

1 **BENNINGTON SELECT BOARD**

2 **BENNINGTON FIRE FACILITY**

3 **130 RIVER STREET**

4 **BENNINGTON, VERMONT 05201**

5 **OCTOBER 28, 2019**

6 **MINUTES**

7 **SELECT BOARD MEMBERS PRESENT:** Donald Campbell-Chair; Jeannie Jenkins-Vice Chair; Jeanne
8 Conner; Jim Carroll (left at 6:45pm); Chad Gordon; and Bruce Lee-Clark (7:10pm by phone).

9 **SELECT BOARD MEMBERS ABSENT:** Bill Scully (absentee vote by text on Agenda Items #5 and
10 #6).

11 **ALSO PRESENT:** Stuart Hurd-Town Manager; Daniel Monks-Assistant Town Manager and
12 Planning Director; Mark Anders-Applegate Path Grant; Laura Stone; Rob Young; and Tom
13 Knight-VTRANS Presentation; John Reddick; Sandy Redding; Mary Ryan; Scott Trafton; Barbara
14 True-Weber; Ethan Koss-Smith; Marsh Hudson-Knapp; Nicole Goswami; Rachel Trumbull; Rose
15 Telford; 20 citizens; CAT-TV; and Nancy H. Lively-Secretary.

16 At 6:00pm, 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 Conner moved and Chad Gordon seconded to swap Agenda Items #5.*
20 *Management Agreement Berkshire Y and #6. Recreation Center Fees and add B. Personnel to*
21 *Agenda Item #13 Executive Session. The motion carried with Bruce Lee-Clark and Bill Scully*
22 *absent.*

23 **2. CONSENT AGENDA**

24 **A. MINUTES - OCTOBER 14, 16, AND 21, 2019**

25 **B. WARRANTS**

26 *Jeannie Jenkins moved and Jim Carroll seconded to approve the Consent Agenda*
27 *amended as follows:*

28 *October 14, 2019 Minutes - Lines 12 and 123, Change "Plempkin" to "Bashevkin"*
29 *The motion carried with Bruce Lee-Clark and Bill Scully absent.*

30 **3. PUBLIC COMMENTS**

31 No comments.

32 **4. PUBLIC HEARING - VTRANS BRIDGE #6 ROUTE 9**

33 Laura Stone, VTrans Scoping Engineer, and Rob White, VTrans Project Manager, did the
34 following presentation on VTRANS Bridge #6 scheduled for 2023:

- 35 • Bridge #6 over the Walloomsac River is on Route 9 between Morgan and Beech Street.
- 36 • We are at the “Project Definition” stage where we identify all resources, all constraints,
37 and public opinion on the project.
- 38 • The “Project Design” stage is where all impacts and environmental permits are
39 obtained. After this phase, contracts will be awarded and construction will begin.
- 40 • Per the 2012 Act 153, the local share is reduced by 50% if the bridge is rehabilitated
41 instead of replaced, and reduced 50% if the road is closed during construction.
- 42 • The bridge is 46’ long constructed in 1923 and is a town Class 1 highway owned by the
43 Town of Bennington.
- 44 • There are 9’ sidewalks on both sides and it is in a densely populated area with multiple
45 utility feeds.
- 46 • The substructure and superstructure are rated in fair condition (#5) with settlement
47 cracks on one of the abutments, drainage features on the bridge are leaking, and it is
48 substandard hydraulically. The highest attainable rating from a 10-point system is a 9.
- 49 • A 50-year storm would be 4’ above the bridge with little able to be done to improve
50 that.
- 51 • There are extensive underground and aerial utility lines, an 8” sewer line from the
52 1940’s, and a 10” cast iron water line with spalling and scouring taking place.
- 53 • There is potentially hazardous waste on the site (the gas station), and if there are
54 hazardous wastes found in the soil, the Town is responsible for 100% of the cost of the
55 contamination.
- 56 • The current 9’ shoulders, 12’ travel lanes, and 9’ sidewalks would be maintained.
- 57 • There is a high volume of 9,800 vehicles/day with 4.6% of those trucks. The busiest
58 hour is 1,000 vehicles/hour.

59 *Options to consider for bridge work:*

- 60 ✓ No action with required maintenance during the next 10 years.
- 61 ✓ A minor rehabilitation with a 15 year design life includes repairing fallen concrete on
62 substructure and superstructure, as well as, exposed rebar. Town share would be 2.5%
63 if bridge was closed, 5% if not. Town share = \$30,000 and construction time = 2 months.
- 64 ✓ A superstructure replacement with a 30 year design life includes replacing the beams
65 and the deck. Town share would be 2.5% if bridge was closed, and 5% if not. Town
66 share = \$40,000 with road closed, \$120,000 if not and construction time = 3 months.

- 67 ✓ A full bridge replacement with a 100 year design life includes stainless steel rebar. Town
68 share would be 5% if bridge was closed, 10% if not. Town share = \$150,000 and
69 construction time = 6 months. Total cost ~\$3M.
70 ✓ VTrans recommendation is to do the full bridge replacement. The bridge will always be
71 substandard hydraulically.

72 *Options to consider for traffic control:*

- 73 ➤ Offsite truck/vehicle detour of 5.4 miles on Route 279, an automobile detour on local
74 streets, and a pedestrian detour of .8 miles.
75 ➤ Short term lane closures during off peak hours for only the minor rehabilitation option.
76 ➤ Phase closure is maintain one lane open while working on the other. This is not
77 recommended due to the high traffic volume, however, there could be one lane
78 maintained with pedestrians and a detour in only one direction or maintain two lanes of
79 traffic and detour pedestrians.
80 ➤ Closures are recommended for 60 days with incentive/disincentives for the contractors
81 and allowing for night time work.
82 ➤ This is an historic bridge so the town would be consulted for any rail styles that may be
83 used.

84 *Public comments/questions:*

85 John Reddick: Expressed concern about the night work interfering with the guests at the Inn
86 and that Coolidge Avenue is already very busy so to route a detour over it should be
87 reconsidered. Ms. Stone stated that the impact on businesses because of the detours would
88 need to be discussed with the town and that night work must be held under a certain noise
89 decibel. Mr. Young added that it is more likely that there will be one crew working 6
90 days/week, 10-12 hour days, so night work probably would not happen.

91 Mr. Reddick: Also stated that, as a businessman that would be affected by the bridge closure,
92 he would prefer the 60-day closure to get it done rather than dragging it out, preferably May-
93 June. Mr. Young noted that they would try but the issue is the environmentalists concern for
94 the habitats of the river during the spring.

95 Sandy Redding: Asked how the public could weigh in on the decision, and Mr. Campbell stated
96 that everything is discussed in open session. Mr. Hurd added that notices of tonight's meeting
97 went out to everyone on Main Street from Safford Street to Bradford Street with Mr. Hurd's
98 contact information on them should they have comments they wanted to share.

99 *VTRANS will proceed once they have received the Board's decision. If the Board takes a*
100 *year to issue a decision, it may move the project into another funding year, or 2024. The bridge*
101 *is currently on a 2-year inspection schedule and has been rated fair to satisfactory with no poor*
102 *conditions determined at this time. The VTRANS Bridge #6 Project has tentatively been set as an*
103 *agenda item for the November 25, 2019 meeting.*

104 **6. RECREATION CENTER FEES**

105 Mr. Campbell stated that the list of existing Rec Center fees were not available at the
106 last meeting, and reminded everyone that it was the Town's idea to solicit the YMCA to bring
107 more and better programming to our Rec Center. As strongly as he feels that the other towns
108 should contribute to the Rec Center for its use by their residents, it will take time to work with
109 them on how to do that. Therefore, the Board will leave all rates the same for the upcoming
110 year.

111 Ms. Jenkins added that the rates have not been increased in two years, so it is likely that
112 we will need to have some kind of increase next year.

113 Ms. Conner reiterated that the rates are completely separate from the Management
114 Agreement.

115 *Jeannie Jenkins moved and Chad Gordon seconded that there would be no rate*
116 *increase on any rates regarding the Recreation Center from October 2019 to October 2020.*
117 *The motion carried with Jim Carroll absent.*

118 **5. MANAGEMENT AGREEMENT BERKSHIRE YMCA**

119 Mr. Campbell stated that the termination clause and dispute resolution clause have
120 been added to the Management Agreement.

121 Ms. Jenkins noted the programming improvements that the YMCA has made over the
122 last 3 years at the behest of the Town.

123 Mr. Gordon, Ms. Conner, and Mr. Lee-Clark concurred with the fine work the YMCA has
124 done.

125 Mr. Lee-Clark added that the relationship with the YMCA precedes the recently
126 approved Purchasing Policy, and Mr. Campbell noted that there is no other business that
127 provides the services that the YMCA does.

128 *Public comments/questions:*

129 Mary Ryan: Questioned the contract fee, and Mr. Hurd explained the staffing differences by the
130 Town and the YMCA and that there is no cost increase to what the Rec Center has cost the
131 Town in previous years. She also asked if the Rec Center was going to become a YMCA, and Mr.
132 Campbell answered that there is no plan for that happening with the current Board.

133 Scott Trafton: Noted that the swim lessons at the Rec Center haven't changed in 30 years, and
134 Mr. Hurd stated that the Y will be bringing them up to acceptable standards.

135 Nicole Goswami: When will the new Y employees start, and Mr. Hurd answered everyone
136 should be in place by January 1st. She also stated that the current programs should not be
137 considered to be in competition with what the Y is offering.

138 Rose Telford: Asked why there can't be someone to do the heavy lifting at the Senior Center,
139 and Mr. Hurd said that the Maintenance Staff could accommodate those needs if given prior
140 notification. Mr. Gordon volunteered the football team to help out after school as needed.

141 Rachel Trumbull: Does the fundraising done in the towns served by the Rec Center go into a pot
142 and dispersed, and Ms. Jenkins answered that it does and is dispersed - if there are enough
143 overall funds - where they are needed the most. The Rec Center has been the recipient of
144 fundraising from the Berkshires for the few years. Ms. Trumbull wants to be sure that there is
145 full transparency on how this works.

146 *Jeanne Conner moved and Bruce Lee-Clark seconded to accept the Management*
147 *Agreement between the Town of Bennington and Berkshire Family YMCA dated October 23,*
148 *2019 as presented. The motion carried with Jim Carroll absent.*

149 **7. APPLGATE PATH GRANT**

150 Mr. Monks stated that the Town of Bennington received a VTrans Bicycle and Pedestrian
151 Grant to design, permit, and construct a path connecting Applegate Apartments to the sidewalk
152 on Willowbrook Drive. Applegate students are now bussed to Molly Stark School - less than
153 half a mile away - and often miss school if they miss the bus because it isn't safe for them to
154 walk on Orchard Road. The project was put out to bid in March 2018 and bids came in higher
155 than available funding. To bridge the funding gap, we recommend applying for a \$317,000
156 VTrans Transportation Alternatives Grant which has a 20% local match. The grant deadline is
157 November 22nd and the split would be \$253,600 in federal/state funds and \$63,400 in local
158 funds. We will seek raising the local funds from our partners - the School District, the
159 Healthcare System, Housing Vermont, Whipstock Hill Preservation Society, and United Way.
160 The Department of Public Works can do some work to reduce the cost and we do feel that this
161 is a worst case scenario amount, however, we do not want to be caught short again.

162 *Jeanne Conner moved and Bruce Lee-Clark seconded to approve applying for the*
163 *VTrans Transportation Alternatives Grant for \$317,000.00 for the Molly Stark School Path.*
164 *The motion carried with Jim Carroll and Bill Scully absent.*

165 **8. CLIMATE CHANGE RESOLUTION DISCUSSION**

166 Mr. Campbell stated that the Climate Change Resolution as submitted had some
167 "potential impacts for the Town" and requested that a few Board members form a Work Group
168 to work on a Climate Change Resolution that would be appropriate for the Town. Ms. Jenkins,
169 Ms. Conner, and Mr. Lee-Clark volunteered for that Work Group. Also, Ms. Jenkins will serve as
170 the Interim Board representative on the Energy Committee while Mr. Scully is on medical leave.
171 The Committee will be holding their first meeting on October 29th.

172 Barbara True-Weber noted the "Climate Change Emergency" and did not want to see
173 delays in the Resolution.

174 Ethan Koss-Smith agreed that this is an emergency but is also an opportunity to take
175 action in a positive way, and stated some of those ways.

176 Marsh Hudson-Knapp wanted to be sure that the town's Energy Committee embraces
177 the urgency of the climate situation and acts accordingly.

178 **9. LIQUOR LICENSE**

179 2019 First Class Liquor License Application for The Avocado Pit, LLC was circulated for
180 signatures.

181 **10. MANAGER'S REPORT**

182 Mr. Hurd stated that we don't have much information about the Energizer closing except
183 that there are 70-80 jobs at risk and that the Department of Labor and Economic Development
184 will be meeting on how to help the displaced workers. Mr. Monks will be looking at a reuse of
185 the 2, 3, and 5 story buildings, if and when they become available.

186 Mr. Hurd reported the following:

- 187 ➤ Salt Prices - Came in 3% lower than last year at \$65.83/ton and we are ready for winter.
- 188 ➤ PFOA - Contracts #5, #6, and #7 are underway and Contracts #8 and #9 have gone out to
189 bid.
- 190 ➤ Morgan Spring Delivery System - Negotiations continue on the financing of construction
191 of the new delivery system.
- 192 ➤ Opioid Lawsuit - Many of the settlements are on one or two of the manufacturers. The
193 Town's lawsuit is against all of the responsible parties. Springfield and Brattleboro are
194 discussing joining us, as well.

195 Mr. Hurd also noted that the hardcopies of the IACP surveys will be at the Town Office,
196 Library, and possibly the schools tomorrow. Also, the IACP Public Forums will take place on
197 November 5th and November 7th at 6:00pm-8:00pm at the Second Congregational Church.

198 **11. FUTURE AGENDA**

199 The following are planned for the indicated meeting dates:

- 200 ❖ November 11th - Discuss Budget Priorities.
- 201 ❖ November 11th - Climate Change Emergency Resolution.
- 202 ❖ November 11th - Public Hearing on the Acceptance of Corporates Way with a Board
203 member site visit prior to the meeting.
- 204 ❖ November 25th - Economic Development Marketing.

205 **12. OTHER BUSINESS**

206 Ms. Conner: On behalf of Mr. Carroll - There will be 25 people coming to a Stay-To-Stay meeting
207 to discuss potentially relocating to Bennington.

208 Ms. Conner: There has been major progress at the Pocket Park. "It is absolutely gorgeous."
209 Ms. Conner: Button Up Bennington County on insulating your home will meet on November
210 10th at 2:00pm at the Bennington Fire Facility.
211 Mr. Gordon: MAUHS will be presenting Mary Poppins on November 7th, 8th, and 9th. Tickets are
212 on sale at the school or online at www.mauhsvt.booktix.com .
213 Mr. Gordon: Thanked the community for their support of the football team this year.
214 Mr. Campbell: BCRC is doing a tour of the biomass systems on October 29th at the high school
215 and Applegate.
216 Mr. Campbell: The Energy Committee will be having their organizational meeting on October
217 29th at the Bennington Regional Commission Office at 111 South Street at 7:00pm.

218 **13. EXECUTIVE SESSION**

219 **A. CONTRACT**

220 **B. PERSONNEL**

221 *At 8:13pm, Jeannie Jenkins moved and Jeanne Conner seconded that the meeting was*
222 *adjourned finding that an Executive Session be held on Contract and Personnel as premature*
223 *public knowledge would place a person involved in the subject matter at a substantial*
224 *disadvantage. There will be no actions taken on these items when going back into Open*
225 *Session. The motion carried with Jim Carroll and Bill Scully absent.*

226

227 Respectfully submitted,

228 Nancy H. Lively

229 Secretary