

1 **BENNINGTON SELECT BOARD**

2 **BENNINGTON FIRE FACILITY**

3 **130 RIVER STREET**

4 **BENNINGTON, VERMONT 05201**

5 **JANUARY 27, 2020**

6 **MINUTES**

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

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

10 **ALSO PRESENT:** Stuart Hurd-Town Manager; Daniel Monks-Assistant Town Manager and Planning
11 Director; Shannon Barsotti-Community Development Director; Timothy Higginson and Richard Tetreault-
12 WSP and Michael LaCroix-VTrans for the Vermont Agency of Transportation; Jason Dolmetsch-MSK
13 Engineering & Design; Kevin Hoyt; Colleen Harrington; John Shannahan; Matt Willey; Jonah Spivak; Lynn
14 Green; Matt Harrington; Sarah Paranvaseau; Ryan Hasslett; Eric Peterson; Betsy Greenawalt; Heather
15 Hasslett; Nancy White; Rose Talbot; Police Officer; 10 citizens; CAT-TV; Jim Therrien-Bennington Banner
16 and Nancy H. Lively-Secretary.

17 At 6:01pm, Chair Donald Campbell called the meeting to order.

18 **1. PLEDGE OF ALLEGIANCE**

19 The Pledge of Allegiance was recited by all present.

20 **2. PUBLIC HEARING - TIF BOUNDARY CHANGE**

21 Mr. Monks stated that when 85 Washington Avenue was under contract to be sold to the Tri-
22 State Area Federal Credit Union by the Greenberg family, it was discovered that a portion of the
23 Bennington Elks Lodge's driveway was located on the soon to be Tri-State Credit Union's property. To
24 address this encroachment, a boundary line adjustment between the two properties was proposed and
25 approved resulting in .14 acres of land being conveyed to the Bennington Elks Lodge. The boundary
26 between the Bennington Elks Lodge property and the Tri-State Area Federal Credit Union property is
27 also the boundary of Bennington's Tax Increment Financing (TIF) District, and TIF District boundaries
28 cannot bisect properties. Therefore, the TIF District boundary must be revised without any change of
29 assessed value of either of the properties. No matter how slight, any TIF District boundary change must
30 be done individually.

31 *Jim Carroll moved and Bruce Lee-Clark seconded to approve the 0.14 acre adjustment to the TIF*
32 *District boundary between the Bennington Elks Lodge and the Tri-State Area Federal Credit Union*
33 *properties. The motion carried with Bill Scully absent.*

34 **3. CONSENT AGENDA**

35 **A. MINUTES - JANUARY 11, 2020, ADDENDUM-JANUARY 11, 2020, AND JANUARY 13, 2020**

36 **B. WARRANTS**

37 *Jeanne Conner moved and Jeannie Jenkins seconded to approve the Consent Agenda as*
38 *submitted. The motion carried with Bill Scully absent.*

39 **4. PUBLIC COMMENTS**

40 Kevin Hoyt stated that the Secretary of State's office has no investigation in the election fraud
41 that he has brought up before, and Mr. Hurd had said in an editorial that the Town Clerk's check list is
42 the list of record. Mr. Hoyt maintains that there are several people that did not vote that are on the list.
43 He is again asking that a meeting of the Board of Civil Authority be called.

44
45

46 Matt Willey, owner of Ramunto's, Buck Stop, and the Avocado Pit, employees 75 people, is
47 always asked to donate (and usually does), and is "getting frustrated with this Town". He, and other
48 business owners, are concerned with their future and/or are considering leaving town. The past and
49 future construction closures are detrimental to the local businesses with the potential implementation
50 of the local option tax making it worse. Mr. Campbell will give Mr. Willey a call.

51 **5. SILK ROAD INTERSECTION ALTERNATIVES**

52 Mr. Monks stated that the VT Route 67A at Matteson Road, Silk Road and College Drive
53 intersection has been a "high accident location" for many years, and the Town has urged the State of
54 Vermont to improve that intersection.

55 Timothy Higginson, Michael LaCroix, and Richard Tetreault did the following presentation:

- 56
- 57 • We are, and have been for the past year, in the Scoping Process of the Project Development.
 - 58 • We are now at the end of the Scoping Process with the Project Definition, and can move into the
59 Project Design within a month or two.
 - 60 • The high accident location was first assessed in 1985, revisited in 1989 and 1992, a Local
61 Concerns Meeting was held on October 13, 1994, and a final scoping report was prepared by the
62 Vermont Agency of Transportation Planning Division in February 1996.
 - 63 • The high accident location is now being revisited again and assessed with a Local Concerns
64 Meeting held on February 7, 2019.
 - 65 • Non-Preferred Alternatives:
 - 66 ✓ Alternative 1 - 3 leg roundabout with relocated Bennington College access. This was not
67 preferred by Bennington College.
 - 68 ✓ Alternative 2 - 4 leg roundabout with relocated Bennington College access. Also not
69 preferred by Bennington College.

- 69 ✓ Alternative 4 - 5 leg roundabout shift west. Access issues, as well as, issues with the
70 College historic gate.
- 71 ✓ Alternative 7 - Traditional stop control or signalized intersection. Not suitable for this
72 location because of the College entrance.
- 73 • Shortlisted Alternatives:
- 74 ✓ Alternative 3 - 5 leg oval roundabout. Single lane with separation between drives. Avoids
75 an historic house and minimizes the impact on the historic gate.
- 76 ✓ Alternative 5 - 1996 Study Modified-5 leg circular roundabout. Has bypass lane with free
77 rights onto Route 67A from Silk Road and is a smaller circle at 120' in diameter. The
78 roundabout at Walmart is 130' in diameter. There is no deflection when entering the
79 roundabout from the East which will increase speed. This could be improved by shifting
80 the location of the circle to the North or West, however, is not as much of an
81 improvement as Alternative 6 would be.
- 82 ✓ Alternative 6 - 5 leg elliptical roundabout. This measures 130' across the short access and
83 200' along the elongated access. This brings Matteson Road and College Drive in farther
84 apart with the biggest positive being a lot of deflection on Route 67A which will slow
85 down the traffic to make merging in from the yield signs easier. Bennington College
86 supports Alternative 6.
- 87 • Evaluation Matrix Comparing the Three Shortlisted Alternatives Shows:
- 88 ✓ The cost of each of the three is very close.
- 89 ✓ Each would take 18 months to build with phased construction - one lane open at all
90 times.
- 91 ✓ Queue length, potential row impacts, sight distance improvement, approach roadway
92 deflection, roundabout circulating speed traffic conflict points, historical/cultural
93 resources, wetlands, flood plain and impervious area comparisons show that Alternative
94 6 has the most positive impact.
- 95 ✓ Benefit cost ratio - a factor of capacity and safety compared to the cost - rates Alternative
96 6 the highest.
- 97 • Next Steps:
- 98 ✓ Accept Town Preferred Alternative
- 99 ✓ VTrans Review and Final Decision
- 100 ✓ Scoping Report Finalized
- 101 ✓ Project Programming

102 *Board questions/comments:*

103 Ms. Conner: Asked them to speak to the pedestrian and cycling impact, and Mr. Higginson answered
104 that the connection to the Ninja Path would be maintained, further consideration will be given to see if
105 there should be a separation between the bike traffic from the roundabout, itself, including a wider
106 shoulder width. Pedestrians will use the Ninja Path and the "splitter islands" to navigate around the
107 roundabout.

108 Ms. Conner: Noted that future boards and town managers would appreciate any tips as to how we can
109 move these projects along faster than 35 years pace, and Mr. Higginson stated that it was "squashed"
110 and never actually became a project in the earlier years. It is now a priority for us, and if the College
111 follows through with giving the land to us, that could reduce the time by 2 years.

112 Mr. Carroll: Asked the definition of impervious area, and Mr. Higginson responded that is a pavement
113 area.

114 Ms. Jenkins: Was concerned about the safety of pedestrians on the splitter islands/refuge islands, and
115 Mr. Higginson stated that those exist now with traffic traveling at a higher rate of speed that they would
116 with the roundabout. The estimated speed on the roundabout would be 15mph - much slower than
117 traffic is moving now with a better line of site for the motorists to the refuge islands than there is now.
118 Cyclists would have the option of just staying on the Ninja Path, riding in a bike lane on the roundabout
119 (though that is uncommon), or comfortably using the roundabout with a traffic speed of 15mph.

120 Mr. Campbell: Prefers Alternative 5 1996 Modified with a circular roundabout and without the slip lane.
121 He feels this one would have the most traffic calming and not be compromising the pedestrian crossing.
122 Mr. Higginson noted their concerns with this Alternative as the deflection of traffic from Silk Road and
123 the maneuvering of truck traffic from Bennington College. Additional work would need to be done to
124 address these issues, such as moving the roundabout, should we proceed further with this Alternative.

125 Mr. Campbell: Stated he is not familiar with an elliptical roundabout and is concerned with the turning
126 on it. Other board members indicated that he had probably been on one without realizing it. They are
127 common in Massachusetts and New Jersey.

128 Mr. Lee-Clark: Noted that the roundabout circulating speed on Alternative 5 had a more positive impact
129 that the speed on Alternative 6, yet it looks like if you were travelling north and wanted to go east, you
130 would hardly have to slow down. Mr. Higginson agreed and would require further work to improve the
131 deflection from that direction.

132 Mr. Lee-Clark: Given the distance from the river, he would be in favor of Alternative 6 which utilizes a
133 greater area to mitigate the water runoff with the lowest impervious area.

134 Mr. Campbell: Our three primary concerns are pedestrian safety, calming of traffic, and a positive
135 partnership with Bennington College.

136 *Bruce Lee-Clark moved and Jim Carroll seconded for the Vermont Agency of Transportation to*
137 *go forward with Alternative 6 at the intersection of Vermont Route 67A (North Bennington Road) at*
138 *Matteson Road, Silk Road and College Drive as presented. The motion carried with Bill Scully absent.*

139 **6. PRELIMINARY REPORT - LEAD LINE REPLACEMENT GRANT**

140 Jason Dolmetsch, from MSK Engineering & Design, did the following presentation:

- 141 • The Preliminary Engineering Report submitted to the Board is on the Planning Grant Loan for the
142 Lead Line Replacement Project.

- 143 • We have ~3,800 connections in the water system with 1,664 either with lead service lines or are
144 not known.
- 145 • That means that the 1,664 were installed prior to 1986 when the ban of lead lines went into
146 effect.
- 147 • A mailing was sent to the 1,664 stating that the work to replace the lines was 100% reimbursable
148 and a prepaid postage post card indicating if they wanted it done or not. 865 responded and 726
149 of those have been assessed.
- 150 • There must be positive identification of lead presence to qualify for reimbursement. We will not
151 be reimbursed if we dig up a line that we just think is lead without substantiating documentation.
- 152 • The design is expected to be done in 2020 with work beginning in 2021 for three years.
- 153 • Each line is estimated to cost \$11,000-\$13,000 at today's dollars.
- 154 • The initial response from the State was that "we didn't ask for enough".
- 155 • The long term goal is to reach 100% of those with lead service lines but that is "a complicated
156 process".
- 157 • The water has been treated to reduce corrosion of lead and copper. Although we are within EPA
158 limits, it doesn't remove all of the lead from the water.
- 159 • Bennington was the first town in the country to install corrosion control in the 1970's.

160 Mr. Hurd noted that, even though we will be reimbursed, the Board needs to approve a
161 resolution for a bond vote. No construction will be done without reimbursement.

162 ***Jeannie Jenkins moved and Jim Carroll seconded that public necessity demands lead line***
163 ***replacement, and that the cost of \$9.5 million is too great to be paid from ordinary annual revenues,***
164 ***so a bond is necessary for the work to be done in the next couple of years with complete compensation***
165 ***from the State. The motion carried with Bill Scully absent.***

166 7. LOCAL OPTION TAX DISCUSSION

167 Mr. Campbell explained that this is the second discussion on whether or not we should put the
168 local option tax options on the ballot for the voters to vote on. He feels that it should be put on the
169 ballot because, as well as we scrutinize the budget, we get hit with increased expenses that we have no
170 control over, such as the cost of health insurance, with our only option being to increase property taxes
171 or reduce services.

172 *Board questions/comments:*

173 Mr. Gordon: Voters should decide and each option should be listed separately.

174 Ms. Jenkins: Voters should decide and each option should be listed separately. For example, our salt bill
175 at \$60,000 is higher than our marketing allocation. We need an additional source of income.

176 Mr. Carroll: Voters should decide. Non-residents should help pay for the services that Bennington
177 provides.

178 Mr. Lee-Clark: Voters should decide, each option should be listed separately, and there should be
179 specific designations as to how it would be spent on the ballot, as well. Sales tax is a regressive tax that
180 will "hurt the people the most who can afford it the least".

181 Ms. Conner: Voters should decide and each option should be listed separately. More and more
182 communities are doing this and she looks forward to hearing the experiences from the towns that have
183 done it.

184 *Public questions/comments:*

185 Jonah Spivak: Voters should decide and each option should be listed separately. Agrees that how we
186 would use the money should be included on the vote. In a tourist town, most of the local option taxes
187 are paid by non-residents, whereas, in Bennington, that would not be the case. Tax relief from the local
188 options tax would be short lived so we need a long term plan to utilize the money generated for the
189 overall transformational improvement of the Town. This would attract more people to Bennington that
190 would ultimately lower property taxes because there would be more people paying them.

191 Colleen Harrington: Is running for Select Board and is against the local option tax. This is an added
192 burden on a town that is struggling to survive and does not feel that our local government can be
193 trusted with additional dollars to spend.

194 Lynn Green: Voters should decide and there should only be one question with all four options on it. The
195 bulk of the dollars would come from sales tax with rooms, meals, and alcohol generating very little
196 individually. Online retail sales are also subject to local option taxes. She would be in favor of the tax if
197 it were used to make improvements to the Town, and not just to "make the budget whole".

198 Sarah Paravaseau: Voters should decide and it should be very transparent as to what they are voting
199 on.

200 Matt Willey: It will be going on the ballot and he has businesses in North Adams and Williamstown that
201 both have local options taxes. It is not beneficial in North Adams but is in Williamstown for the same
202 reasons that it is in Manchester. Also, it feels like this is being rushed, and Mr. Carroll explained that
203 even though we had submitted the rewritten Charter to the State 2 years ago, it was a process for them
204 to accept it, and they nearly didn't.

205 Ryan Hasslett: The verbiage to the voters on the ballot is extremely important. Mr. Campbell added that
206 the wording on the ballot has no editorialization so the voters can vote on the questions based on what
207 they've learned about local option taxes by March 3rd.

208 Jim Hurst Letter (he was not in attendance): "I would only support a local options tax if it was used to
209 reduce property taxes and not if it were used to support any special projects, whatever they may be."
210 Any special expenditures should be part of the annual budget that the voters vote on every year.

211 Nancy White: It has been two years since this was in the Charter and we're only hearing about it a
212 month before the vote. "Who in their right mind would vote for \$1M and not know where it was going
213 to be spent?" This is "smoke and mirrors" and she is against the tax.

214 Eric Peterson: Voters should decide and there should only be one question with all four options on it.
215 Betsy Greenawalt: Reminded everyone that the Town only gets 70% of the tax and the State gets 30%.
216 Mr. Hurd stated that the 30% comes back to the towns that host State offices and State lands. Mr. Hurd
217 further clarified that the \$1.2M referenced is from the 2019 taxes reported by the State and is the 70%
218 amount.

219 Matt Harrington: Stated that most of the businesses would be in favor of the tax if it would be used to
220 benefit everyone in town through town wide marketing.

221 Rose Talbot: It's easy for people that have money to say they don't mind losing money, but that isn't an
222 option if you don't have it.

223 Heather Hasslett: Supports the tax, as long as, people are aware of how it will be used and that some of
224 it is used to improve Bennington. This will draw more people here which will take some of the burden
225 off of the residents.

226 John Shannahan: Reminded everyone that there is 6 weeks before the vote. "If you're not going to do it
227 in 6 weeks, you're not going to do it in 2 years". 20 communities have it and no one has rescinded it.
228 The business owners that met were in favor of it if it were used for marketing, however, the
229 consideration should also be to make improvements to the Town so there is something to market.

230 Ms. Barsotti: The communities that she has contacted, left the vote open ended on the ballot as to have
231 the tax of not, and then met with the residents for ideas on how to spend it. Information on the local
232 option tax, including the list of tax exempt items, is on the website.

233 *Board discussion ensued as follows:*

- 234 ➤ New York has a 4% state tax with towns adding 3%-4% so the consumer is paying 7%-8% sales
235 tax.
- 236 ➤ How the money would be spent should be part of the Board's annual budget discussions.
- 237 ➤ If voters don't agree with the Board's spending decisions, 1/3 of the Board is re-elected every
238 year.
- 239 ➤ It would be difficult for voters to vote Yes or No on having an option tax and to vote on how
240 they want it spent at the same time.
- 241 ➤ Without the approval of sales tax, the amount of money generated is greatly reduced.
- 242 ➤ The sales tax exempt items were well thought out for people's needs.
- 243 ➤ This is just to get it on the ballot with the next steps being to learn the process.
- 244 ➤ We don't have to put it on the ballot this year.
- 245 ➤ If the voters vote on how it is used, any change to that would have to go back to the voters.
- 246 ➤ Some towns hold public hearings annually to get a sense of how their citizens would like to
247 spend the money without putting it on the ballot.
- 248 ➤ This year, after we have our additional public hearings in February, we could decide the
249 percentage of how the money is spent from whichever taxes pass. Thereafter, the
250 determination of how it would be used would be done at budget discussion time in January.

251 *Bruce Lee-Clark moved and Jeannie Jenkins seconded to put the following on the March 3, 2020*
252 *ballot:*

253 *“ARTICLE 3. Shall the voters assess a 1% local option tax as provided in Section 511 (a) of the*
254 *Bennington Town Charter*

- | | | |
|-----|---|-------------------|
| 255 | <i>1. A one percent meals tax;</i> | <i>Yes or No</i> |
| 256 | <i>2. A one percent rooms tax;</i> | <i>Yes or No</i> |
| 257 | <i>3. A one percent alcoholic beverage tax; and</i> | <i>Yes or No</i> |
| 258 | <i>4. A one percent sales tax?</i> | <i>Yes or No”</i> |

259 Mr. Campbell sees this as a way to take some of the burden of financing the Town off of the
260 property tax payers. Voting on the options separately will be a referendum of the voter’s opinions.

261 Ms. Jenkins noted that if the sales tax doesn’t pass, there won’t be that much money generated.

262 Mr. Lee-Clark stated that he was in agreement with giving the voters an idea prior to the vote of
263 the percentage of how the money would be spent, and that separate questions was a referendum of the
264 voters.

265 Ms. Conner noted that some people are feeling rushed so not deciding on how to spend the
266 money now is a good idea.

267 *The motion carried with Jim Carroll opposed and Bill Scully absent.*

268 *Local Option Tax Discussions will be as follows:*

- 269 *February 10, 2020 - Agenda item for the regular Select Board Meeting*
- 270 *February 17, 2020 - Meeting for Local Option Tax Discussion only*
- 271 *February 24, 2020 - Agenda item for the regular Select Board Meeting*
- 272 *March 2, 2020 - Town Meeting*

273 **8. ANNUAL TOWN MEETING WARNING**

274 Mr. Hurd will invite the petitioning organizations to speak at Town Meeting on March 2, 2020.

275 *Jeannie Jenkins moved and Bruce Lee-Clark seconded to approve the Warning, Town of*
276 *Bennington, 2020 Annual Town Meeting as presented. The motion carried with Bill Scully absent.*

277 **9. LIQUOR LICENSES**

278 The following 2020 Liquor License Renewal Applications were circulated for signatures:

279 2020 1st Class Renewals

- 280 1. Kevin's (& Outside Consumption)
281 2. Loose Cannon Café (& Outside Consumption)

282 2020 2nd Class Renewals

- 283 1. Aldi, Inc.
284 2. Beverage Den
285 3. Jolley #117
286 4. Jolley #145
287 5. North Bennington Variety

288 2020 3rd Class Renewals

- 289 1. Kevin's

290 **10. MANAGER'S REPORT**

291 Mr. Hurd reported the following:

292 There has been a Housing Authority opening for quite some time. Anyone interested please contact
293 Mr. Hurd at the Town Office.

294 Information from the petitioning agencies will be on the website.

- 295 ➤ WILLOW PARK PAVILION RENTALS - Staff have created a proposed rental rate increase based on
296 hourly rates and the previously proposed security deposits required for each group. This will be
297 on the February 10th agenda.
298 ➤ RECREATIONAL PRIORITIES - We had hoped to present our recreational priorities at the February
299 10th meeting, however, as that agenda fills up, we will probably put this out farther.
300 ➤ PFOA - No new information.
301 ➤ MORGAN SPRING OVERFLOW SYSTEM - During construction of the UCS addition, it was
302 determined that the overflow pipe from the Spring is in very bad shape. There is some rust and
303 some of the damage was caused by a contractor. We are meeting with the various parties to
304 determine how best to correct this. It will most likely require use of Water Fund reserves to
305 cover our share of the cost.
306 ➤ OPIOID LAWSUIT - No new information.
307 ➤ WWTF UPGRADE - Continues with the anticipated completion date for the project still for some
308 time in February 2020. There will be necessary punch list items, landscaping, and clean up come
309 Spring.

310 **11. UPCOMING AGENDA**

311 The following are planned for the indicated meeting dates:

- 312 ❖ February 10th - Local Option Tax Discussion, Armory/Town Land Exchange, and Willow Park Fees.
- 313 ❖ February 17th - Local Option Tax Discussion.
- 314 ❖ February 24th - Local Option Tax Discussion, Lead Service Line Bond Question, and Shires
- 315 Community Development Block Grant-300 Pleasant Street.
- 316 ❖ March 9th - Work Force Development.

317 **12. OTHER BUSINESS**

318 Mr. Gordon: Stated that the British Invasion was another fine production and Café Murder, a dinner
319 theatre in conjunction with the Country Club, will be February 7th and 8th. Tickets are on sale @ \$35.

320 Ms. Jenkins: On February 8th , the Bennington Makers will be making Valentine Day's cards that light up
321 from 10:00am-12:00pm for families, and on February 12th , there is a similar event in the evening for
322 adults - the Shires Young Professionals.

323 Mr. Carroll: There are rumors around Town that the new addition at the Rec Center, sponsored by UCS,
324 is going to be a drug rehab facility funded by the taxpayers. This is totally false, it is for Early Childhood
325 funded with federal dollars.

326 Mr. Lee-Clark: Reminded everyone that today is the 75th anniversary of the liberation of Auschwitz, and
327 hope we all remember so we never repeat it.

328 Ms. Conner: Benningtones is on January 28th at Old Castle from 7:00pm-9:00pm. The fee is \$10.00 and
329 the song is Our House.

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331 *At 8:44pm, Jeannie Jenkins moved and Jeanne Conner seconded the adjournment of the*
332 *meeting. The motion carried with Bill Scully absent.*

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335

336 Respectfully submitted,

337 Nancy H. Lively

338 Secretary