an unexpected amount to the taxpayers, and Mr. Hurd answered that the only thing to
69 be negotiated is the amount of the contract. The Town owns the building so any capital expenditures
70 remain with the Town.

71 Mr. Campbell: To reiterate what is in the proposal - Bennington resident rates would be grandfathered
72 in since they pay for the Rec Center in their taxes. However, non-resident rates would be the same as
73 the Y's.

74 Mr. Gordon: To clarify - the Marauders will not have a rate increase? Mr. Hurd stated that the
75 Marauders will pay the same as they have been which includes a life guard that also instructs at the
76 same time. They have been asked to provide supporting documentation to the safety of this. The Y
77 feels that another life guard is needed, but, even if another life guard is added, it will not be an
78 expense to the Marauders.

79 Mr. Gordon: To clarify - there will not be any rate changes to any high school groups that use the Rec
80 Center, and Mr. Hurd agreed.

81 Mr. Gordon: To clarify - non-residents currently pay different rates than residents, and Mr. Hurd stated
82 that our current annual non-resident fees are: Youth and Teams-\$92; Young Adult to Adult-\$206;
83 Senior-\$175; Families-\$275-\$280. Some of our rates are higher than the Y's such as Youth at \$92 (the
84 Y's Youth is \$42) but most are lower. Ms. Rumlow added that the Y offers scholarships to help offset
85 up to 65% of the cost of membership fees if financially necessary. Mr. Gordon is in favor of
86 grandfathering in the non-resident rates until the other towns can contribute financially as they do to
87 the libraries.

88 Mr. Gordon: What is the breakdown of resident/non-resident members, and Ms. Rumlow stated the
89 total is 2,700 but did not know the number of each. This will be provided at the next meeting.

90 Ms. Jenkins: Why isn't the Senior Center fully included in the proposal, and Mr. Hurd stated that the
91 full time person at the Senior Center will remain and the Y will still provide all of the programming to
92 the Senior Center. They will just not be managing it with their staff.

93 Ms. Jenkins: What is the scheduling of the free swims, and Ms. Rumlow answered that we currently
94 have one free swim a month with Mr. Flynn working on the schedule to add others. However, the goal
95 is to have those enjoying the free swim to become members.

96 Ms. Jenkins: Did the rental fees for a Birthday Party and Pool Rental remain the same, and Ms. Rumlow
97 responded that all existing rental agreements will be grandfathered in, but going forward, the Y rates
98 have been recommended and must be approved by the Board.

99 Mr. Carroll: Clarification - residents can pay their grandfathered membership fee and use only the
100 Bennington Rec Center, or they can pay the Y fee and have access to any YMCA in the country. Ms.
101 Rumlow agreed.

102 Mr. Lee-Clark: Reiterated the need for a termination clause and added the need for a dispute
103 resolution clause, as well as, a clause that "spells out" what is grandfathered in.

104 Mr. Lee-Clark: What is included in the Agreement that we will be approving, and Mr. Hurd stated that
105 it would be the two pages of the Agreement as presented with the suggested additions as approved by
106 the Board with the rate schedule as an appendices.

107 Mr. Lee-Clark: Why is the start date November 4th instead of January 1st, and Mr. Hurd answered that
108 this was his request to accommodate employee changes and for budgeting purposes.

109 Ms. Conner: Reiterated the need for a termination clause.

110 Ms. Conner: Because our surrounding communities do not have their own Rec Center, could there be a
111 Rec Center Only non-resident rate, and Mr. Hurd responded that that was up to the Board. Mr.
112 Campbell added that the respective towns should supplement the Rec Center the way we do the
113 libraries because, otherwise, "it isn't fair to the tax payers of Bennington".

114 Ms. Conner: To correct the error on the YMCA Membership Rates - the Senior rate should read \$396
115 and not \$103.

116 Ms. Conner: Clarified that the Branch Director would be full time and that any issues with Y employees
117 would be addressed by the Y with their personnel policies. Ms. Rumlow agreed.

118

119 Ms. Conner: The Y will be allowed to solicit locally for their annual fundraising campaign and those
120 monies would provide additional financial support to the communities served at the Bennington Rec
121 Center, and Ms. Rumlow agreed.

122 *Questions/comments from the Public:*

123 Al Plempkin: Noted his enjoyment of the Rec Center over the last 35 years and the additional programs
124 that are taking place there. He feels that there should be an evaluation of the success of the new
125 programs, and Ms. Rumlow stated that they keep track of attendance at the programs and can put out
126 a satisfaction survey for member comments. He also feels that it is important to work toward
127 establishing reasonable rates for non-residents.

128 Sarah Callahan: If this hasn't been approved yet, why did her daughter come home with a Y
129 application, and Ms. Rumlow answered that they are just being pro-active in getting information so
130 they can update their database. And, she said that the Guppy Program has only been approved
131 through March.

132 Nicole Goswami: Explained the Guppy Program, that they were told they could operate as they have in
133 the past for the next six months, and then would have to negotiate with the Y. If they would be
134 required to pay \$4,000 for an additional life guard they would not be able to do that. Mr. Hurd stated
135 that when he was talking about their "full season" he was referring to October 2019 through

136 September 2020, not March. There will be further discussions between the Marauders, in general, and
137 the Y going forward to make the relationship more cohesive without the tension that appears to
138 currently exist. Also, the Rec Center will not be named the YMCA but, with the addition being done by
139 UCS, will be referred to as more of a Community Center.

140 Nancy White: 1. Why duplicate what RiseVT does by having a Health and Wellness Director, and Ms.
141 Malinowski answered that RiseVT works in collaboration with the Rec Center and many other partners.
142 With a director at the Rec Center many more health and wellness programs are able to be offered. 2.
143 Clarified that the Branch Director only works at the Rec Center and asked what that person's salary is,
144 and Ms. Rumlow answered that it is within the budget that was presented. 3. Discussion ensued on
145 the budget, and Mr. Campbell stated that "this is not going to cost the Bennington taxpayers more, the
146 rates are not going to go up to Bennington users, and we're going to get a tremendous amount of new
147 programming out of our Recreation Center".

148 Rachel Trumbull: Stated that she will not be able to pay the increased family membership fee and feels
149 that the Rec Center is a community resource and not just for Bennington. Mr. Campbell noted that the
150 non-residents should approach their respective towns for them to financially support their use of the
151 Rec Center and town staff can do this on behalf of the Town, as well. Are corporate rates still going to
152 apply, and Mr. Hurd answered yes.

153 Loren Nesbitt: Requested that the Marauders time schedule remain the same, and asked if the Y
154 membership option would increase foot traffic at the Rec Center. Ms. Rumlow did not feel that it
155 would.

156 Rose Talbot: A dedicated part time person is needed at the Senior Center.

157 *A clearer, inclusive presentation of all membership fees will be provided at the next Board*
158 *meeting on October 28th.*

159 **5. CHARTER REVIEW FOR 2020**

160

161 Mr. Campbell explained that the choice before the Board is to go with what we have or fight for
162 something that we didn't get.

163 Mr. Campbell read a statement from Bill Scully: "We should not expend any political capital on
164 changing the Charter. We should look to having the Charter changed only as called on by voters."

165 Mr. Hurd added that the Charter changes that were approved were "the best of what we
166 presented". The message that he received was that if we didn't agree to follow what the House
167 Government Operations Committee deemed the proper procedure - even though it differed from the
168 Secretary of State's opinion and our town council's opinion - we would have had to start over with
169 changing the Charter. It is Mr. Hurd's recommendation to leave things as they are.

170 *The Board will be taking no action and thanked our local Senators and Representatives for their*
171 *efforts.*

172 **6. BORROWING LEAD LINE GRANT**

173 Mr. Campbell stated that this is an \$80,000 Planning Grant that is 100% reimbursable by the
174 State for a Lead Line Replacement Project in Bennington.

175 *Bruce Lee-Clark moved and Chad Gordon seconded to authorize the Manager to sign the*
176 *Distribution Authorization, to accept and sign the Agreement, to sign the Note and to waive the*
177 *reading of the Resolution pending written confirmation that assures 100% reimbursement of the*
178 *funds providing we accomplish at least one lead line project. The motion carried with Bill Scully*
179 *absent.*

180 **7. ERRORS AND OMISSIONS**

181 Jim Carroll moved and Jeannie Jenkins seconded to approve the Errors and Omissions
182 adjustment of \$3,200 on the Tyler J. Williams Parcel 16500900 property as presented. The motion
183 carried with Bill Scully absent.

184 **8. MANAGER'S REPORT**

185 Mr. Hurd reported the following:

- 186 ➤ FY2021 Budget Schedule - The proposed schedule is attached for review and it is assumed that
187 petitions will once again be required for those seeking more than \$7,500. This requirement
188 was waived last year.
- 189 ➤ Police Department Assessment - The International Association of Chiefs of Police (IACP) were in
190 Town last week interviewing officers and others. Their next scheduled visit is planned for the
191 week of November 3rd and the public can contact the IACP for an interview at
192 www.benningtonvt@theiacp.org. The IACP survey is now available online at
193 <https://www.surveymonkey.com/r/IACPBennington> . We will contact the IACP to see that
194 there are hard copies of the survey around town.
- 195 ➤ WWTF Project - Both digesters are running and odors, for the most part, have been mitigated.
196 The compost facility is up and running generating compost for our use, however, this may not
197 be long term.
- 198 ➤ Morgan Spring Delivery System - Negotiations continue on the proposed construction of the
199 new delivery system. The hope is to come to a conclusion soon which will get the trucks off of
200 Bradford Street.
- 201 ➤ Opioid Lawsuit - The Town's suit has been filed and settlement talks continue at the federal
202 level with some litigants potentially settling. We have named additional defendants in our suit
203 so it continues forward for now.
- 204 ➤ Splash Pad - We were successful in our litigation with the general contractors and we are now
205 moving to collect the award. We are bringing a splash pad consultant in from Massachusetts to
206 view the pad and make recommendations for its repair. It will not be ready until next summer.

- 207 ➤ Dewey Street Ravine Planting - R.C. Pembroke completed the plantings approved by the Town
208 at a cost of \$2,020. We will continue to mow the ravine.
209 ➤ Select Board Policies - Will be coming soon.

210 **9. FUTURE AGENDA**

211 The following are planned for the indicated meeting dates:

- 212 ❖ October 28th - 2nd Reading of the YMCA Agreement.
213 ❖ October 28th - VTRANS Presentation on Bridge #6.
214 ❖ October 28th - VTRANS Grant for Applegate.
215 ❖ October 28th - Executive Session on the Manager's Review.
216 ❖ October 28th - Mr. Lee-Clark will be phoning in for this meeting.
217 ❖ November 11th - Discuss Budget Priorities. (Mr. Lee-Clark expressed his feeling that it is
218 " inappropriate " for the Board to meet on Veteran's Day.)
219 ❖ A Later Date - A Climate Change Resolution will be presented.

220 **10. OTHER BUSINESS**

221 Ms. Jenkins: On October 17th from 1:00pm-5:00pm in the employee cafeteria of the hospital there will
222 be a Career Fair for Grades 10-12.

223 Ms. Jenkins: On October 24th Castleton Nurses are having an Open House from 5:00pm-7:00pm.

224 Ms. Conner: The UCS Ground Breaking at the Rec Center is on October 16th at 1:30pm. At least two
225 Board members will be there.

226 Ms. Conner: Enjoy the foliage.

227 **9. EXECUTIVE SESSION**

228 **A. CONTRACTS**

229 **B. PERSONNEL**

230 *At 7:58pm, Bruce Lee-Clark moved and Chad Gordon seconded that the meeting was*
231 *adjourned finding that an Executive Session be held on Contracts and Personnel as premature public*
232 *knowledge would place a person involved in the subject matter at a substantial disadvantage. There*
233 *will be no actions taken on these items when going back into Open Session. The motion carried with*
234 *Bill Scully absent.*

235

236 Respectfully submitted,

237 Nancy H. Lively

238 Secretary