

1 **BENNINGTON SELECT BOARD MEETING**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **OCTOBER 24, 2022**

5 **MINUTES**

6 **SELECT BOARD MEMBERS PRESENT:** Jeannie Jenkins-Chair; Jeanne Conner-Vice Chair; Bruce  
7 Lee-Clark; Jim Carroll-by phone; Gary Corey; Sarah Perrin-by phone; 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; Jonah Spivak-Communications Coordinator; Dr.  
11 Trey Dobson-SVHC Chief Medical Officer; Jon Hale and Zak Hale-Hale Resources, LLC; Jackie  
12 Kelly; Nancy White; Representative Mary Morrissey; Donald Washum; Sam Restino; Debbie  
13 Mann; Clark Adams; 10 citizens; CAT-TV; and Nancy H. Lively-Secretary.

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

15 *Gary Corey moved and Bruce Lee-Clark seconded to add "Item #3A. COVID UPDATE" to*  
16 *the Agenda. The motion carried unanimously.*

17 **1. PLEDGE OF ALLEGIANCE**

18 The Pledge of Allegiance was recited.

19 **2. VISION STATEMENT**

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

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

24 **3. CONSENT AGENDA**

25 **A. MINUTES OF OCTOBER 10, 2022**

26 **B. WARRANTS**

27 **C. LIQUOR LICENSE**

28 *Bruce Lee-Clark moved and Tom Haley seconded to approve the Minutes of October*  
29 *10, 2022 amended as follows.*

30 *Page 3, Line 81, Change "gave" to "have"*

31 ***The motion carried unanimously.***

32 **3A. COVID UPDATE**

33 Dr. Trey Dobson, SVHC’s Chief Medical Officer, did the following update:

- 34 • COVID cases for hospitalizations are increasing in the Northeast which includes “the  
35 capacity which is measured in a very complicated way”. However, it is “less virulent”.
- 36 • Bennington numbers are skewed because the Albany area is included in those.
- 37 • We no longer get numbers on testing.
- 38 • SVHC has been at 4 patients hospitalized whereas it was 8 today. We don’t know if that  
39 will be a trend.
- 40 • The increases are due to new variants, those that are unvaccinated, and the elderly.
- 41 • The treatments that we had a year ago are still affective as are the vaccinations.
- 42 • SVHC is still vaccinating on Tuesdays and Thursdays and is the only place in the State still  
43 doing so. We will probably stop, as well, at the end of the year.

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

45 Ms. Conner: Massachusetts can’t get vaccines - Can they come to our hospital and get  
46 vaccinated? *Yes.*

47 Ms. Conner: Is the increase in RSV COVID related? *It isn’t directly related to COVID.*

48 Ms. Perrin: Stated that she had COVID, encouraged everyone to be careful, and thanked Dr.  
49 Dobson for the update. *It’s OK to not be as vigilant as we were a year ago without being  
50 complacent either. However, it is best to be more careful, i.e., wearing a mask, if you live with  
51 someone that is vulnerable or are travelling.*

52 Mr. Corey: If you have had COVID recently, what are the chances of getting COVID with the new  
53 variants? *You’re eligible to get a booster as soon as you recover from COVID 19, especially if  
54 you’re immune compromised.*

55 Mr. Hurd: Is the Pfizer vaccine the only one still available? *We have three now - Pfizer,  
56 Moderna, and Novavax.*

57 *Public questions/comments answered by Dr. Dobson:*

58 Sam Restino: What’s the feeling on Trick or Treating in Bennington and surrounding  
59 communities? *If someone is vulnerable or it causes them anxiety, then don’t do it.*

60 **4. PUBLIC COMMENT**

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

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

75

---

76 Nancy White: Noted the destruction that has been taking place at the cemetery behind the old  
77 Stewarts where many of those there were the founders of our Town. She requested that the  
78 Select Board come up with something so the vandals will get fined \$500.00 for being in the  
79 cemetery at night.

## 80 **5. BENN HI REDEVELOPMENT PROJECT**

81 Ms. Jenkins noted the following:

- 82 ○ In 2021, the Select Board asked Town Staff to reach out to Town Departments, BCRC,  
83 Health Department, BBC, and others to compile a list of projects for ARPA funding  
84 followed by a month long public comment period with a presentation to the Select  
85 Board and the community in March 2022.
- 86 ○ Since then, we have been getting regular updates as they are moving through the  
87 process.
- 88 ○ We had a very well attended Special Meeting on October 19<sup>th</sup> and this is the second  
89 meeting following that.
- 90 ○ This evening we are focusing on the next steps.

91 Dan Monks did the following presentation:

- 92 ➤ The website has been updated with more information since the October 19<sup>th</sup> meeting.
- 93 ➤ Any questions for more information can be sent to [info@benningtonvt.org](mailto:info@benningtonvt.org) and will be  
94 answered and posted if the information is not already there.
- 95 ➤ Staff recommendations for Select Board approval are:
  - 96 ❖ Commit, but not expend at this time, up to \$2M of ARPA funding to the Benn Hi  
97 Project. We can't leverage additional funds without this commitment.

- 98 ❖ Formalize our agreement with Hale Resources.
- 99 ❖ Staff to identify cost savings and quantify the cost of the whole project.
- 100 ❖ Staff to continue the pursuit of additional funding.
- 101 ❖ Staff to explore ownership models for funding. This is the best way for the Town
- 102 and Hale Resources to each control the respective portions of the property.
- 103 ❖ Report back to the Board in 90-120 days.

104 *Board questions/comments answered by Mr. Monks, Ms. Barsotti, Jon Hale, and Zak Hale:*

105 Mr. Corey: Does the \$2M include the feasibility studies? *Mr. Monks: That is only for the*  
106 *construction of the project. The feasibility portion was previously authorized for the Town to*  
107 *pursue.*

108 Mr. Corey: Will we have an interim update prior to the 90-120 days? *Mr. Monks: If you would*  
109 *like one, just let us know. We will be back to sign the agreement with Hale Resources and/or we*  
110 *run into a “show stopper”.*

111 Mr. Corey: Do you expect to have secured some funding by 90-120 days? *Mr. Monks: We hope*  
112 *to have identified it all and secured some, but not all of it, by then.*

113 Mr. Haley: People are concerned about the effect on their taxes. *Mr. Monks: Our goal is to*  
114 *keep it neutral to the taxpayer. The bond would be a TIF Bond which would be paid for from the*  
115 *taxes on the Benn Hi property so there’s no impact on the general taxpayer. We can’t*  
116 *guarantee that there will be no impact at all because there may be an impact on the Town’s*  
117 *general budget for our cost of maintaining our portion of the building. However, what we*  
118 *receive in rents will help offset that, as well.*

119 Ms. Perrin: Do you anticipate additional costs for staff or studies to pursue funding sources?  
120 *Mr. Monks: Some funding may require additional documentation but most will be staff time so*  
121 *we don’t foresee any additional significant expenditures.*

122 Mr. Carroll: What will the new Benn Hi building generate in taxes? *Mr. Monks: Right now it’s*  
123 *assessed at under \$200K and we expect the new assessment to be between \$4M-\$6M, and*  
124 *maybe higher. Mr. Hurd: Added that \$4M would generate more than \$60,000 in taxes.*

125 Ms. Conner: Will the funding sources for the two projects - which are separate - ever crossover?  
126 *Mr. Monks: Each will pursue funding sources specific to their respective projects, however,*  
127 *neither can go forward without the other. The residential project must have the space they’re*  
128 *not using be put into active income generating use, and the Town, doesn’t have the expertise to*  
129 *do residential development. A private partner can leverage tax credits for the entire project.*  
130 *We will need to work out any shared space, such as “a shared hallway”, but there will not be*  
131 *any shared subsidies, per se, between the two projects.*

132 Ms. Conner: Does being awarded a sizeable grant by one funder motivate other funders to be  
133 part of the project? *Ms. Barsotti: Yes. Some of the larger funders will organize a “Funders*

134 *Meeting” to pull together these large projects. Having a couple of Select Board members attend*  
135 *this meeting would show the funders the Town’s commitment to the project. Mr. Monks: Added*  
136 *that these funders can then tout how their smaller dollar amount leveraged a much larger*  
137 *amount.*

138 Mr. Lee-Clark: Can you provide a general ownership model with the understanding that there  
139 will be more coming on this at a later date? *Mr. Monks: This would be within our Development*  
140 *Agreement with Hale Resources. One possibility would be that Hale Resources would own the*  
141 *whole building and we would lease our 30,000 square feet with a multigenerational lease that*  
142 *may include an option to buy for a nominal fee. There are many options, but regardless of what*  
143 *we do, Hale Resources will control their portion and we will control our portion.*

144 Mr. Lee-Clark: TIF funding is a bond that will require a vote, and the expectation is, that the  
145 taxes generated by the new building will pay for the bond with any impact on the taxpayers  
146 being “negligible”. *Mr. Monks: This has been determined by experts at the State that the*  
147 *Vermont Economic Progress Council (VEPC) have hired. We can’t proceed with a bond vote until*  
148 *VEPC agrees that the taxes will pay for the bond. And, we can’t bring this to VEPC until we have*  
149 *a Development Agreement with Hale Resources. The process would be 1. Development*  
150 *Agreement; 2. Bring it to VEPC for approval; and 3. Authorizing a bond vote.*

151 *Public questions/comments answered by Mr. Monks, Ms. Barsotti, John Hale, and Zak Hale:*

152 Jackie Kelly: Seniors look at their present facility as their “club house” and don’t feel that the  
153 new location will be as welcoming. People look at this project as a “house of cards” with two  
154 phases given that the Putnam Block is Phase 1 and Phase 2 without completion. Most people  
155 feel the \$2M should be spent on homeless shelters instead and vacant store fronts transitioned  
156 into warming shelters. *Ms. Jenkins: In 2021, the Select Board asked Town Staff to reach out to*  
157 *Town Departments, BCRC, Health Department, BBC, and others to compile a list of projects for*  
158 *ARPA funding followed by a month long public comment period. Several people chose to*  
159 *participate with their ideas on how to spend the ARPA funding. Also, 3 years ago, the Town*  
160 *began monthly attendance of the Continuum of Care meetings which are people involved in all*  
161 *aspects of housing with significant focus on unhoused individuals. It isn’t as easy as redoing a*  
162 *store front as shelters require people that are experienced in this work. Ms. Barsotti: Mr.*  
163 *Goldstone has made changes to the Senior Center plan at the new building based on input from*  
164 *the Seniors to make it as welcoming as the current Center is. What we will have but don’t have*  
165 *now is that everything will be on one level with Meals on Wheels across the hall with double the*  
166 *capacity and exercise rooms across the hall in the other direction.*

167 Sam Restino: Stated that there was an Open House at the Senior Center, Meals on Wheels, and  
168 the YMCA from 10:00am-2:00pm this Wednesday, and wonders how people are getting their  
169 information. There are questions that haven’t been answered from the October 19<sup>th</sup> meeting,  
170 there’s still asbestos in the building, and TIF. Other than Mr. Lee-Clark and Mr. Hurd, there has  
171 been no response from other Select Board members on “What is best for Bennington?”.

172 Debbie Mann: The YMCA set up a Grandparent/Grandchild event and no one from the YMCA  
173 showed up. Seniors don't want children around because they fear the potential exposure to  
174 illness and inadequate parking at the new building is a major concern. It doesn't seem like a  
175 good sign that Mr. Goldstone has been working with this building for 20 years with nothing  
176 having gone forward. Also, understood that the current Senior Center had been purchased by  
177 someone and given to the Town to be used as a Senior Center and doesn't understand how the  
178 Town can relinquish ownership of it. *Mr. Monks: We plan to reserve parking for seniors on the  
179 Benn Hi site and not adjacent to it. The current Senior Center is next to a large housing project  
180 and the numbers are similar. Mr. Spivak: The housing project next to the Senior Center has 50  
181 units with 20 parking spots for the project and 12 parking spots for the Senior Center and Meals  
182 on Wheels with parking at Benn Hi to be 67. Mr. Monks: We will continue to look at parking to  
183 ensure that it will be adequate for the needs of the new facility. Our attorney has looked into  
184 the selling of the current Senior Center and there are no issues in doing that. Now is a better  
185 time to renovate the building than past years because of the availability of funding, the current  
186 owner has done significant stabilization of the building, and we have a partner.*

187 Clark Adams: Would like clarification on who's responsible for the \$9M cost of the building. *Mr.  
188 Monks: We have an estimate for \$9M, and also for \$6M and \$4M, so the range of the estimates  
189 is \$4M-\$9M for the Town's portion of the building. Our charge is to fund the project without the  
190 use of taxpayer funding. We will be coming back in 90-120 days with an update on funding  
191 sources and reducing the costs. Mr. Jon Hale: Stated that Hale Resources has been involved  
192 with the Benn Hi building for 13 years and the funding sources are available now to see this  
193 project through. The unfortunate side is that it takes a lot of money to bring these old buildings  
194 back to life when the resulting assessment will be much less than the cost. This is an  
195 opportunity for us and the Town to bring housing and a community asset to Bennington.  
196 Neither of us can do it without the other. Mr. Zak Hale: The grants that we are going after is  
197 money that is going to be spent anyway so to have it spent in Bennington rather than elsewhere  
198 in the State is a win for our community. Ms. Jenkins: This will also bring income to local  
199 businesses, provide a location where seniors could live in the building where they have meals,  
200 exercise and socialize with funds that will be spent elsewhere if we don't take it. Anyone that  
201 hears about this project sees it as a wonderful idea.*

202 Representative Mary Morrissey:

203 1. Explain the 9% downtown tax credit if partnered with Hale Resources as her  
204 constituents are questioning that we are "jumping into another project" when the belief was  
205 that Shires Housing would be doing the housing portion. It's difficult for the community to  
206 "wrap their arms around this project" because we haven't seen the next phases of the Putnam  
207 Block project with this being a similar situation. And, how are we going to use the TIF dollars?  
208 *Mr. Monks: We do have a Memorandum of Understanding with Hale Resources and will be  
209 doing a Developer Agreement to be able to proceed with funding sources (if authorized tonight).  
210 We are both committed to this project. Shires Housing had staffing issues that had nothing to*

211 do with this project. The TIF dollars will be expended on Phase 2 which is the gymnasium, locker  
212 rooms, changing rooms, etc. Disagrees that the Putnam Block was not successful and it is not a  
213 Town project. The only interest in the project is a \$300,000 loan. There is housing, Bennington  
214 College, a coffee shop, the Nurses, a salon, a pet shop, and a restaurant being worked on there  
215 so far. Mr. Zak Hale: Tax credits are reimbursed at a percentage on certain expenditures of a  
216 project - we don't get reimbursed dollar for dollar. If we don't use them, we can then sell them  
217 at a certain percentage. Tax credits are not all the same. There are downtown tax credits,  
218 historic preservation tax credits, etc. In addition, the Town has changed a lot since 2018 and the  
219 Putnam Block is a huge part of that. Reiterated that if these dollars don't come to Bennington,  
220 they will go elsewhere.

221 2. It will cost \$9M but only be assessed for \$4M-\$6M? Mr. Jon Hale: Reiterated that it  
222 takes a lot of money to bring these old buildings up to code and energy efficient "and that cost  
223 is exuberantly more than the building will be worth when it's completed". Ms. Jenkins: The  
224 ARPA funding as seed money is allowing us to bring in the additional money.

225 3. What is Mr. Gilbert's (the current owner of Benn Hi) role going forward? Mr. Monks:  
226 Reiterated that the Town has a 30-year lease-to-own for a low interest rate payment each  
227 month with Mr. Gilbert to gain site control of the property and can be terminated at any time.

228 4. Have you anticipated an amount of funding from private investments? Mr. Zak Hale:  
229 We could raise \$1.5M-\$2M from private investments but, "this is not cast in stone" and because  
230 of the poor return on a dollar, most of our funding will be from grants.

231 5. How are you going to deal with the asbestos and the potential mold from years of the  
232 windows being broken? Mr. Monks: We have done our due diligence on the asbestos with  
233 Catamount Environmental. There is some, mostly under the gym floor undisturbed, it will be  
234 removed the cost of which is in the estimate. Most of it had already been removed by Matt  
235 Lewis, a previous owner. The rest is on the pipes as it is in all old buildings. We haven't seen  
236 any significant mold in the building. However, if present, the material that it is on just needs to  
237 be removed. And, the building is clean of PCB's. Mr. Jon Hale: Added that they are also having  
238 environmental testing done and, "for its age, this building is in very good environmental  
239 condition".

240 Sam Restino: Is there any lead in the building and is there a document through the State on the  
241 abatement of asbestos? Mr. Jon Hale: The abatement of asbestos is all registered with the State  
242 and any building built before 1978 is considered to have lead paint. It does not have to be  
243 removed. It has to be stabilized and inspected annually. Mr. Monks: Our estimates assume lead  
244 paint on all surfaces.

245 Nancy White: Benn Hi was at the top of the ARPA project list from December 2021 and the  
246 citizens had no say. "Seniors are getting the short end of the stick", and to put seniors in the  
247 Benn Hi project with children is ridiculous. There isn't going to be enough parking to dedicate  
248 some to only seniors. Ms. Jenkins: Reiterated that the community gave several uses for the

249 ARPA funds and Benn Hi was a top priority. Mr. Monks: The Seniors will have more space in the  
250 Benn Hi building plus access to a community room, meals, and exercise areas. The current  
251 Senior Center does not have this within the building. Added that the YMCA will continue to  
252 operate programs in a Town building, albeit owned or leased - and is under contract with the  
253 Town to do so. They will not own any portion of the building. We are building this space for the  
254 community to take advantage of what will be happening in that space.

255 Is Hale Resources going to own the entire building and the Town will lease back its 30%? Mr.  
256 Monks: We don't know who will own it at this time. If Hale Resources does own it, the Town  
257 would have a multigenerational lease agreement.

258 Have we been using ARPA money to pay all of Mr. Gilbert's bills plus the lease since April 1,  
259 2022? Mr. Monks: The lease is a typical "triple net lease" where you pay a lease payment, the  
260 taxes, and insurance on the property. The lease has been online for months and we are not  
261 paying Mr. Gilbert's bills.

262 How can you gift the Senior Center to Mr. Gilbert when the taxpayers have been paying for it  
263 for 45 years and needs to see where an attorney says the Town is able to do this? Mr. Monks:  
264 The State does say that if a Town owned property is being sold, a public notice has to be done to  
265 give the public 30 days to petition. We did that long ago. We don't have to go through with it  
266 but we can if the Select Board so chooses.

267 How is Mr. Gilbert going to use the Senior Center building? Mr. Monks: The lease doesn't  
268 dictate how Mr. Gilbert will use that property.

269 **Gary Corey moved and Bruce Lee-Clark seconded to authorize the following Next Steps:**

- 270 ❖ **Commit up to \$2M of ARPA funding to the Benn Hi Project.**
- 271 ❖ **Formalize our agreement with Hale Resources.**
- 272 ❖ **Staff to identify cost savings and quantify the cost of the whole project.**
- 273 ❖ **Staff to continue the pursuit of additional funding.**
- 274 ❖ **Staff to explore ownership models for funding. This is the best way for the Town and**
- 275 **Hale Resources to each control the respective portions of the property.**
- 276 ❖ **Report back to the Board in 90-120 days.**
- 277 ❖ **Report back to the Board with interim reports as needed.**

278 Ms. Perrin agrees with the interim reports as needed.

279 Mr. Haley clarified that we are committing to the funding but not expending it. Ms. Perrin  
280 added that the project can't move forward without the funding in place.

281 **The motion carried unanimously.**

282 **6. IMPLEMENTING THE TOWN VISION**



283 Mr. Haley, as the CPARB liaison, stated that the first CPARB public meeting which will be  
284 mainly organizational will be on Thursday at 6:00pm at the Fire Facility.

285 Ms. Jenkins noted that, as of this week, Bennington was included in the IDEALVT  
286 program with the Office of Racial Equity. Mr. Monks (Town), Jonathan Phipps (SVSU), and Ms.  
287 Jenkins (Town) will be going to Randolph Center for an 8:30am meeting on Wednesday. There  
288 are 10-12 communities that are taking part in this.

## 289 **7. MANAGER’S REPORT**

290 Mr. Hurd did the following report:

291 ***Bruce Lee-Clark moved and Gary Corey seconded to allow CAT-TV to place an 18”x24”***  
292 ***sign on the Town Office lawn to honor Veterans from November 1, 2022-November 30, 2022.***  
293 ***The motion carried unanimously.***

294 Mr. Hurd clarified that the Senior Center building was donated to the Town and  
295 occupied by VNA Hospice and the Senior Center. It was never dedicated as only the Senior  
296 Center though that is what it became over time.

## 297 **8. UPCOMING AGENDA**

298 November 14, 2022 - Lake Paran Presentation

299 November 28, 2022 - Revised Chelsea Project (to the Planning Commission tentatively  
300 on 11/10/22)

301 Future Date - Municipal Planning Grant - New Town Plan

## 302 **9. OTHER BUSINESS**

303 Mr. Corey: Expressed his disgust at the cemetery vandalism and would like to see a way for  
304 those to pay for what they’re doing.

305 Mr. Carroll: Expressed his disgust at the cemetery vandalism and would like to install cameras  
306 to make the cemetery more secure.

307 Mr. Hurd: We are looking into what we can do to make the cemetery more secure.

308 Ms. Conner: Reminded everyone to vote - November 8<sup>th</sup> is Election Day.

309 Mr. Lee-Clark: Commended Paul Dansereau for his report on Willow Park and what is our status  
310 at this time? Mr. Monks answered that Play By Design will begin the work at Willow Park on  
311 October 25<sup>th</sup> with a better curbing product than originally planned at no additional cost and  
312 with the poured in place rubber in early November.

313 Mr. Lee-Clark: Noted that the Rail Trail “is gorgeous”. The trestle is being worked on and will  
314 work well when done.

315

316           ***At 8:20pm, Gary Corey moved and Bruce Lee-Clark seconded the adjournment of the***  
317 ***meeting. The motion carried unanimously.***

318

319

320   Respectfully submitted,

321   Nancy H. Lively

322   Secretary

323