

1 BENNINGTON SELECT BOARD MEETING
2 130 RIVER STREET
3 BENNINGTON, VERMONT 05201
4 OCTOBER 25, 2021
5 MINUTES

6 **SELECT BOARD MEMBERS PRESENT:** Jeannie Jenkins-Chair; Jeanne Conner-Vice Chair; Bruce Lee-Clark;
7 Jim Carroll; Tom Haley; Sarah Perrin and Gary Corey.

8 **SELECT BOARD MEMBERS ABSENT:** None.

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Jonah Spivak-
10 Communications Coordinator; Beth Wallace and Mary Rogers-Bennington Rotary Club; Linda Foulsham-
11 Bennington Bookshop; Michael McDonough-Interim Executive Director-BBC; Eric Peterson; Michael
12 Keane; Edie Sawitsky; David Forde-Centerline Communications; Linda Bermudez; Daniel Strohl; Mike
13 Cutler-CAT-TV; and Nancy H. Lively-Secretary.

14 At 6:00pm, Ms. Jenkins called the meeting to order and asked those not vaccinated to wear a
15 mask and social distance. There are wipes to wipe down the microphone if you wish to speak.

16 *Bruce Lee-Clark moved and Tom Haley seconded to add Agenda Item 8A. Approval of the*
17 *Municipal Planning Grant Application for the Armory. The motion carried unanimously.*

18 **1. PLEDGE OF ALLEGIANCE**

19 The Pledge of Allegiance was recited.

20 **2. VISION STATEMENT**

21 Ms. Conner read the Town's Vision Statement that was adopted by the Select Board on August
22 24, 2020:

23 "Bennington is a welcoming, engaged, inclusive, resilient community where everyone regardless of
24 identity shares in our vitality and benefits from an outstanding quality of life."

25 **3. CONSENT AGENDA**

26 **A. MINUTES OF OCTOBER 11, 2021 AND OCTOBER 19, 2021**

27 **B. WARRANTS**

28 *Jeanne Conner moved and Jim Carroll seconded to approve the Minutes of October 11, 2021*
29 *and the Warrants as presented. The motion carried unanimously.*

30 *Jeanne Conner moved and Jim Carroll seconded to approve the Minutes of October 19, 2021 as*
31 *presented. The motion carried with Bruce Lee-Clark abstaining.*

32 **4. PUBLIC COMMENT**

33 The following Public Comment Practices to make the experience for all involved a productive and
34 informative use of the Public Comment period at Select Board meetings was placed on the podium for
35 those that wish to make Public Comments to reference:

- 36 1. Public Comment is to allow residents an opportunity to share information or make
37 announcements that benefit the community at large.
- 38 2. The topic should **not** be related to an agenda item. If a member of the public wants to
39 comment on an agenda item they can do so during the discussion of that item.
- 40 3. Comments should be 3 minutes or less.
- 41 4. You are required to state your real name and town of residence.
- 42 5. Sharing comments, announcements and concerns are encouraged rather than asking
43 questions. Public Comment is not a time for discussion. If you have specific questions it
44 is best to call the Town Manager to get a full explanation and accurate information.
- 45 6. If the topic requires much discussion the item will be considered as an agenda item at a
46 future meeting.

47

48 Linda Bermudez: The VFW Post has put together an Adult Scavenger Hunt that will take place on
49 October 30, 2021 rain or shine in the Downtown to benefit the Downtown. It is open to the public, it is
50 limited to 100 participants, and all participants must be 21 or over. Worksheets cost \$5.00 and are
51 available at the VFW on Saturday between noon and 3:00pm. There will be a potluck dinner available at
52 the end and the grand prize could be up to \$500.

53 Daniel Strohl: The Farmers Market will be starting their bi-weekly winter schedule on November 6th in
54 the cafeteria of the old Benn High. In addition there will be online ordering and curbside deliveries, and
55 they will be returning to the Deer Park in the summer. November 6th will also be State Representatives
56 Day with our State representatives present. Masks will be required. Ms. Conner thanked Mr. Strohl for
57 the information that the Farmers Market is putting on for our town.

58 **5. DECLARATION OF INCLUSION - BENNINGTON ROTARY CLUB**

59 Beth Wallace and Mary Rogers, representing the Bennington Rotary Club, presented the
60 following Town of Bennington Declaration of Inclusion for the Town to adopt because "words matter":

61 **"Town of Bennington Declaration of Inclusion**

62 The Town of Bennington condemns racism and welcomes all persons, regardless of race, color, religion,
63 national origin, sex, gender identity or expression, age, or disability, and wants everyone to feel safe and
64 welcome in our community.

65 As a town, we formally condemn discrimination in all of its forms, commit to fair and equal treatment of
66 everyone in our community and will strive to ensure all our actions, policies and operating procedures
67 reflect this commitment.

68 The Town of Bennington has and will continue to be a place where individuals can live freely and express
69 their opinions."

70 *Board questions/comments:*

71 Mr. Lee-Clark agreed that “words matter but actions also matter”.

72 Ms. Jenkins added that “we need to be able to make this come alive” and, as a Board, we need to make
73 recommendations on how to put this into action.

74 Ms. Perrin: Thanked the Rotary for coming.

75 Ms. Conner: We read the Town’s Vision Statement at every Board meeting to remind us that we need to
76 do our part to implement this Declaration.

77 *Public questions/comments:*

78 Linda Foulsham: Noted the importance of the entire community implementing what has been adopted.

79 ***Tom Haley moved and Bruce Lee-Clark seconded to adopt the Town of Bennington Declaration***
80 ***of Inclusion as presented. The motion carried unanimously.***

81 Ms. Jenkins and Mr. Haley will put together some recommendations on moving forward with the
82 Declaration and bring them back to the Board for discussion in November. The Rotary will be sent a
83 copy of the Declaration and it will be put on the Town’s website.

84 **6. DOWNTOWN FUNDING STRUCTURE - CONTINUED DISCUSSION**

85 *Gary Corey owns property downtown and recused himself from this agenda item.*

86 Topic of Discussion - Should the ~\$.20/\$100 of value paid as the Downtown Improvement District (DID)
87 tax paid by businesses in the DID or should it become part of the General Fund property tax at
88 ~\$8.00/\$100,000 of value?

- 89
- This would be similar to what we do for the Bennington Free Library, the McCullough Library, and
90 the Bennington Rescue Squad, as well as, the schools.
 - Is supporting the Downtown something that enriches the whole community?
91
 - The Downtown is/has been revitalized.
92

93 *Board and Public questions/comments:*

94 Mr. Carroll: What is the benefit to the Town to add the tax to the General Fund? Mr. McDonough:
95 Philosophically, everyone should support the Downtown. In addition, it says that we’re all behind the
96 Downtown to see that it sustains the renewed vitality, provides flexibility to the Better Bennington
97 Corporation (BBC) to be partnered with the Town, we are the chosen Downtown Designated
98 Organization, and not fall short of seeing needs but not be able to meet them.

99 Mr. Carroll: How do the businesses on Northside Drive benefit from this? Mr. McDonough: The BBC
100 Mission Statement gives us the opportunity of having the significance of having a downtown core that is
101 successful. “Northside Drive doesn’t need the help that a downtown requires.” Ms. Jenkins: If people
102 come to Town because of a beautiful downtown and the Monument, etc., they will potentially stay, eat,
103 etc. outside of the Downtown and “explore the whole town”.

104 Mr. Carroll: Has not heard complaints from the Downtown merchants about the additional ~\$400 in
105 taxes, so why change it? Mr. Peterson: The vitality in the Downtown is good for the whole town and we
106 need that vitality to continue. He has recently worked in a town that had no downtown and Bennington
107 was headed for that, too.

108 Mr. Keane: This is an opportunity for the Town to support the turnaround in the Downtown, as well as,
109 the turnaround in the whole Town. He encouraged the Town to see if a DID tax is best practice in
110 communities around the country.

111 Mr. Lee-Clark: Has requested the BBC Bylaws to see what their "technical, legal relationship" is with the
112 DID and what is their relationship to the Town Charter. He would like to see some legal opinion that
113 says that the Town can just remove the DID tax and put it onto the whole Town. Mr. Hurd: Did not seek
114 a legal opinion, however, we simply are deciding how we can best fund the activities of the contractor
115 that we're using in the Downtown. The Charter doesn't need to change, it would just be that the DID tax
116 is \$0.00.

117 Mr. Lee-Clark: The BBC will be funded, it's just a matter of who will be paying for it. To see a vote to
118 have it remain as the DID tax as a "kick in the teeth to the Downtown is a silly argument and one which I
119 will not accept."

120 ***Mr. McDonough: Will send the BBC Bylaws to the Select Board.***

121 Mr. McDonough: The Charter allows the Select Board to develop a DID and impose a tax for the purpose
122 of funding the Downtown which was established 30 years ago. "We've outgrown that", so rather than
123 expanding the taxing district, we should look at "town wide support and responsibility".

124 Ms. Perrin: This is how we're going to fund the BBC with the details of that to be further discussed at
125 budget time. Now we're voting on everyone supporting Downtown.

126 Mr. Carroll: Appealed to Mr. Spivak to get this out to the public for their comments on it.

127 Ms. Conner: Agrees with the philosophical aspect and "we all benefit from our Downtown so we should
128 all support it."

129 Ms. Conner: What are the upsides/downsides to the BBC if the funding source changed? Mr.
130 McDonough: For 30 years, the BBC has been able to maintain its role of devising ways that the
131 Downtown can advance. "There is no autonomy to that because we are in partnership with the Town."
132 The requirements to retain the Designated Downtown status is in the State statute. The change in
133 funding would make the BBC "more in concert with the Town as to how much more can we do, how
134 much more should we do?"

135 Mr. Haley: What was the thinking at the time - 30 years ago? Mr. Hurd: We needed to find a source to
136 fund downtown programs that were specific to the Downtown, which were, at the time, Bennington in
137 Bloom, the cast iron furnishings, and the trash barrels. Bennington in Bloom is now also on Northside
138 Drive and all of the Downtown furnishings are now part of the General Fund tax. "We're not where we
139 were 30 years ago."

140 Mr. Haley: Is having trouble with the timing because "we're already asking people to increase their
141 water bills to build a reserve and we're still in the midst of a pandemic where our economy is literally
142 adjusting before our eyes."

143 Edie Sawitsky: Everyone benefits from a vital downtown because that will draw people to town and
144 increase property values. It is a "win-win" for the downtown and the entire community.

145 Mr. Spivak: Was a business owner for several years before recently becoming the Communications
146 Coordinator for the Town. Having a downtown organization enables the Town to receive much funding
147 from State and Federal sources. It was frustrating to own a business that was just outside of the District
148 and clarified that it is a fraction of 1¢/\$100 to all of the taxpayers in the Town.

149 **7. POLICE PROCEDURES UPDATE**

150 Mr. Lee-Clark reported the following:

- 151 ○ The 1st set of Procedures that go with the 1st set of Policies are now on the Bennington Police
152 Department (BPD) website, www.benningtonpolice.com under the About tab.
- 153 ○ Also under the About tab is the BPD Table of Organization with the officers names and positions.
- 154 ○ The 2nd set of Procedures that go with the 2nd set of Policies will be on the Town of Bennington
155 website under Community Resources/Community Policing for comment from 10/27/21-
156 11/17/21.
- 157 ○ Also on the Town website, under Boards and Commissions, is the Safety and Equity Task Force.
- 158 ○ Police Work, Internal Investigation Process, is now under Additional Resources.

161 **8. AT&T POLE LEASE**

162 Mr. Monks and David Forde, Centerline Communications, reported the following on the AT&T
163 Pole Lease:

- 164 ➤ The Pole Lease is for a cellular attachment to a utility pole type structure in the Pleasant Street
165 area parking lot behind Madison's Brewery.
- 166 ➤ The property is owned by the Town, the term is for 10 years, and the rent is \$300/month with a
167 2% annual escalation.
- 168 ➤ The lease has been reviewed by Town Counsel and deemed appropriate for the Town.
- 169 ➤ The Planning Commission is comfortable with the aesthetics of the proposal.
- 170 ➤ There are several of these going up around town on existing utility poles owned by the utility
171 companies and approved by the Public Utility Commission. The Town doesn't have the authority
172 to review these.
- 173 ➤ This will help with coverage and capacity for the tower sites.

174 *Board questions/comments:*

175 Mr. Corey: Who's responsible if someone backs their car into it? Mr. Forde: AT&T is the full owner so
176 AT&T is responsible for any replacements.

177 *Bruce Lee-Clark moved and Gary Corey seconded to approve the Small Cell Lease Agreement as*
178 *presented at 117 Pleasant Street, Bennington, Vermont and to authorize the Town Manager to sign on*
179 *behalf of the Town. The motion carried unanimously.*

180 **8A. MUNICIPAL PLANNING GRANT APPLICATION FOR THE ARMORY**

181 Mr. Monks explained the following:

- 182 ❖ In exchange for land on Bowen Road, the National Guard has agreed to transfer the historical
183 Armory building to the Town.
- 184 ❖ It will be 2-4 years before the National Guard will be able to move to Bowen Road and we will be
185 able to assume the property.
- 186 ❖ Since we want to make the best use of the building, we want to apply for the funding of a Reuse
187 Plan for the Armory.
- 188 ❖ There is a 10% local match for the grant that we will be satisfying with expenses related to
189 occupancy regardless of what the Reuse Plan is. Other than these expenses, there will not be
190 any additional cost to the taxpayers.
- 191 ❖ Amendments can be made to the application after it has been submitted.
- 192 ❖ The Board was pleased that there will be a process starting with a consultant and ending with
193 community input as to the building's reuse.

194 *Tom Haley moved and Bruce Lee-Clark seconded to approve the Municipal Planning Grant*
195 *Application for the Armory Reuse Plan. The motion carried unanimously.*

196

197 **9. MANAGER'S REPORT**

198 Mr. Hurd reported the following:

- 199 ✓ *FY 2023 Budget Schedule* - As an FYI, many of our expenses have "gone through the roof".
200 *It was the consensus of the Board to approve the FY2023 Budget Schedule as presented.*
- 201
- 202 ✓ *Vicious Dog Complaint and Hearing Date* - The Hearing was set for November 1, 2021 at 6:00pm
203 in the Fire Facility public space.
- 204
- 205 ✓ *Economic Development Strategy Update* - We are awaiting the White and Burke report analyzing
206 the projects provided by Town departments, BCRC staff, BBC staff, and the Select Board's
207 Economic Development and Infrastructure sub-committee. Available funding sources may be
208 the \$3.9M ARPA funds, the TIF and other grants. Once this work is completed, public input will
209 be sought.
- 210
- 211 ✓ *Stormwater Permits and Homeowners Associations* - Three existing stormwater permits facing
212 renewal require some changes due to regulatory action. Private residences with paved
213 driveways and other spaces generate stormwater that must be managed under the law. We can
214 comply by controlling what residents do on their properties, or we can, with the State's

215 assistance, seek to have these developments form Homeowners Associations, and through that
216 authority, manage their own stormwater. We need to notify the homeowners of their two
217 options. To be placed on a future agenda in the spring.

218
219 ✓ Public Works Projects - Paving should be completed this week weather permitting. Some may
220 need additional striping but the striping material has not been available. PFOA related water
221 line extensions are essentially finished as is the south end water system improvements to
222 increase pressure in higher elevations. Lead line removal efforts will continue for a time in those
223 neighborhoods where lead service lines have been identified and remain.

224
225 ✓ Additional Comments - Rail Trail - Mr. Monks reported that the trees have been cut and the rails
226 are being removed this season. They will be returning in the spring to remove the ties and
227 create a base for the trail. It will be paved from Bennington Station to Orchard Road and gravel
228 from Orchard Road to Emma Street. Completion is expected in October 2022.

229
230 ✓ Additional Comments - Orchard Village to Willowbrook Path - Construction of the pathway is
231 complete and the ribbon cutting will be October 28, 2021 at 4:00pm.

232
233 ✓ Additional Comments - Ms. Conner: How can we get the Senior Center information in a better
234 way? Mr. Hurd: No one mentioned how they were getting their information now but were
235 encouraging the Town to get more information out there. We'll see what we can do.

236

237 **10. UPCOMING AGENDA**

238 November 8, 2021 - Site Visit at 5:00pm at Brookside and then to the Foothills followed by a Public
239 Hearing. All adjoining land owners have been notified.

240 November 8, 2021 - Decision on Downtown Funding

241 November 8, 2021 - Discussion on 10 Years Out From 2012 Community Visit Vermont Council on
242 Rural Development. (The report is on the Town's website under Government/Documents)

243 November 8, 2021 - Dr. Dobson Update

244 **11. OTHER BUSINESS**

245 Mr. Lee-Clark: The Town of Bennington received an award for the purchase of Hybrid vehicles and
246 electric bicycles.

247 Mr. Carroll: Thanked the Bennington Free Library for its fine presentation.

248 Ms. Conner: We are having a vote on November 2nd for some town improvements and the deadline for
249 getting the Citizen's Survey in is November 5th. Surveys are available on the website, at the Town Office,
250 at the Senior Center, at the Rec Center, and possibly, at the Bennington Free Library.

251 Mr. Corey: The Energizer Reuse Study Comprehensive Report is complete at 146 pages. The press
252 release will be coming out soon and it can be viewed at www.benningtonvt.org/reports

253 Ms. Jenkins: Commented on how beautiful the work is that has been done on the River Walk and how
254 beautiful the flowers are that the Gift Garden is handing out.

255 **12. EXECUTIVE SESSION**

256 **A. REAL ESTATE**

257 **B. PERSONNEL**

258 *At 7:48pm, Bruce Lee-Clark moved and Sarah Perrin seconded that the meeting was adjourned*
259 *finding that an Executive Session be held on Real Estate and Personnel as premature public knowledge*
260 *would place a person involved in the subject matter at a substantial disadvantage. There will be no*
261 *actions taken on these items when going back into Open Session. The motion carried unanimously.*

262 Respectfully submitted,

263 Nancy H. Lively

264 Secretary

**SELECT BOARD
MINUTES ADDENDUM**

October 25, 2021

Present: Jeanne Conner, V. Chair, Jeannie Jenkins, Chair, Jim Carroll, Bruce Lee-Clark, Gary Corey, Tom Haley, and Sarah Perrin

Also Present: Stuart Hurd, Town Manager, Dan Monks, Assistant Town Manager, and Shannon Barsotti, Community Development Director

The Board went into executive session at 7:47 pm for a real estate matter and a personnel matter.

The Board came out of executive session at 8:34 pm. No action was taken.

There being no other business, the meeting adjourned at 8:34 pm.

Respectfully submitted,



Stuart A. Hurd