

1 **BENNINGTON SELECT BOARD**

2 **BENNINGTON FIRE FACILITY**

3 **130 RIVER STREET**

4 **BENNINGTON, VERMONT 05201**

5 **DECEMBER 9, 2019**

6 **MINUTES**

7 **SELECT BOARD MEMBERS PRESENT:** Donald Campbell-Chair; Jeannie Jenkins-Vice Chair; Jeanne Conner;
8 Jim Carroll; Bruce Lee-Clark and Bill Scully (by phone only from 6:17pm to 6:44pm for Agenda Item #4).

9 **SELECT BOARD MEMBERS ABSENT:** Chad Gordon.

10 **ALSO PRESENT:** Stuart Hurd-Town Manager; Daniel Monks-Assistant Town Manager and Planning
11 Director; Representative Mary Morrissey; Matt Harrington and Brian Maggiotto-Chamber of Commerce
12 (COC); Jonathan Cooper-Bennington County Regional Commission (BCRC); Eric Hatch; John Dyck; Beth
13 Hardesty; Tim Scoggins; Sarah Perrin; Keith Martin; Sam Restino; Nancy White; Kevin Hoyt; 10 citizens;
14 Jim Therrien-Bennington Banner; CAT-TV; and Nancy H. Lively-Secretary.

15 At 6:00pm, 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 - NOVEMBER 25, AND NOVEMBER 27, 2019**

20 **B. WARRANTS**

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

23 *November 27, 2019 Minutes - Line 34, Change "Kitsy" to "Kisty".*

24 *Line 130, Change "be a" to "be on a"*

25 *The motion carried with Jeanne Conner abstaining from the November 27, 2019 Minutes and Chad*
26 *Gordon and Bill Scully absent.*

27 **3. PUBLIC COMMENTS**

28 Sam Restino asked if there is a policy for snow removal when we get a foot of snow, and Mr.
29 Hurd answered that the schools and post office have been cleared and we are monitoring the effect of
30 the current warm temperatures on the Downtown. We will be sure to remove the snow from the
31 Downtown as needed. Mr. Restino urged all citizens to remove the snow from the fire plugs near their
32 homes and to maintain their properties as needed.

33 Mr. Restino is also concerned with the closure of multiple businesses recently and how we can
34 create a desire for business owners to come to Bennington.

35 Nancy White is opposed to the addition of a local sales tax when most of the Town is too poor to
36 afford it. It would be a "nail in the coffin" of this town. She will discuss this further with Mr. Hurd after
37 the meeting.

38

39 Kevin Hoyt - Mr. Campbell stated that the Board had just received a 3-page letter from the
40 Secretary of State at 5:00pm and are not interested in "accusations against our Town Clerk or our Board
41 of Civil Authority tonight". Mr. Hoyt said that he has evidence of the votes of people who did vote being
42 discarded and votes from those that did not vote being counted. "He doesn't trust the Board of Civil
43 Authority, the Attorney General or the Secretary of State." "This is the scariest thing in my life."

44 Mr. Campbell noted that all of the allegations have been addressed in the letter from the
45 Secretary of State. "We will make this letter public and we are 100% confident in our Town Clerk and
46 the Board of Civil Authority".

47 Mr. Carroll stated that these allegations were "outrageous", were actually made against the
48 deceased Tim Corcoran, as well as, one specific couple.

49 **4. BRIDGE #6, ROUTE 9 (FINAL)**

50 Mr. Campbell explained that the Board does not want to go with the cheapest fix because of the
51 condition of the bridge so we are considering options 3A or 3B as stated below:

- 52 • 3A - project cost of ~\$3.5M with the Town's share ~\$157,000.
- 53 • 3B - project cost of ~4.2M or \$4.3M with the Town's share ~\$429,000.

54 Time options are:

- 55 ✓ Close both lanes for 60 days or one lane at a time for a long period of time. 60 days was
56 presented as the quickest completion time with minimal lane closures and a total construction
57 time of 6 months.
- 58 ✓ Total construction period would span 8-9 months if the one lane at a time closure was
59 implemented.

60 Mr. Scully proposed shortening the two lane closure to 6-7 weeks for an additional \$100,000,
61 and Mr. Hurd stated that there are already incentives for early completion, as well as, disincentives for
62 late completion written into the agreement.

63 *Board conditions that may be sent with the Board's decision are:*

- 64 ➤ Beech Street and Morgan Street will not be closed at any time during the project.
- 65 ➤ With full understanding that there are biological things in the river, May/June is the time frame
66 that we strongly prefer for full road closure - if we go with this option.
- 67 ➤ We cannot tolerate a full road closure of more than 60 days.

68 *Public comments/questions:*

69 Sam Restino - The community needs to support the affected businesses during this construction.

70 Keith Martin - Is concerned that the time frames the State has given will not be able to be met
71 and the project will take longer than anticipated.

72 Matt Harrington - The Chamber of Commerce will help to orchestrate marketing to help the
73 businesses that will be affected by the construction.

74 *Board comments/questions:*

75 Ms. Conner: Can the State do a more in-depth inspection of the bridges condition, and Mr. Hurd said
76 that they have already done that. What are the chances of it taking longer, and Mr. Carroll stated that
77 "the builders have done this once or twice".

78 Ms. Conner: Are these prices locked in, and Mr. Hurd answered that they are "conservative estimates"
79 with actuals to come when the contract bid is awarded.

80 Mr. Campbell: The least expensive option would last 15 years; Superstructure Replacement - replacing
81 the deck - would last 30 years; Full Bridge Replacement - offsite detour, full 60 day closure - would last
82 100 years, as would the Full Bridge Replacement - one lane closure for 8-9 months.

83 ***Bruce Lee-Clark moved and Bill Scully seconded that the Board:***

84 ***1. Requests Option 3A.***

85 ***2. Requests that the State do this full blown bridge replacement as quickly as is possible***
86 ***but not with 24 hour construction.***

87 ***3. Requests that the construction time be set for the months of May and June.***

88 ***4. Requests that Beech Street and Morgan Street stay open.***

89 ***5. Reserves any opinion on the use of the town lot until we meet with the contractor.***

90 ***The motion carried with Chad Gordon absent.***

91 **5. COMMUNICATION UNION DISTRICT**

92 Eric Hatch, along with the Task Force of Jonathan Cooper, John Dyck, Beth Hardesty and Tim
93 Scoggins, have established the Southern VT Communications Union District (CUD). Mr. Hatch did the
94 following presentation:

- 95 ❖ There is a relatively new law that enables towns to band together to establish and operate a
96 telecom utility with the aim of providing 100% fiber optic (very high speed) internet service to
97 every residence, business, non-profit, farm, etc. within that district.
- 98 ❖ These locations currently either have cable or copper wire which are not sufficient for
99 telecommunication, such as, telehealth.
- 100 ❖ Their request tonight is to offer the voters of Bennington the option to join the Southern VT CUD
101 on the March 2020 ballot. There is no community risk or encumbrances required from the Town.
- 102 ❖ There will be no cost to the Town as it is prohibited by State statute for a CUD to be funded by
103 tax dollars. They are required to be self-funded with startup grants available for feasibility
104 studies.
- 105 ❖ Windham County in Vermont, White Creek in New York, and communities in Massachusetts are
106 actively pursuing the formation of CUD's.
- 107 ❖ Shaftsbury, Sunderland, and Sandgate have already committed to join in Bennington County.
- 108 ❖ The language on the ballot would be as written in the Statute: "Shall the Town of Bennington join
109 the Southern VT Communication Union District?"

110 ❖ The Task Force will educate the community on the Southern VT Communications Union District.

111 Mr. Dyck shared his personal issues:

- 112 ○ He is a resident of Harrington Road in North Bennington, and stated that his internet service
- 113 is so slow that it is often inadequate to perform the internet tasks that he is asking of it.
- 114 ○ It often takes hours - sometimes into the next day - to download photos.
- 115 ○ It would be impossible for anyone to ever work remotely from home.
- 116 ○ Customer service is very bad with extended waits for a technician to actually show up.
- 117 ○ Even though there is technology available from our providers, they have no interest in
- 118 working with us.
- 119 ○ We look forward to an improved service through CUD.

120 Mr. Cooper stated:

- 121 🗑️ It is absolutely necessary to have increased internet speed available to attract businesses and
- 122 residents to the region.

123 Mr. Scoggins added:

- 124 ✓ Act 79 is an attempt to repeat a successful model of getting internet service to underserved
- 125 areas and is the reason that you're hearing about this now.
- 126 ✓ CUD's were already formed and Act 79 provides the funding for feasibility studies and start ups.
- 127 ✓ They have made ValleyNet, a local telephone company, into a broadband internet provider who
- 128 now serve 27 towns where the average density is 10-14 houses/mile.

129 *Board questions/comments:*

130 Ms. Conner: Her daughter's internet service in Tunbridge is faster than ours.

131 Mr. Lee-Clark: It would be impossible to recruit new businesses to the area if we do not do this.

132 Mr. Carroll: Concurred that this is critical to attract business to our area, as well as, throughout the

133 State.

134 ***Jeannie Jenkins moved and Jim Carroll seconded to follow the Statute language, "Shall the***

135 ***Town of Bennington join the Southern VT Communication Union District?", to put this on the March***

136 ***2020 ballot. The motion carried with Chad Gordon and Bill Scully absent.***

137 6. MANAGER'S REPORT

138 Mr. Hurd stated that there is a request to close School Street from Main to Pleasant for the

139 Bennington Food Truck Festival to take place on September 19, 2020 from 8:00am-7:00pm, and to ask

140 for police for traffic control from noon until 6:00pm at no charge. He and Chief Doucette are opposed to

141 the police coverage at no charge. This is a money making event and the taxpayers should not be

142 subsidizing their profits. The cost would be ~\$500.00 and the only event that police were provided at no

143 charge was a request by the BBC for Mayfest.

144 Mr. Campbell noted that this would mean that the Board would have to decide if police presence

145 was at no charge for each event that comes up.

146 *Board comments/questions:*

147 Ms. Jenkins: Loves the Food Truck Festival and feels that police presence is necessary for safety. The
148 cost is not a large amount and should be paid as "the cost of doing business". The BBC request was a
149 money in/money out zero gain/expense because the Town allocates dollars to the BBC within our
150 budget.

151 Mr. Lee-Clark: Agrees with Ms. Jenkins and doesn't want to be "an arbiter" for who we would provide
152 coverage for at no charge and who we would not.

153 Ms. Conner: Agrees that we should not be providing police presence at no charge or being an arbiter in
154 the future. Perhaps their fee to participate could be increased to cover the cost of the police.

155 Mr. Carroll: Loves the event but agrees that we should not provide free police attendance at it.

156 Mr. Campbell: Feels that the Board's position should be that there needs to be police presence
157 regardless of who pays for it.

158 ***Bruce Lee-Clark moved and Jim Carroll seconded to close School Street from Main Street to***
159 ***Pleasant Street on September 19, 2020 from 8:00am until 7:00pm for the Bennington Food Truck***
160 ***Festival.***

161 Mr. Lee-Clark stated that a conversation should take place between the organizers and the Town
162 concerning the police coverage at the event with a report of that conversation to the Board in the near
163 future.

164 Mr. Hurd added that those vendors that are serving liquor could lose their liquor licenses if the
165 crowds are not controlled in their area. This is not the responsibility of the police.

166 ***The motion carried with Chad Gordon and Bill Scully absent.***

167 Sarah Perrin stated that they had also requested closing Main Street from School Street to Silver
168 Street. Mr. Hurd will discuss this further with the organizers but, essentially, that would close Main
169 Street to the Four Corners, requiring more police presence. He will report back to the Board on this.

170

171 Mr. Hurd noted that the Fire Department Ladder Truck Committee has completed the bid
172 process on the ladder truck purchase and have chosen the HME supplied by Lakes Region Fire Apparatus
173 for \$1,067,655, which is below the voter approved amount of \$1.2M. It will take one year to build and
174 will not impact our budget until FY22.

175 ***Bruce Lee-Clark moved and Jim Carroll seconded to approve the purchase of the HME Ladder***
176 ***Truck from Lakes Region Fire Apparatus for \$1,067,655.00 and to authorize the Town Manager to sign***
177 ***the Sales Agreement.***

178 Mr. Campbell asked if this price was locked in, and Mr. Hurd answered that there may be some
179 changeovers but he doesn't expect too many. This would be the contracted price, it was the lowest bid,
180 and they have expressed an interest in taking our current truck in trade.

181 ***The motion carried with Chad Gordon and Bill Scully absent.***

182 Mr. Hurd reported the following:

- 183 ➤ RECREATION PRIORITIES - The staff is now working to identify what we have, what are our
184 recommended priorities, and how we will fund future costs of our recreation priorities. We hope
185 to be ready to present at the January 27th meeting.
- 186 ➤ ONE PERCENT LOCAL OPTION SALES TAX - Encourages the Board to take advantage of the
187 Charter changes and to put the 1% Local Option Sales Tax on the March 2020 ballot. In 2018,
188 Bennington's retail sales totaled \$140,433,000 which would have generated an estimated
189 \$980,000, which is 70% for Bennington and 30% for the State. This would enable us to set aside
190 funds for future projects and capital equipment purchases, fund a more effective marketing
191 campaign, and reduce the property taxes for our community. This tax is paid by locals, however,
192 there are many non-local people who would be paying it, as well.
- 193 ➤ PFOA - The contractors are moving into winter shut down and bids for Contracts 8 and 9 are to
194 be opened on December 12, 2019.
- 195 ➤ MORGAN SPRING DELIVERY SYSTEM - Negotiations for construction of the new delivery system
196 have ceased since no construction can take place until next spring.
- 197 ➤ OPIOID LAWSUIT - Bennington has chosen to remain in the negotiation class and the
198 understanding is that Brattleboro has also joined the suit.
- 199 ➤ WWTF UPGRADE - This project will be moving to winter shut down in December/January if the
200 weather continues in the current mode. The anticipated completion date remains for some time
201 in February 2020.

202 7. UPCOMING AGENDA

203 The following are planned for the indicated meeting dates:

- 204 ❖ December 16th - There will be a meeting on December 16th in lieu of the December 23rd meeting
205 for warrants and action items.
- 206 ❖ December 23rd - Cancelled.
- 207 ❖ January 4th - Budget meeting 8:00am-Noon preceded by a tour of the firehouse.
- 208 ❖ January 11th - Budget meeting 8:00am-Noon at the firehouse.
- 209 ❖ January 13th - Regular meeting - may or may not hear an audit presentation.
- 210 ❖ January 27th - Regular meeting - Warning.
- 211 ❖ January 27th - Recreational priorities presentation.
- 212 ❖ February - IACP presentation.

213 8. OTHER BUSINESS

214 Mr. Carroll: Acknowledged some town employees for their years of service - John D'Amore-23 years;
215 Stephen Langlois-23 years; Earl Burbee-40 years; Michelle Brower-8 years; Tammy Groit-2 years; Tanner
216 Gerrity-2 years; and Adrien Santarcangelo-2 years.

217 Ms. Jenkins: On December 11th, there will a Startup 802 Showcase at CCV from 6:30pm-8:00pm to share
218 ideas and get feedback. On December 14th, there is a Toy Jam at the Bennington Area Makers at 239
219 Main Street from 10:00am-Noon, and is an opportunity to take apart old toys and see what makes them
220 work.

221 9. EXECUTIVE SESSION

222 A. PERSONNEL

223 *At 7:40pm, Bruce Lee-Clark moved and Jim Carroll seconded that the meeting was adjourned*
224 *finding that an Executive Session be held on Personnel as premature public knowledge would place a*
225 *person involved in the subject matter at a substantial disadvantage. There will be no actions taken on*
226 *these items when going back into Open Session. The motion carried with Chad Gordon and Bill Scully*
227 *absent.*

228

229 Respectfully submitted,

230 Nancy H. Lively, Secretary