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BENNINGTON SELECT BOARD
MEETING HELD REMOTELY VIA ZOOM
BENNINGTON, VERMONT 05201
JUNE 22, 2020
MINUTES

SELECT BOARD MEMBERS PRESENT BY VIDEOCONFERENCE: Donald Campbell-Chair; Jeannie Jenkins-Vice Chair; Jeanne Conner; Jim Carroll (out at 7:13pm and in at 7:16pm); Bruce Lee-Clark; and Sarah Perrin.

SELECT BOARD MEMBERS ABSENT: Bill Scully.

ALSO PRESENT BY VIDEOCONFERENCE: Stuart Hurd-Town Manager; Daniel Monks-Assistant Town Manager and Planning Director and Director of the COVID-19 Response; John Shannahan-Better Bennington Corporation Executive Director; Mike Cutler-CAT-TV; and Nancy H. Lively-Secretary.

PUBLIC CALL INS: Mike Bethel; Nancy White; Sam Restino; and Linda Putney.

At 6:04pm, Chair Donald Campbell called the meeting to order and explained that, due to the COVID-19 Pandemic State of Emergency declared by Governor Scott, and pursuant to Addendum 6 to Executive Order 01-20, Act 92, this public body is authorized to meet electronically. There is no physical location to attend this meeting, however, the public may view it on CAT-TV and call in at 1-646-558-8656 and enter the meeting ID, 83045915713, when prompted to do so. The call in information will be periodically posted on the screen and the process for calling in was explained. If technology fails us, the meeting will be continued at a time and place to be determined and all votes that are not unanimous will be done with a roll call vote in accordance with the law.

Mr. Campbell changed Agenda #2. BBC Workplan & Budget to #3. BBC Workplan & Budget and Agenda #3 Grant Agreement 219 Pleasant Street to #2. Grant Agreement 219 Pleasant Street. The consensus of the Board agreed with the change.

1. CONSENT AGENDA

A. MINUTES OF JUNE 8, 2020

B. WARRANTS

C. LIQUOR LICENSES

Bruce Lee-Clark moved and Jeanne Conner seconded to approve the Consent Agenda with the Minutes of June 8, 2020 amended as follows:

Line 197, Change "inpatient" to "impatient"

The motion carried with Bill Scully absent.

2. GRANT AGREEMENT 219 PLEASANT STREET

Mr. Hurd explained that this is a Vermont Community Development Program (VCDP) subgrant to Hale Resources LLC in the amount of \$650,000 to complete renovations and upgrades to 10-units of

36 residential rental housing located at 219 Pleasant Street in the Town's downtown historic district. This is
37 the first time a private developer has applied for these funds. The process is that we accept the award
38 (that would be tonight), the grant agreement comes down, we run it by counsel, and then the Board
39 approves the grant agreement.

40 *Board comments/questions answered by Mr. Hurd:*

41 Ms. Perrin: Will the residents be able to move back in and how many will? They do have the option of
42 moving back in but it isn't known at this time how many will.

43 Mr. Carroll: Will local contractors be used? Yes.

44 ***Sarah Perrin moved and Jim Carroll seconded to approve and waive the reading of the VCDP***
45 ***Grant Agreement Resolution for Grant Agreement #07110-1G-2018-Bennington-05, and to authorize***
46 ***the Select Board Chair to sign. The motion carried with Bill Scully absent.***

47 **3. BBC WORKPLAN & BUDGET**

48 John Shannahan, BBC Executive Director, reported the following:

- 49 • The Budget reflects the loss of event revenue and is replaced with anticipated grant income
50 from State stimulus programs.
- 51 • Our Workplan has changed our focus to our members and what they will be facing in the next
52 few months.
- 53 • We are working with our merchants to pursue online marketing.
- 54 • Mayfest was cancelled after we had collected payments from the vendors. Some want those
55 refunded and some have said to keep for next year - if we will be allowed to have it next year.
- 56 • The Salaries line item increases when there is a 3 week pay period within that month.
- 57 • All expenses, except the fixed expenses, have been cut by percentages.
- 58 • Workplan highlights of the following committees:
 - 59 ○ Economic Vitality Committee - Putnam project, member communication, and form
60 based planning.
 - 61 ○ Promotion Committee - Marketing Assistance and Training, Vermont Begins Here,
62 multiple smaller events.
 - 63 ○ Design Committee - Spaces Parks, Art Recreation, Community (SPARC)-336 Main Street
64 will be opening soon, Riverwalk, people spaces, mini kiosks, downtown transportation
65 grants.
 - 66 ○ Organization Committee - Executive Board, internal operations.

67 *Board comments/questions answered by Mr. Shannahan:*

68 Ms. Conner: Had heard people say they will be shopping to support the downtown, and wanted
69 clarification on the start and target dates in the Workplan. All months listed are within FY2021 - July
70 2020 thru June 2021.

71 ***Jeanne Conner moved and Jeannie Jenkins seconded to approve the FY2021 Better Bennington***
72 ***Corporation Downtown Improvement District Funding in the amount of \$79,637.00 which is the same***
73 ***amount as last year. The motion carried with Bill Scully absent.***

74 **4. COMMUNITY POLICING UPDATE**

75 Ms. Jenkins updated the following:

- 76 ➤ Reminded everyone of the Virtual Community Gathering conducted by the Vermont
77 Partnership for Fairness and Diversity on June 24, 2020 from 7:00pm-8:30pm via Zoom or
78 CAT-TV Channel 1085 with a call in number for questions. The purpose of the meeting is
79 to launch our community work to enhance public safety in Bennington through building
80 greater trust between residents and the police department. This is not a Select Board
81 meeting.
- 82 ➤ The Community Policing section on the Town website should be up next week with
83 several resources listed.

84 Discussion ensued as to the attendance of board members and violation of the Open Meeting
85 Law. It was noted that listening and asking questions was acceptable as long as it was obvious that there
86 was no intent to form opinions as a board.

87 **5. SCHEDULED EQUIPMENT BORROWING**

88 Mr. Hurd stated that 2020 truck purchase and borrowing from the State Highway Fund was
89 approved as part of the FY2020 capital purchases. Manufacturing issues and delayed shipping slowed
90 this purchase until now. We are pushing forward because it is an FY2020 purchase and we did not want
91 to move it into FY2021 since that budget has already been approved by the voters.

92 ***Bruce Lee-Clark moved and Jeannie Jenkins seconded to approve the Note in the amount of***
93 ***\$49,087.00 at an interest rate of 2.5% for 5 years for a 2020 Ford F350 Pickup, waive the reading of***
94 ***and adopt the Resolution, approve the Non-Arbitrage Certificate and authorize the Select Board Chair***
95 ***to sign each document. The motion carried with Bill Scully absent.***

96 **6. SETTLEMENT DISCUSSION/LEGAL MATTER**

97 Mr. Hurd explained that this is to settle Alexander vs. Hunt, et al, which is the Town of
98 Bennington. This is from a traffic stop in 2016 where the individual was in possession of drugs, was
99 tried, and convicted. The case was appealed and the Vermont Supreme Court threw out the evidence
100 because the individual had been held at the traffic stop "too long". There has been lengthy mediation
101 over the past 4 years and all parties have agreed to settle with our insurer paying Mr. Alexander
102 \$30,000. All liability claims will be dismissed with prejudice.

103 ***Bruce Lee-Clark moved and Jeanne Conner seconded to accept the settlement as agreed to***
104 ***forthwith.***

105 Mr. Campbell added that we will be issuing a joint statement that the "Town of Bennington and
106 Shamal Alexander have agreed to resolve the case between Alexander vs. Town of Bennington in order
107 to avoid expensive and protracted litigation. The allegations remain disputed and the settlement is not
108 deemed to be an admission of any liability. The case has been pending for 4 years, and it is the desire of
109 both parties to put the matter behind them and move forward".

110 Mr. Campbell further mentioned the importance of the ACLU in this matter, as well as, their
111 presence in the State.

112 ***The motion carried with Bill Scully absent.***

113 **7. SET WATER / SEWER RATES**

114 Mr. Hurd noted that the State has waived the administrative fees and interest payments on
115 various borrowings that have impacted both the water and sewer funds, and we have worked those
116 savings into the budgets. There will be a 0% increase in the water rates and an 8% increase in the sewer
117 rates, or a \$35.10 annual increase per person. This is down from an anticipated 10.5% sewer rate
118 increase. In addition, we have committed \$158,751 from the fund balance to bring the rate in as low as
119 we could.

120 *Public comments/questions answered by Mr. Hurd:*

121 Nancy White: Are we paying more on the 1st half of the Waste Water Treatment Bond or the 2nd half?
122 We pay a bond on the Waste Water Treatment Facility upgrade, we pay a bond to increase the pressure
123 on Crescent Boulevard and Jefferson Heights, and we're about to pay a bond on the Waste Water
124 Treatment Facility. On the upgrade bond, the payments are level throughout the 20 years of the bond.

125 Nancy White: Won't we see a bigger increase in the sewer rates in the following year because we have
126 used fund balance money this year? The dollars saved by the State will be added in next year, and the
127 water rates are expected to increase 2% each year and the sewer rates will have one more year at 10.5%
128 before going back to around a 3% increase.

129 Nancy White: What do we end up with from the sale of our water at \$100,000 after we pay the
130 overhead costs? The overhead costs are "incredibly minimal" in a small amount of electricity. Vermont
131 Pure paid for the improvements.

132 Nancy White: Can we put a couple of spigots at the Rec Center for the public to have access to our
133 water? This may be possible when we extend the line to Main Street to place a spigot before the
134 Morgan Spring water mixes with the treated town water but the logistics are unknown at this time and it
135 would be a Board decision to do so.

136 ***Bruce Lee-Clark moved and Jeannie Jenkins seconded to approve a 0% increase in the FY2021***
137 ***water rates from the current year. The motion carried with Bill Scully absent.***

138 ***Bruce Lee-Clark moved and Sarah Perrin seconded to approve an 8% increase in the FY2021***
139 ***sewer rates from the current year. The motion carried with Bill Scully absent.***

140 **8. MANAGER'S REPORT**

141 Mr. Hurd reported the following:

- 142 ✓ *North Bennington Polling Place Closed:* The Bennington Board of Civil Authority voted to
143 temporarily close the North Bennington Town Office as a polling location due to an inability to
144 social distance and keep voters safe. All voters will be able to vote at the Bennington Fire
145 Facility, or by mail, for the primary in August and the election in November. Depending on the
146 pandemic, this may go into next year, as well.
- 147 ✓ *PFOA Construction:* Work continues on this project as it is considered essential work with the
148 anticipation that work will finish in 2020 except for Contracts 8 and 9 for East Road, Willow Road,
149 and Chapel Road, that are scheduled for completion in 2021. The State will continue to monitor
150 those that are still on the POET system.
- 151 ✓ *WWTF Upgrade:* Final punch list items are expected to be completed by the end of July. The
152 plant is functioning well and these are clean-up items. We have saved ~\$300,000 on the RBC's
153 over the course of the entire contract.

- 154 ✓ *In Front of Aldi's*: Mr. Monks stated that is the Kocher Drive Bike Path Project underway with
155 expected completion in August. There will be an at grade crossing with a shelter island in the
156 middle with push button access for pedestrians. Hopefully, the Applegate Project will take place
157 in the fall and the Rail Trail in the spring.
- 158 ✓ *Stark Street Playground*: Has been completely rehabilitated so that it complies with ADA and AGE
159 systems.

160 **9. UPCOMING AGENDA**

- 161 July 13, 2020 Meeting - Set Tax Rates
- 162 July 13, 2020 Meeting - Discuss Not Requiring Signatures
- 163 July 13, 2020 Meeting - Discuss the Current Status of Our Current Budget
- 164 At A Future Meeting - Discuss Public Spigot Placement When Water Pick-Up Moves to Main
165 Street
- 166 At A Future Meeting - Schedule A Report From Shannon Barsotti

167 **10. OTHER BUSINESS**

168 Ms. Conner reported the following:

- 169 ❖ The Rec Center opened on Monday with restrictions on the number of people in the pool.
- 170 ❖ The Fitness Center is open with someone designated to disinfect the equipment after each use.
- 171 ❖ When memberships are ready to be renewed, you will receive a credit for when the Rec Center
172 was closed. Many people have offered to pay the full fee and leave the difference as a donation.
- 173 ❖ Lockers will open tomorrow - probably with restrictions there, as well.

174 Mr. Carroll reported the following:

- 175 ❖ The House passed H966 which includes \$875M for health care and human service systems, front
176 line emergency relief, business and economic development, housing and homelessness, Pre-K
177 thru K education, broadband and cyber security projects, agricultural relief, and higher
178 education relief. The bill awaits the Governor's signature and agencies for disbursal of funds.
179 "We're doing the best that we can to get this information out to stakeholders."

180 **11. PUBLIC COMMENT**

- 181 Mike Bethel: Agrees board members can attend the Virtual Community Gathering on June 24th;
182 Disappointed that the public wasn't involved in hiring Curtiss Reed's company and didn't feel the
183 donation should have been anonymous; and Wants the Mayor issue to be on the November ballot. Mr.
184 Campbell thanked Mr. Bethel for his opinion on the June 24th meeting; The Vermont Community
185 Foundation was the donor of \$20,000 for hiring Mr. Reed; and the Mayor issue is not up for discussion
186 tonight.
- 187 Sam Restino: Continue to be vigilant with COVID precautions due to tourist activity.
- 188 Sam Restino: Are the Bennington Plaza purchasers moving forward? Mr. Hurd: Yes, they are.
- 189 Sam Restino: Those that had a right to assemble at the Four Corners were also in front of the police
190 station. The Town should draw up a 'Right to Assemble' proposal.

191 Nancy White: The Governor said we could have fireworks if people watched them from their cars. Are
192 we going to go ahead with our fireworks since we have already paid for them? Mr. Hurd: There is no way
193 that we could control that people stayed in their vehicles. The fireworks have been cancelled and we
194 have not paid for them.

195 Nancy White: We were told 15 years ago that we would have to have a tunnel or bridge at the Route 7
196 intersection. Why has that changed? Mr. Monks: The State has explicitly approved the project as we are
197 building it and have never said that we needed to build it one way or another as long as it met their
198 criteria.

199 Linda Putney: She and her husband own 106 School Street and the telephone pole has been placed in
200 the middle of the building in front of the porch. She was unaware that it was going in and is asking the
201 Board for help to get it moved. Mr. Monks stated that GMP was aiding the Town in facilitating the
202 sidewalk and pole placement is done on site due to not knowing what utilities are underground. They
203 tried to put it elsewhere but kept hitting water and sewer lines. He has spoken to GMP twice and they
204 have said they are unable to move it. Mr. Campbell noted that we will continue to see if something else
205 can be done. Mr. Carroll will contact GMP, as well.

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208 ***At 7:56pm, Sarah Perrin moved and Bruce Lee-Clark seconded to adjourn the meeting. The***
209 ***motion carried with Bill Scully absent.***

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212 Respectfully submitted,

213 Nancy H. Lively

214 Secretary

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**SELECT BOARD
MINUTES ADDENDUM**

June 22, 2020

Present: Donald Campbell, Chair, Jeanne Conner, Jeannie Jenkins, V. Chair, Sarah Perrin, Jim Carroll, and Bruce Lee-Clark. Absent: William Scully

Also present: Stuart Hurd, Town Manager and Dan Monks, Assistant Manager

The Board went into executive session for a legal matter where premature public knowledge would clearly place the Town at a disadvantage at 5:51 pm. The Board came out of executive session at 6:03 pm. No action was taken. The issue discussed would be considered later as an agenda item.

Respectfully submitted,



Stuart A. Hurd