

1 **BENNINGTON SELECT BOARD MEETING**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **AUGUST 8, 2022**

5 **MINUTES**

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

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

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Shannon
10 Barsotti-Community Development Director; Taylor McGuire and Kayla Becker-YMCA; Dare
11 Chamblings-ACT; Mark Anders-BCRC; Sam Restino; Tom Seymour; Bob Kobelia; Nancy White;
12 Tordis Isselhardt; 5 citizens; Jim Vires-CAT-TV; and Nancy H. Lively-Secretary.

13 At 6:03pm, Chair Jeannie Jenkins called the meeting to order and acknowledged the site
14 visit of the beautiful Rail Trail that some Board members and citizens enjoyed prior to the
15 meeting.

16 **1. PLEDGE OF ALLEGIANCE**

17 The Pledge of Allegiance was recited.

18 The Select Board declared August 7th Purple Heart Recognition Day. Recipients of the
19 Purple Heart have either been wounded or killed in combat. In recognition of this day, Ms.
20 Conner read the words of Lt. Col. Mark Lesley explaining the history of the Purple Heart.

21 **2. VISION STATEMENT**

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

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

26 **3. CONSENT AGENDA**

27 **A. MINUTES OF JULY 25, 2022**

28 **B. WARRANTS**

29 *Bruce Lee-Clark moved and Jim Carroll seconded to approve the Consent Agenda*
30 *amended as follows:*

31 *Line 170, Change “Hatcher” to “Thatcher”*

32 ***The motion carried with Sarah Perrin absent.***

33 **4. PUBLIC COMMENT**

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

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

48 _____
49 _____

50 Sam Restino: Made the following comments:

- 51 • Trailfest - a good first event and felt that the Select Board members that attended
52 should have publicly welcomed the newcomers that were there. *Mr. Lee-Clark did greet*
53 *hikers on Friday night and Saturday.*
- 54 • VFW Fundraiser - raised \$55,000 for a child with cancer. Thanks to Norm LeBlanc.
- 55 • Pleasant Street incident - had hoped the Select Board would have made a public
56 comment on it.
- 57 • Ladder truck has been delivered.
- 58 • Homeless Shelters - now is the time to think of sheltering the homeless and not wait
59 until January.

60 Nancy White: Made the following comments/questions:

- 61 • How do we know those taking a survey are Bennington residents? *There is no way of*
62 *knowing but the likelihood of non-residents creating a majority is slim.*
- 63 • It's time to have an open house at Benn High for the public to see every room. Are
64 there plans for adequate parking at the Benn High? Has the State inspected the Benn
65 High and has any work been done to code? Is there still asbestos in the Benn High

66 building? *There will be a meeting in September dedicated to Benn High where any*
67 *questions may be asked. There was a walkthrough a while ago but perhaps we can*
68 *schedule another one in the future.*

69 Sarah Perrin: The Bennington Food Truck Fest will be on August 13, 2022 from 11:00am-7:00pm
70 at the corner of Main and School Streets with a dozen trucks, band performances at 11:30am,
71 1:00pm, 2:30pm-4:30pm, and 5:00pm-7:00pm. Thank you to all of our sponsors.

72 **5. YOUTH DEVELOPMENT AND PREVENTION PARTNERS**

73 Ms. Barsotti explained that the Youth Development and Prevention program is an
74 intensive, social approach that engages youth in their community, in schools, peer groups,
75 organizations, and families in a manner that is productive and constructive. Enhances, utilizes,
76 and recognized youth's strengths.

77 Dare Chammings from ACT did the following presentation:

- 78 ➤ ACT offers substance use outreach, suicide prevention, youth empowerment and
79 opportunities, and community support.
- 80 ➤ Mattering is being significant to other people and is a tool to use to face challenges.
- 81 ➤ Caring adults, supporting peers, and community engagement empowers the youth
82 with positive mental health outcomes. There are a significant number of youth - ~35%
83 - where this support is not present.
- 84 ➤ 420 middle school students were surveyed showing cannabis, vaping, and alcohol
85 consumption has increased and 40% have considered harming themselves. However,
86 72% feel safe at home at all times.
- 87 ➤ Most have enough to eat but 31% don't have access to personal care items. Locations
88 in Bennington and North Bennington are available where donations of products may be
89 made.
- 90 ➤ We have a Leadership Group and a partnership with the Middle School that have
91 focused on peer support for prevention and loneliness.
- 92 ➤ Bennington Youth Pride is a platform calendar to see what is going on in the area that
93 is user friendly for anyone to access.

94 *Board questions/comments answered by Ms. Chammings:*

95 Mr. Lee-Clark: Do you address readiness for participation in a school system? *Yes, we do.*

96 Ms. Conner: What kinds of tangible things can community members do? *Come to an ACT*
97 *quarterly meeting and take our community survey.*

98 Ms. Jenkins: How do you utilize your survey results and how do you know when your programs
99 are successful? *We survey kids, analyze the data, and they tell us what is working and what is*
100 *not.*

101 Mr. Corey: How many youth do you have involved in a program? *Youth Leadership Group has*
102 *10-12 7th and 8th graders/year plus drop ins.*

103 Mr. Hurd: The community needs to be better informed about the work you do. A link to the
104 Town's website may be helpful.

105 *Public questions/comments:*

106 Sam Restino: Consider having a block party to reach the youth whose parents may not be able
107 to go to the schools. And, reach out through social media.

108 Nancy White: Does this data include youth from towns other than Bennington because there
109 should be a breakdown by each town? *This is from the SVSU district.*

110 Tordis Isselhardt: What percentage of youth do the 420 surveyed represent? *The 420 surveyed*
111 *are middle schoolers out of 600 and there are an additional 500 high schoolers being surveyed.*

112 Taylor McGuire and Kayla Becker from the YMCA did the following presentation:

- 113 ➤ They had over 1,000 students have the summer camp experience this year which
114 included working with SVSU to have them spend their mornings at the school and their
115 afternoons at camp.
- 116 ➤ Our Leaders in Training has expanded this year to accommodate our growth. At the end
117 of the year, they took a survey and their struggles were remembering all the names and
118 their strengths were playing with the kids and having fun.
- 119 ➤ All schools in the area, including private schools, have students attending their camps.
- 120 ➤ We have community partners participate as well with multiple activities from the library
121 to a trip to Merck Forest.
- 122 ➤ Out of their 48 summer staff, 33 are teens.
- 123 ➤ The CIT Program is very successful for the kids that grow into our Leaders in Training
124 program.
- 125 ➤ We have renewed our contract with SVSU for the After School Program with presence in
126 all SVSU schools plus the Village of North Bennington school.
- 127 ➤ We use the lottery system for the After School Program since there is no cost to the
128 families.
- 129 ➤ We have kindergarten thru 3rd grade kids at the Bennington Sports Center, older kids at
130 the Rec Center, and Recovery (formerly known as Summer School) for Shaftsbury and
131 Arlington students at the Shaftsbury school.

132 *Board questions/comments answered by Ms. McGuire and Ms. Becker:*

133 Mr. Lee-Clark: How many LIT's and CIT's are there? *There are between 8-16 LIT's and 7 CIT's.*

134 Ms. Conner: What can you point to when a program is successful? *Our passion for working with*
135 *youth and the need in the community.*

136 Ms. Conner: If you win the lottery, is it for the entire school year? *We divide the school year into*
137 *two segments and, if one sibling is chosen, they all are.*

138 Ms. Jenkins: Is pleased that trauma training is done in the beginning to help connect the LIT's
139 and counselors with the community in a way they may not be otherwise. *It was a great*
140 *training.*

141 Mr. Monks: How can we eliminate the lottery system and give it to everyone that needs it? *We*
142 *need to see how many applicants we get this year and how many staff we have to do it. SVSU is*
143 *very supportive of the program.*

144 *Public questions/comments answered by Ms. McGuire and Ms. Becker:*

145 Sam Restino: It would be good if adults could also share some of these experiences. *Now that*
146 *summer camp is ending, we are working on our adult programs.*

147 **6. MORGAN SPRING PUBLIC ACCESS UPDATE**

148 Mr. Carroll did the following presentation on behalf of the Morgan Spring Sub-
149 Committee made up of Mr. Lee-Clark, Mr. Haley, and himself:

- 150 ❖ If the Town were to put a public spigot to access Morgan Spring water it would cost
151 between \$50,000-\$125,000 to install.
- 152 ❖ Other concerns were tamper proof shut off and liability.
- 153 ❖ From an MSK Memorandum - "The Public Water System Operating Permit issued by
154 Vermont Department of Environmental Conservation (VTDEC) for the Water System
155 requires disinfection treatment (chlorine or similar treatment) to be continuously
156 operated and a disinfectant residual to be maintained at every service connection
157 served by the system. A public fill station is considered a service connection."
- 158 ❖ From the VTDEC - "Section IV requires that the Permittee operate its chlorine
159 disinfection system on a continuous basis. The Permittee must maintain measurable
160 free chlorine residual concentrations throughout and to the ends of the distribution
161 system."
- 162 ❖ If we spend the money to install a spigot, it will essentially be the same water that
163 comes out of our taps at home.
- 164 ❖ Tap water can be filtered.
- 165 ❖ The Sub-Committee concluded that it doesn't make fiscal sense to install a public spigot
166 to access Morgan Spring water.

167 *Board comments:*

168 Mr. Lee-Clark added that it was important to ask the questions, do our due diligence, and
169 realize that our water is regulated by the State of Vermont. He encouraged people to filter
170 their water instead of buying bottled water.

171 Mr. Haley added that it doesn't make sense to spend that kind of money and notes that the
172 filtration systems are not free.

173 Ms. Jenkins stated that our water is perfectly safe with the issue being a personal preference of
174 the taste which the filters will improve.

175 *Public comments:*

176 Nancy White: This should have been done 2 years ago.

177 **7. BIKE/PED TRAILS UPDATE**

178 Mr. Monks and Mark Anders from BCRC did the following presentation:

- 179 ○ A shared use path is for non-motorized transportation, i.e., walking, biking, roller
180 blading, running, etc.
- 181 ○ They are both for transportation and for recreation.
 - 182 ✓ Ninja Path - complete from foot bridge by the golf course to the Bennington
183 College entrance and through the college to North Bennington.
 - 184 ✓ Ninja Path - in process to connect Walmart to Hannaford, then to the Rail Trail to
185 Downtown and the Walloomsac Pathway. Building the bridge is the most
186 difficult and expensive part of the project.
 - 187 ✓ Ninja Path - looking for a new name.
 - 188 ✓ Rail Trail - under construction for completion in October 2022 and runs from
189 Bennington Station to Emma Street. Bennington Station to Orchard Road will be
190 paved and from Orchard Road to Emma Street will be hard surface gravel but
191 there will be no additional lighting.
 - 192 ✓ Orchard Village to Willowbrook Pathway - Complete to Molly Stark School over
193 wetlands to encourage students to walk to school and does have lighting.
 - 194 ✓ Kocher Drive Pathway - Complete connecting East Road and across Route 7 to
195 the Rail Trail.
 - 196 ✓ Ben Mont Avenue Project - from the Hunt Street intersection to the Ben Mont
197 Mill. Side of the road will become a path with a vegetation buffer, the Hunt
198 Street intersection will be straightened to a right angle entrance, and the bus
199 depot entrance will be relocated. We also want to connect the Rail Trail and the
200 Ninja Path to the Ben Mont Avenue Project.
- 201 ○ Smaller connecting paths will be constructed as these larger projects conclude, such as a
202 connector from Hunt Street to the Rail Trail and then to Tastee Freeze.
- 203 ○ A larger future vision is to connect Bennington to Williamstown and ultimately North
204 Adams with a shared use path.

205 *Board questions/comments answered by Mr. Monks and Mr. Anders:*

206 Mr. Haley: The Rail Trail is an excellent relaxing opportunity for people to access Northside
207 Drive on foot.

208 Mr. Carroll: Will the Rail Trail remain as wide as it is now? *That is the plan and it will be mowed*
209 *a few times a year.*

210 Ms. Conner: Do you know if the Molly Stark attendance improved after the trail was
211 completed? *We don't know because COVID occurred and interfered with that comparison.*

212 Ms. Conner: Will where to park be indicated on the trail map? *We will reach out to Mr. Spivak*
213 *for that as these trails become on line.*

214 Mr. Lee-Clark: Also concerned about parking and encouraging people to walk the rail trail when
215 the existing current bridge doesn't have a safe deck to walk on. There should be a sign warning
216 people that it isn't safe. Also, we should have signage along the way with distances indicated
217 on them. *We will be putting up a warning about the safety of the bridge.*

218 Ms. Jenkins: Are the trail maps available on our website now? *The maps seen tonight are not*
219 *available but we will be getting together with Mr. Spivak on that. There are some maps on the*
220 *Chamber of Commerce site.*

221 Mr. Corey: It's exciting to think that we may have a trail system to Williamstown.

222 *Public questions/comments answered by Mr. Monks and Mr. Anders:*

223 Sam Restino: Is concerned about the additional expense of maintenance and policing of the
224 trails. As a plus, there may be potential economic opportunities.

225 Nancy White: This is great but you can't take away the parking on the streets.

226 **8. SOLAR ARRAY CONTRACT - HOUGHTON LANE**

227 Mr. Monks did the following presentation:

- 228 ■ MHG Solar from Manchester, Vermont proposed a lease to the Town for a 21-acre solar
229 array on the capped Bennington landfill site on Houghton Lane.
- 230 ■ The lease includes a 3-year period to perform due diligence on the property to
231 determine feasibility of the project followed by an initial term of 25 years with 3 options
232 to extend the lease in 5-year increments.
- 233 ■ A modest annual rent of \$1,000 is proposed with the anticipated annual municipal tax
234 revenue of \$30,000.
- 235 ■ Even without any tax benefit, this is a use for land that is essentially useless otherwise as
236 all infrastructure must be on top of the ground since the cap cannot be pierced.
- 237 ■ Town Counsel has reviewed and approved the lease.
- 238 ■ The lease states general boundaries but MHG Solar would need to do a survey to
239 determine the exact location and the Town would need to agree to that before going
240 forward.

241 *Board questions/comments answered by Mr. Monks:*

242 Mr. Corey: Do we know where transmission lines would be going? *We do not, however, it is in*
243 *the lease that there will be one corridor that is determined by Green Mountain Power on the*
244 *Town's property and not negatively impacting any houses. This is a 248 process with the*
245 *Utilities Commission.*

246 Mr. Haley: What due diligence will be done during the 3-year period? *Many discussions with the*
247 *developer, the Town, and the EPA as to how to secure and maintain the array and not pierce the*
248 *cap. This is not a new idea and has been done on other capped landfills. Also, the cost, being*
249 *sure it doesn't interfere with what the Town is doing at the landfill now, etc. will need to be*
250 *known.*

251 Mr. Carroll: Is there a risk in not receiving any tax revenue? *The State has a formula that they*
252 *use to assess the value of the property that we, and the developer, are bound to follow and*
253 *there is no grievance of the tax allowed.*

254 Ms. Conner: MHG Solar has done solar arrays in very difficult locations already and they will be
255 responsible for all maintenance of the array. When does the tax assessment begin? *It starts*
256 *when they begin generating electricity.*

257 Ms. Perrin: When the panels go past their useful life, can they sit on the land or do they have to
258 be removed? *They will continue to upgrade during the term of the lease and must bring those to*
259 *the Utilities Commission. All equipment and panels will be removed within 30 days of the*
260 *upgrades. With their 3 5-year extensions, they are looking at this as a 40-year lease.*

261 Mr. Lee-Clark: Does the Board have any say as to where the boundaries are set? *It will not be*
262 *any larger than the boundaries shown in Exhibit B, and it is in the best interests of MHG Solar, to*
263 *not be responsible for any more property than is necessary for their array. Casella has a portion*
264 *within the boundary shown that will definitely not be available to MHG Solar.*

265 *Public comments/questions answered by Mr. Monks and Mr. Hurd:*

266 Sam Restino: Will the Town receive a net metering benefit from this? *All of the Town's power is*
267 *on renewable resources. The Public Utilities Commission is already frowning on net metering*
268 *and there has been no talk of net metering with this project.*

269 Tom Seymour: A representative of AC Power in Albany, NY asked if the Board would consider a
270 second proposal for solar power on the landfill. They currently have 6 in development over 4
271 states. *Now that we've laid out this lease agreement to the public, the Town has "a bonafide*
272 *agreement" with MHG Solar. "We're beyond" another company coming in now "saying we can*
273 *do better". We've been reaching out to do something with this site for decades.*

274 Nancy White: Nothing has to be signed tonight. We should hear other proposals and public
275 comment.

276 Bob Kobelia: Recommended taking other proposals and talking to other communities that have
277 had a similar situation. He has a solar array on his property and invited the Board to do a site

278 visit on his property. Ms. Jenkins: “We have been discussing this for a very, very long
279 time.....and this is a preferred site.” Mr. Carroll: “This was no secret about this property for over
280 a decade. Somebody just stepped up.”

281 **Bruce Lee-Clark moved and Tom Haley seconded to authorize the Town Manager to**
282 **sign the Lease Agreement between MHG Solar and the Town of Bennington for a solar array**
283 **project on the Town’s capped landfill off of Houghton Lane as presented.**

284 Mr. Lee-Clark noted that this site was listed as a preferred site, and made available to
285 the public, at least 8 years ago. This lease will initiate a 3-year process of due diligence and may
286 “foreclose any other development of this property for solar if this project seems feasible”.
287 Although appreciative of others coming forward now, it would be unfair to have asked
288 someone to put together a proposal and not follow through with it.

289 Mr. Haley agrees with Mr. Lee-Clark, and added that it’s been 4-6 months since the
290 Town has started negotiations.

291 Ms. Jenkins stated that the preferred site map has been out for nearly a decade, and
292 others have come to the Town and said ‘it’s a nice spot’ followed by ‘it’s going to cost a
293 fortune’. Mr. Monks added that there have been 6 or 7 companies that have done this.

294 Ms. Conner is in favor of this proposal and asked if there was a downside to waiting to
295 vote on it until the next meeting? Mr. Monks saw no reason to not vote tonight.

296 Ms. Perrin is in favor of the site but, now that a couple of others have come forward, is
297 torn as to voting yes tonight.

298 Mr. Corey stated that it is easy for others to benefit from the information in this lease
299 agreement now that it has been made public.

300 **The motion carried with Sarah Perrin opposed.**

301 **9. IMPLEMENTING THE TOWN VISION**

302 Ms. Jenkins: Encouraged everyone to be sure to read Paul Dansereau’s Executive Summary -
303 Town of Bennington Facilities ADA Audit & Improvement Plan, if they haven’t already.

304 Ms. Jenkins: CPARB Training is coming up August 24th from 5:00pm-8:00pm at the Bennington
305 Fire Facility. It is open to the public and will be filmed by CAT-TV but will not be aired live.

306 **10. MANAGER’S REPORT**

307 Mr. Hurd did the following report:

- 308 • Raul Cardona, the alleged killer of an individual on Pleasant Street, has
309 surrendered and is now in custody.
- 310 • Octoberfest has been changed from October 8th to October 15th.

311 Distribution of COVID Test Kits - The State of Vermont Health Department have received 2,000
312 COVID test kits to the Town for public distribution. Staff volunteers will distribute 2 kits (4
313 tests) per person at two distribution times at the Lincoln Street parking lot until the kits are
314 gone. We will announce the times and dates when we've established them.

315 Community Garden Parking - We are exploring opportunities to create some off-street parking
316 at the Community Garden and looking at a location at the south end of the garden along
317 Coolidge Avenue. Parking on the west side of Bradford Street along the garden is prohibited for
318 the time being as the street appears too narrow for parking on both sides. Signs will be placed
319 posting this and a formal review and recommendation will be made to the Select Board in the
320 future.

321 State Paving Projects - The State will be doing the following paving projects:

- 322 - Route 279 from the NY border east to the intersection of Route 9
- 323 - Route 7 from the Northside/Kocher Drives intersection north approximately 5.74
324 miles
- 325 - Route 7 from the Mass border north approximately 10.15 miles

326 **11. UPCOMING AGENDA**

327 August 24, 2022 - Opioid Task Force Update

328 August 24, 2022 - Fidium Fiber Presentation

329 **12. OTHER BUSINESS**

330 Ms. Haley: Shared a story from a woman and her wife on vacation in Bennington and how
331 Bennington was the first town that they did not feel threatened or uncomfortable.

332 Mr. Carroll: Is looking forward to Battle Day Weekend and the new events that the Fire
333 Department has planned.

334 Mr. Lee-Clark: Reminded everyone to vote, and register and vote if needed, on August 9th. And,
335 also to enjoy the kiosk at the Putnam Block.

336 Ms. Perrin: Reminded everyone of the Food Truck Fest on Saturday, get your chicken barbeque
337 tickets, and vote tomorrow.

338 ***At 8:40pm, Jim Carroll moved and Bruce Lee-Clark seconded the adjournment of the***
339 ***meeting. The motion carried unanimously.***

340

341

342

343 Respectfully submitted,

344 Nancy H. Lively

345 Secretary