

1 **BENNINGTON SELECT BOARD MEETING**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **APRIL 25, 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; Jonah Spivak-Communications Coordinator; Police
10 Chief Paul Doucette and Lt. Cam Grande; Michael Wajda; Ken Milman; John Larson; Madison
11 Kremer; Clark Adams; Shirley Adams; Nancy White; 10 citizens; Jim Vires-CAT-TV; and Nancy H.
12 Lively-Secretary.

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

14 ***Bruce Lee-Clark moved and Sarah Perrin seconded to amend the Agenda by adding***
15 ***“#6A. Special Events and Demonstrations Policy”. The motion carried unanimously.***

16 **1. PLEDGE OF ALLEGIANCE**

17 The Pledge of Allegiance was recited.

18 **2. VISION STATEMENT**

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

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

23 **3. CONSENT AGENDA**

24 **A. MINUTES OF APRIL 11, 2022**

25 **B. WARRANTS**

26 **C. LIQUOR LICENSES**

27 ***Bruce Lee-Clark moved and Gary Corey seconded to approve the Consent Agenda***
28 ***amended as follows:***

29 ***April 11, 2022 Minutes -***

30 ***Line 69, Change “killed” to “infected”***

31 ***Line 84, Change “Halol” to “Halal”***

32 ***Line 276, Change “now” to “now because it is the first time the full board viewed and***
33 ***discussed this for ARPA funding.”***

34 ***Line 286, Change “Miah” to “Wiah”***

35 Ms. Conner questioned if #327565 on Page 4 of the Warrants was for the construction
36 of the Pathway, and Mr. Hurd answered yes.

37 ***The motion carried unanimously.***

38 **4. PUBLIC COMMENT**

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

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

53

54 John Lamson: A Pre-Law educator at Southwest Tech shared with the Board his proposal for a
55 Legal Project called the Bennington Legal Clinic where students could participate in real legal
56 cases, i.e., housing issues and environmental law, supervised by a practicing attorney. This
57 would involve students from the Tech Center, Bennington College, and CCV where the Tech
58 Center students would get college credit and the college students would be taking a college
59 course. Bennington College is allowing us to use their space in the Putnam Block at a reduced
60 rent for the first year, however, we are looking for a longer term location for our base of
61 operations. The proposal was written to apply for a federal grant - at least for the first year -
62 and he is requesting a Letter of Support from the Board upon becoming a finalist for the grant.
63 This will be a future agenda item.

64 Nancy White: Questions -

- 65 ○ Requested that the Benn High Lease/Purchase Agreement be on the next agenda for a
66 line-by-line review with the public. *Ms. Jenkins: We have had a public meeting where*
67 *we reviewed the Lease.*
- 68 ○ A year ago asked if the Benn High had been inspected noting mold in the building, no
69 one knew, and we were told the Town would own the building in two years. Please
70 explain. *Mr. Hurd: We are in the process of doing an analysis of the building and the test*
71 *results should be available in a few weeks. Other tests will be done if needed.*
- 72 ○ How much will Shires Housing pay the Town to own 70% of the Benn High building and
73 when will that bill be paid in full? *Mr. Hurd: These details have not been worked out at*
74 *this time since we do not own the building yet.*
- 75 ○ The public wasn't notified of the notice that the Town would be selling the Senior
76 Center and the public has 30 days to approve the sale. You're not selling it your giving it
77 away and there is no mention of its value, and requested that this be put on hold. *Mr.*
78 *Hurd: When we signed the Lease, it is a legal requirement to post a notice when any*
79 *property may be transferred. We have 19 months to back out of the Lease, but if not,*
80 *then the Senior Center property will be transferred. The Seniors have been involved with*
81 *this all the way.*
- 82 ○ Will speak to the Chair tomorrow on the changes in the Public Comment process.

83 Michael Wajda, Ken Milman, and Jonah Spivak: Bennington was designated as an official
84 Appalachian Trail Community and, because of that designation, we are required to hold a
85 special event. Our first Bennington Trailfest will take place on July 30, 2022 at the Bennington
86 Community Center from noon to 3:00pm. There will be activities for children, learning tables,
87 skill building, trivia games, music, free food and Vermont made products. We would like to
88 come back in June with a more detailed presentation. A survey had been distributed by Virginia
89 Tech to leaders and government officials on the effect of having their towns as Trail
90 Communities.

91 Madison Kremer-Shires Housing: Shires Housing, with several other organizations, is working on
92 two recovery residences in Bennington. The closest recovery residences are in Rutland and that
93 is not feasible for individuals to maintain their recovery. Unfortunately we are facing a gap of
94 \$120,000 for the project. We are working on fundraising and grants, and we are asking the
95 community for \$60,000. For those that would like to donate, contact
96 www.shireshousing/recovery .

97 Madison Kremer: Unlike recovery housing, Window Dressers, going into their 2nd year has too
98 much funding that must be used by June so we are offering free window inserts through June
99 for those that sign up for them. Also, to maintain this success, we must continue to have
100 volunteers to build them. There will be a build in Bennington and in the Northshire with a
101 tentative date(s) sometime in October.

102 **5. BOARDS AND COMMISSIONS ANNOUNCEMENT**

103 Ms. Jenkins explained that individuals may apply on the Town’s website under Boards
104 and Commissions where the 7 Boards/Commissions are listed with their respective open seats.
105 The application is just a Letter of Intent and may be submitted from April 25th thru May 16th
106 until 4:30pm. The Board will conduct a short interview with anyone that hasn’t previously
107 served during the week of May 23rd. We will also be seeking Board members to volunteer for
108 liaison positions for the BBC, Library, Energy Commission, and CPARB.

109 **6. IMPLEMENTING THE TOWN VISION UPDATE**

110 **A. FILE A COMPLIMENT OR A COMPLAINT (FINAL)**

111 Mr. Lee-Clark noted that there were no substantive changes from what the Board had
112 seen before.

113 ***Bruce Lee-Clark moved and Sarah Perrin seconded to adopt the File a Compliment or a***
114 ***Complaint as submitted. The motion carried unanimously.***

115 Ms. Conner reported the following on Juneteenth from their April 20th meeting:

- 116 • The confirmed date is June 18th from noon to 3:00pm at the Middle School.
- 117 • There are many partners and it will be a big event.
- 118 • They’re working on promotional materials and there will be speakers, music, etc. with
119 many ‘to dos’.
- 120 • Anyone interested in participating should contact Jonathan Phipps at
121 jonathan.phipps@svsu.org .
- 122 • The next meeting will be May 3rd.

123 **6A. SPECIAL EVENTS AND DEMONSTRATIONS POLICY**

124 Police Chief Paul Doucette stated that the number of 25 persons expected to attend a
125 Special Event on Public Property was underestimated and we request increasing that to 75
126 persons. There are no other changes in the Policy.

127 ***Bruce Lee-Clark moved and Gary Corey seconded to amend the Special Events and***
128 ***Demonstrations Police as follows:***

129 ***Lines 14 and 15, Change “twenty-five (25)” to “seventy-five (75)”***

130 ***The motion carried unanimously.***

131 **7. MANAGER’S REPORT**

132 Mr. Hurd did the following report:

133 ***Bennington Transfer Station Pricing - We’ve worked with Casella for nearly 20 years and this is***
134 ***the first price increase they have requested - a small increase across the board. They will be***

135 paying the tax so the increases are much less than originally thought. The bag increase is
136 \$.25/bag and the ton increase is 10%/ton.

137 Mr. Lee-Clark questioned the \$1.00/gallon charge for 'Food Scraps/Compost'. No one
138 had an answer as to what this pertains to so he will ask at the Transfer Station. It has been
139 \$1.00/gallon and will remain so.

140 ***Bruce Lee-Clark moved and Sarah Perrin seconded to approve the proposed***
141 ***Bennington Transfer Station Pricing increase effective May 1, 2022. The motion carried***
142 ***unanimously.***

143 Forest Fire Wardens - Henry Higgins, Town Forest Fire Warden, and Matthew G. Hathaway,
144 Town Deputy Forest Fire Warden, are switching positions. Their terms do not change. The
145 Appointment Forms were circulated for Board signatures.

146 Draft List of Impaired Waters - The Walloomsac River below our WWTF is on the draft list of
147 impaired waters. Nutrient loading is the problem and is a low priority according to the listing.
148 This may be the result of our out-of-date sand filter which we plan to upgrade over the next 2
149 years. It is an expensive process so we will be seeking funding sources for it. The public
150 comment period closes May 20, 2022. More information to come.

151 Water Main Hydrant Flushing - The semi-annual hydrant flushing begins the week of April 25th
152 and will continue until May 6th. Remember to run cold water until clear if your water is
153 discolored.

154 Household Hazardous Waste Collection Day - Is scheduled for May 7, 2022 from 9:00am until
155 1:00pm at the MAU Middle School on East Road. It is the same day as Green Up Day this year.

156 Intersection of Burgess Road and Main Street - This intersection is not a high traffic accident
157 intersection so a signal would not be found to be warranted. However, I have suggested
158 studying the amount of right-of-way to determine if a more right-angle intersection can be
159 created.

160 Other Items -

161 A no-burn order comes from the State to the Fire Wardens and then to the Town. We don't
162 issue any burn permits during that time and send out notices to those that have fire pit permits.
163 Call the Town Office if looking for information about no-burn orders.

164 **8. UPCOMING AGENDA**

165 May 9, 2022 - Public Hearing - Town Plan and Zoning Use Regulations - SVC Property

166 May 9, 2022 - Bennington Police Department Update

167 May 9, 2022 - Training Proposal for CPARB

168 May 9, 2022 - CSUN Presentation (or perhaps Public Comment) - will look into
169 May 9 or 23, 2022 - Legal Clinic
170 May 23, 2022 - BBC Work Plans and Budget
171 May 23, 2022 - Department of Health - Health Equity and Inclusion
172 May 23, 2022 - Public Hearing - Town Plan and Zoning Use Regulations - SVC Property

173 **9. OTHER BUSINESS**

174 Ms. Jenkins: Healthy Kids Day is April 30th from noon to 3:00pm at the Community Center.

175 **10. EXECUTIVE SESSION**

176 **A. LEGAL MATTERS**

177 **B. CONTRACTS**

178 *At 6:56pm, Bruce Lee-Clark moved and Tom Haley seconded that the meeting was*
179 *adjourned finding that an Executive Session be held on Legal Matters and Contracts as*
180 *premature public knowledge would place a person involved in the subject matter at a*
181 *substantial disadvantage. There will be no actions taken on these items when going back*
182 *into Open Session. The motion carried unanimously.*

183

184

185

186 Respectfully submitted,

187 Nancy H. Lively

188 Secretary

189