

1 **BENNINGTON SELECT BOARD MEETING**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **FEBRUARY 14, 2022**

5 **MINUTES**

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

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

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Cassandra
10 Barbeau-Town Clerk; Dr. Trey Dobson-SVMC; Dr. Richard Dundas, Bill Christian, William Karis, Al
11 Bashevkin-Energy Committee; John Rogers-Pathways Vermont; Deb Mann; Nancy White; 5
12 citizens; Jim Vires-CAT-TV; and Nancy H. Lively-Secretary.

13 At 6:00pm, Chair Jeannie Jenkins called the meeting to order.

14 **1. PLEDGE OF ALLEGIANCE**

15 The Pledge of Allegiance was recited.

16 **2. VISION STATEMENT**

17 Ms. Conner read the Town’s Vision Statement that was adopted by the Select Board on
18 August 24, 2020:

19 “Bennington is a welcoming, engaged, inclusive, resilient community where everyone
20 regardless of identity shares in our vitality and benefits from an outstanding quality of life.”

21 **3. CONSENT AGENDA**

22 **A. MINUTES OF JANUARY 24, 2022 AND January 31, 2022**

23 **B. WARRANTS**

24 **C. LIQUOR LICENSE**

25 *Bruce Lee-Clark moved and Tom Haley seconded to approve B. Warrants, C. Liquor*
26 *License, and the Minutes of January 24, 2022 amended as follows.*

27 *Lines 12, 93, 261, 343, 345, and 358 Change “Ripper” to “Hurley”*

28 *Line 333 Change “What do you attribute building stronger criminal cases to?”*
29 *to “Thank you for speaking. Is the department seeing more drug seizures because of the*

30 *resources you have, and may not have had in the past? Are substances more prevalent in the*
31 *community, or is it a combination of both that is bring awareness?"*

32 *Line 368 Change "un About Us." to "under "About Us.""*

33 *The motion carried unanimously.*

34 *Bruce Lee-Clark moved and Gary Corey seconded to approve the Minutes of January*
35 *31, 2022 as presented. The motion carried with Jim Carroll abstaining.*

36 **4. COVID UPDATE**

37 Dr. Trey Dobson did the following presentation:

- 38 • The risk for community transmission is still high but is declining.
- 39 • If we remove all of the mitigations at once people will die and get sick unnecessarily.
- 40 • Being current on vaccinations is the best strategy we have. It doesn't prevent you from
41 getting the virus but prevents you from getting very sick.
- 42 • We are moving in the direction of individual accountability.
- 43 • If we stop mitigations in schools, the virus will increase somewhat - "not to say that's
44 terrible".
- 45 • The availability of the treatments has increased for those with severe cases of COVID
46 with a high degree of efficacy.

47 *Board questions/comments answered by Dr. Dobson:*

48 Mr. Carroll: Where are we at with people refusing to be vaccinated? We have two groups
49 getting moderately to severely sick - older vaccinated or not and unvaccinated young folks. At
50 SVMC we've had 1 or 2 in their 20's and several in their 30's, however, the hospital is not full of
51 unvaccinated 30 year olds.

52 Mr. Carroll: If you are unvaccinated do you have more of a chance to be in the long COVID
53 category? We don't have the data to support that but, as with any disease, it is plausible that
54 the sicker you are the better chance you have of retaining long term symptoms.

55 Ms. Conner: It has been written that, if you level of Vitamin D is high enough, it will boost your
56 immune system. That was said in April 2020 and if it was a magical cure we would know by
57 now. However, it is inexpensive with no side effects so it won't hurt to take it.

58 Mr. Monks: Is there a reason that Bennington County has a higher rate of the disease? It
59 doesn't appear to be behavior but could be travel because we are so close to other states. We
60 don't spend a lot of time looking into this because of the resources it would require.

61 Dr. Dundas: Thanked Dr. Dobson for his work with COVID over the past two years.

62 **5. PUBLIC COMMENT**

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

66 1. Public Comment is to allow residents an opportunity to share information or make
67 announcements that benefit the community at large.

68 2. The topic should not be related to an agenda item. If a member of the public wants
69 to comment on an agenda item they can do so during the discussion of that item.

70 3. Comments should be 3 minutes or less.

71 4. You are required to state your real name and town of residence.

72 5. Sharing comments, announcements and concerns are encouraged rather than asking
73 questions. Public Comment is not a time for discussion. If you have specific questions it is best
74 to call the Town Manager to get a full explanation and accurate information.

75 6. If the topic requires much discussion the item will be considered as an agenda item at
76 a future meeting.

77 _____

78 Nancy White: Where did the \$40,000 come from for Burke and White to do their work? Ms.
79 Jenkins answered that they were hired as consultants to help us spend the ARPA and other
80 funds the best way we could and their payment came from ARPA funds.

81 Nancy White: The public is being asked to fund Phase 2 of the Putnam Block and the Benn High
82 renovation. Ms. Jenkins responded that this is a report from Burke and White but nothing in it
83 has been approved.

84 Nancy White: Asked about TIF Plans, bike paths in the downtown, Ms. Jenkins membership in
85 BCIC and BCRC, and Energizer. Ms. Jenkins stated that she is not a member of either BCIC or
86 BCRC, and Energizer is owned by a private company that did two studies. Ms. White was
87 referred to Mr. Hurd for more information. Ms. Conner added that all of the meetings where
88 these items were discussed are open to the public.

89 _____

90 Jenny Dewar-BBC Executive Director: Thanked the Fire Department for their response to the
91 fire at Bennington Pizza on Main Street. And, there will be a ribbon cutting at the Coffee Bar
92 and Bespoke Salon Suite on February 18th beginning at the Coffee Bar at 11:00am.

93 _____

94 **6. ENERGY COMMITTEE UPDATE**

95 Dr. Richard Dundas stated that he is not a member of the Energy Committee but is a
96 member of Climate Advocates who were paramount in recommending the creation of the
97 Energy Committee, and the main purpose for tonight's update is to convince the Select Board
98 that the Town needs a paid Energy Coordinator.

99 The issue is about upscaling the entire community in transportation, heating and cooling
100 systems to switch to renewable energy. The Energy Coordinator would be the catalyst that is
101 needed to accomplish this.

102 The initial Vermont Climate Action Plan requires a significant reduction of greenhouse
103 gas emissions (GHG) with the first requirement to reduce by no less than 26% below 2005
104 emission levels by January 1, 2025.

105 The first informal energy committee was formed in 2003 with varying energy related
106 causes in the following years until an official energy Committee was formed in October 2019
107 with the Bennington Energy Committee (BEC) making its first presentation to the Select Board
108 in February 2021 focusing on 9 actions which had been culled from the original 47. Work has
109 been done with energy efficiency that has saved the Town \$140,000, however, much more
110 needs to be done. The Energy Committee needs help to get us through these times.

111 Bill Karis, Chair of the Energy Committee and Bill Christian did the following
112 presentation:

- 113 ➤ We have worked closely with Jonah Spivak, Communications Coordinator, to share with
114 the public the Town's energy conservation efforts, with realtors to be sure that new
115 home owners are aware of energy efficiencies, with Window Dressers, and identifying
116 financial resources.
- 117 ➤ We have discovered where EV car sharing at multi-family housing units has been
118 successful.
- 119 ➤ We have not contacted the BCRC with energy issues or dug into the Town's records on
120 the mandated GHG savings.
- 121 ➤ Bennington residents pay ~\$24M for heating and electricity, or \$3,800/residence and is
122 1/3 of our total energy cost.
- 123 ➤ Bennington residents pay ~\$27M for gas and diesel for our vehicles and businesses
124 commercial and industrial heating and electricity is ~\$31M.
- 125 ➤ Municipal heating, electrical, and vehicles is just under \$1M with schools and colleges at
126 ~\$2M.
- 127 ➤ Oil, gas, propane, and diesel = 70% of the totals, or \$60M, which we have pledged to
128 reduce by 80% in the next 28 years.
- 129 ➤ We could produce much of our solar energy locally and enough wood to potentially
130 export to the cities. "It costs money to save money."
- 131 ➤ To successfully do this, an Energy Coordinator could give us focus, advice, contact
132 people for investments, contact state and federal funding sources for shovel ready

133 projects, help private residents to get energy efficiency programs, and organizational
134 outreach. More than a volunteer committee can do to achieve these goals.

135 *Board questions/comments answered by Mr. Karis:*

136 Ms. Conner: Does the Energy Committee breakoff into sub-committees to do some of this
137 work? Mr. Lee-Clark answered yes, as well as, enlisting help from non-members that are
138 regularly at the meetings. The GHG is an issue and “the big stuff” is where all of the residents
139 live, where many of them work, and contacting every one of them. “That’s a lot for a 7
140 member committee.”

141 Ms. Jenkins: Was on the 2003 energy committee that warfed into a regional committee with
142 the BCRC which would be a good resource to our committee. The 9 actions that were brought
143 up were the committee’s suggestions for what 9 actions the BEC could work on “so that’s a bit
144 confusing”. “If the dashboard isn’t up to date then we can’t use it so we should probably cross
145 it off.”

146 Ms. Jenkins: What are the concrete things that the Energy Coordinator can do right away that
147 are different from what Efficiency Vermont does? Efficiency Vermont doesn’t participate in any
148 generation projects such as solar, land use issues, or transportation issues with EV availability.
149 And, the Coordinator could be on top of the ‘clean heat’ 518 that is rolling out for
150 municipalities.

151 Ms. Conner: Have you given any thought to sharing an Energy Coordinator with other
152 communities? Yes, discussions have taken place with other energy committees about sharing a
153 “boots on the ground” Energy Coordinator and would be worth considering.

154 *Public questions/comments answered by Mr. Karis:*

155 Deb Mann: Efficiency Vermont was to pay 50% of her insulation project, however, the cap was
156 \$4,000 so, even though it was less than 50%, she did the project and figured that she saved 200
157 gallons of fuel the first year. She started with NeighborWorks but there is a year’s waiting list
158 for local contractors that could do the work so her contractors came from a distance. She feels
159 that the older houses should be the ones targeted to get the word out to the residents.

160 Al Bashevkin: A member of the Energy Committee noted the scale of the work that needs to be
161 done is beyond a 7 member volunteer committee. Leadership from an Energy Coordinator is
162 necessary to achieve these goals.

163 Gentleman from Pownal: Hopes that the Energy Coordinator position is pursued and that the
164 Town continues to move in this direction.

165 **7. PATHWAYS VERMONT PRESENTATION**

166 John Rogers did the following presentation:

- 167 ❖ Became a member of the Pathways Vermont Board when he witnessed them helping a
168 chronically homeless friend of his find housing.
- 169 ❖ Pathways is an evidence based program that refers to “Housing First” followed by a
170 team of psychiatrists, case workers, and nurses that those being housed must agree to
171 meet with weekly.
- 172 ❖ Pathways is currently in 6 counties in Vermont and want to bring their services to
173 Bennington County.
- 174 ❖ They are asking the legislature for \$390,000 to expand their contract with the
175 Department of Mental Health (DMH) that will help 30 chronically homeless in
176 Bennington County housed.
- 177 ❖ If approved, this would be an annual request.
- 178 ❖ The ask is for the Board to write a letter of support for Pathways.
- 179 ❖ Letters from agencies must be received by the legislature by Friday, February 18th, so
180 soliciting letters from individuals wouldn’t be in time.

181 Ms. Jenkins read the Letter of Support that had been drafted and shared with the Board
182 members.

183 ***Jim Carroll moved and Tim Haley seconded to send the Letter of Support for Pathways***
184 ***Vermont’s request for \$390,000 to expand their contract with the Department of Mental***
185 ***Health to help 30 chronically homeless in Bennington County to the Chair of the House***
186 ***Committee on Health Care. The motion carried unanimously.***

187 Mr. Lee-Clark and Ms. Conner stated they were pleased that Housing First wants to
188 come to Bennington.

189 **8. ECONOMIC DEVELOPMENT STRATEGY AND INFRASTRUCTURE UPDATE**

190 **A. DIGITIZE LAND RECORDS**

191 Cassandra Barbeau, Town Clerk, stated that there has been a 1 ½ years of research and
192 work done on this request to be sure that what we get is a good fit for Bennington. Once the
193 go ahead is given, we can sign the contract to have the system in place with trainings planned
194 for herself and Assistant Town Clerk. Then we will begin digitizing going forward. Going back
195 40 years probably won’t happen until the fall. Sometimes we need to go back farther and we
196 may digitize those records, too, if time allows.

197 ***Bruce Lee-Clark moved and Jeanne Conner seconded to release \$185,000 from ARPA***
198 ***Funding for the Digitizing of Land Records as requested by the Town Clerk.***

199 Mr. Lee-Clark stated that this will make researching land records easier and less
200 expensive for both sellers and buyers.

201 Ms. Perrin clarified that this is a Tier I expense, and it is.

202 ***The motion carried unanimously.***

203 **9. ACTION STEPS FOR DECLARATION OF INCLUSION**

204 Mr. Haley explained that the Board approved a Declaration of Inclusion for the Town
205 and he and Ms. Jenkins formed a sub-committee to establish the Action Steps for it. We
206 solicited input from towns and organizations with the following 20 having provided input. They
207 are:

208 Abundant Sun, Arlington Memorial Anti-Racism Committee, Bennington Bookshop, Better
209 Bennington Corporation, Bennington County Open Arms, Bennington County Regional
210 Commission, Bennington County Workforce and Education Group, Bennington Rotary Club, Cx
211 Associates/Energy Engineering Consulting, Interfaith Council (Bennington), MSK Engineering,
212 Richmond Equity Committee, Rutland Area NAACP, SVSU Equity Office, Town of Barre, Town of
213 Middlebury, Town of Milton, Vermont Businesses for Social Responsibility, Vermont Center for
214 Independent Living (Bennington), and Vermont Partnership for Fairness and Diversity.

215 Mr. Haley added that we must do this work together and be proactive instead of
216 reactive. The following ideas are for everyone to use and collaborate on. They are not
217 complete as this is a work in progress and will be on the website. The ideas are:

218 Town and/or SVSU Driven Action Steps

- 219 ✓ Encourage the adoption of the Declaration in our schools and include on the website.
- 220 ✓ Town questionnaire/interview process to gain insight and identify themes from
- 221 underrepresented groups in Bennington.
- 222 ✓ Create a school and/or Town contest using the words in the Declaration of Inclusion.
- 223 ✓ Create a branded statement that captures the Town’s sense of Diversity, Equity, and
- 224 Inclusion.
- 225 ✓ Highlight ongoing inclusion work in the media.
- 226 ✓ Review Town Accessibility Plan with an eye to what we can do that goes beyond the
- 227 basics.
- 228 ✓ Look for ways to increase engagement of restorative justice and mental health
- 229 professionals in policing.
- 230 ✓ Encourage ongoing training for the Town, schools, and businesses around equity and
- 231 fair and impartial practices.
- 232 ✓ Create venues for employers (Town, SVSU, SVMC, business community) to learn and
- 233 work together on hiring, retention, and support for a diverse workforce.
- 234 ✓ Learn from other towns and school systems and develop networking opportunities.
- 235 ✓ Develop public restroom facilities in additional park and recreation spaces.
- 236 ✓ Review accessibility in playgrounds and recreation to include equipment, cost, and
- 237 location.
- 238 ✓ Select Board should look for ways to integrate inclusion discussions and practices into
- 239 Town policies and culture.
- 240 ✓ VLCT resources on Equity and Inclusion should be utilized as appropriate.

- 241 ✓ Build and strengthen groups that support inclusion at the high schools.
- 242 ✓ Select Board should continue to evaluate and discuss the Town vision at their meetings.
- 243 ✓ The Town should revisit the resources on the Town’s website to include organizations
- 244 that invite LGBTQ+, BIPOC, low income, and people with disabilities.

245 Community Driven Action Steps

- 246 ✓ Weave the culture of welcoming throughout Bennington by encouraging organizations,
- 247 institutions, and the Town to examine activities, practices, and social media with an eye
- 248 toward inclusivity.
- 249 ✓ Encourage ongoing community dialogue around what it means to be welcoming.
- 250 ✓ Help new and not-so-new residents connect with existing organizations to increase a
- 251 sense of belonging.
- 252 ✓ Create a town-wide mechanism for addressing concerns and providing accountability as
- 253 a community to the Declaration of Inclusion.
- 254 ✓ Explore ways for ongoing community input and education to strengthen inclusion and
- 255 diversity.
- 256 ✓ Continue to work to engage marginalized populations.
- 257 ✓ Encourage equity and inclusion statements on websites for businesses and
- 258 organizations.
- 259 ✓ Include inclusivity clauses on websites, and in ads and flyers for community meetings,
- 260 events, forums with 1) wording that actively invites people with disabilities to attend
- 261 and 2) includes specific contact information for assistance.
- 262 ✓ Use community spaces including parks, trails, and the community center, as ways to
- 263 encourage all to meet, engage, enjoy each other.
- 264 ✓ Encourage and support opportunities to highlight cultural diversity in music, food, art,
- 265 holidays, etc.
- 266 ✓ Encourage business and civic organizations with equity groups to combine efforts, share
- 267 best practices, and encourage the development of equity groups in other organizations.
- 268 ✓ Build additional cultural capacity within institutions such as libraries and museums.
- 269 ✓ Utilize existing organizations as equity and inclusion resources.
- 270 ✓ Start an annual international food festival.

271 <https://vtdeclarationofinclusion.org/support-for-the-declaration/> is the website to continue to

272 make comments without names being used.

273 *Board questions/comments:*

274 Ms. Conner: Add SVMC to list of employers and how many of the organizations providing input

275 had BIPOC participants? Ms. Jenkins agreed to add SVMC but didn’t have the number of BIPOC

276 available. The hope is to have twice as many comments in the next two months than we had in

277 the past two months.

278 *Public questions/comments:*

279 Nancy White: Would like to stop hearing about the “awful white people” and stop separating
280 people into different groups. The majority of the people in this town have welcomed everyone
281 and we all should be treated equally and the same.

282 **10. TIF DISTRICT ANNUAL REPORT**

283 Dan Monks, Assistant Town Manager, did the following presentation:

- 284 ○ Every year we are required to submit an Annual Tax Increment Financing (TIF) District
285 Report.
- 286 ○ Our most important pieces of data is where the Grand List stands, any debt that we’ve
287 incurred, and any taxes that we’ve retained.
- 288 ○ We haven’t incurred any debt and we haven’t retained any taxes.
- 289 ○ The Grand List that we’ve used for this report is from April 2020 which shows a \$1.179M
290 decrease due mostly to the demolition of buildings associated with Phase 1 of the
291 Putnam Project.
- 292 ○ We have a special meeting set up on March 7th to ask the Board to approve extending
293 the TIF District.

294 *It was the consensus of the Board to acknowledge receipt of the FY2021 Annual TIF District*
295 *Report.*

296

297 **11. IMPLEMENTING THE TOWN’S VISION**

298 Ms. Jenkins reported:

- 299 ● The Declaration of Inclusion Action Steps is part of this and has already been discussed.
- 300 ● The Select Board encourages anyone to speak at the Town Meeting under the same
301 criteria as Public Comment.
- 302 ● The Town Meeting is via Zoom and there is already a place on the Town’s website under
303 the Government tab/Town Meeting to sign up to speak at the meeting if you so choose.
- 304 ● If you don’t sign up, you can still speak, but signing up will put you in the que and let us
305 know how many wish to speak.
- 306 ● Town Meeting is February 28th at 7:30pm.

307 Mr. Lee-Clark encouraged everyone to read the Task Force Report. The comment
308 period is open until March 7th.

309 Nancy White: Thought the Implementing the Town Vision was when the Police Oversight
310 Committee was discussed. Ms. Jenkins explained that the Town Vision is broader so everything
311 from the Declaration of Inclusion to Community Policing is under that umbrella. Ms. White
312 claims the public has not had a chance to comment on Community Policing and the Board
313 reiterated the multiple opportunities that have existed the last four months, and continue to

314 exist for another two months, for them to do so. Ms. Perrin thanked Ms. White for speaking
315 and pointed out the Open Meeting Law gives the public access to more meeting than the Board
316 has.

317 **12. MANAGER’S REPORT**

318 ▪ State Loan Application - Pressure Reducing Valves (PRV) Analysis - In April 2021, the
319 Board approved the application for the work on the PRV’s. However, the State asked for
320 more detail making the first application obsolete. Steps 1 and 2, feasibility, and final
321 design is in the new application. The new application was circulated for signatures.

322
323 ▪ Online Meetings Authorization - The Legislature and Governor have authorized online
324 meetings through 2022. Counsel has recommended that the Board take an action to
325 authorize the Chair to call for a change to online meetings if deemed appropriate.

326 ***Bruce Lee-Clark moved and Jim Carroll seconded to authorize the Chair to call***
327 ***for online meetings when deemed appropriate. The motion carried***
328 ***unanimously.***

329
330 ▪ Legislative Concern - The Vermont Senate Judiciary Committee is currently considering a
331 bill, S.254 that will eliminate qualified immunity for police officers. Now, the town can
332 be sued for those actions if they are found to have violated an individual’s constitutional
333 rights but not the police officers individually. Should S.254 become law, we may find it
334 nearly impossible to recruit and retain our officers and it will become more costly for
335 the taxpayers of this community to have a police force. My concerns have been
336 addressed with our delegation. “It’s a dangerous piece of legislation.”

337
338 ▪ Stormwater Permit Issues - The State is now requiring that in 3 older developments that
339 the Town’s Stormwater Permit include impervious surfaces on private lands. We sent a
340 letter to the 175 homeowners affected, half of them responded, no one wanted to form
341 a Home Owners Association, and are willing to let the Town control the installation of
342 impervious surfaces on private lands within their developments. I have asked our
343 engineers what next steps might look like and report back to you.

344
345 ▪ Casella Meeting - Casella bought the transfer facility in the 1980’s - they owned the
346 facility and we ran the scale house. They now run the entire operation, hire the scale
347 house operator, and pay the Town the fees that we are entitled to. The State has now
348 said that they are a private facility and have to pay taxes on the waste that goes through
349 the facility. Because of this, fees will be going up to cover the tax. This shouldn’t be
350 much to the average resident but will impact the large haulers more.

351

352 **13. UPCOMING AGENDA**

353 February 21, 2022 - Special Meeting - Task Force Report.
354 February 28, 2022 - Town Meeting via Zoom at 7:30pm.
355 March 1, 2022 - Voting Day
356 March 7, 2022 - Special Meeting - Public Hearing - TIF Extension Meeting
357 March 14, 2022 - ARPA Update
358 March 14, 2022 - Discussion on Action Steps for Declaration of Inclusion

359 **14. OTHER BUSINESS**

360 Mr. Haley: Thank you to whoever put the Hearts on Main Street, and spend money locally
361 whenever possible.

362 Mr. Carroll: Expressed his sympathies to the owners of Bennington Pizza in recognition of the
363 fire they had.

364 Mr. Lee-Clark: Reminded the public that the Headwaters Park is great for recreation but not for
365 motorized vehicles.

366 Ms. Perrin: Wished Happy Anniversary to Farm Brew and Madison's.

367 Ms. Jenkins: Congratulations to Gary Corey and Centerline Architects for earning the LEAD
368 Platinum Sustainability Certificate for the new dorm at Williams College.

369

370

371 ***At 8:10pm, Jim Carroll moved and Bruce Lee-Clark seconded the adjournment of the***
372 ***meeting. The motion carried unanimously.***

373

374

375

376 Respectfully submitted,

377 Nancy H. Lively

378 Secretary