

1 **BENNINGTON SELECT BOARD MEETING**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **NOVEMBER 14, 2022**

5 **MINUTES**

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

8 **SELECT BOARD MEMBERS ABSENT:** Sarah Perrin.

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Jonah
10 Spivak-Communications Coordinator; Camille Kaufman; Lindsey Restino; Alisa Del Tufo-Lake
11 Paran; and Michael Fernandez-Bennington County Conservation District-Lake Paran; Kelly
12 Carroll-CPARB; Chad Gordon and MAUHS Football Team; Isabelle Harper-Bennington College;
13 Bill Clark; Sam Restino; Debbie Mann; Lisa Byer; 10 citizens; Jim Therrien-Bennington Banner;
14 Josh Boucher CAT-TV; and Nancy H. Lively-Secretary.

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

16 *Jim Carroll moved and Bruce Lee-Clark seconded to amend the Agenda as follows:*

17 *Change “#5. Resolution” to #4A. Resolution”*

18 *Change “#4. Public Comment” to #5. Public Comment”*

19 *Add “#4B. MAUHS Football Team”*

20 *Delete “#6. Green Mountain Community Network”*

21 *The motion carried with Sarah Perrin absent.*

22 **1. PLEDGE OF ALLEGIANCE**

23 The Pledge of Allegiance was recited.

24 **2. VISION STATEMENT**

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

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

29 **3. CONSENT AGENDA**

30 **A. MINUTES OF OCTOBER 19, 2022 AND OCTOBER 24, 2022**

31 **B. WARRANTS**

32 *Bruce Lee-Clark moved and Tom Haley seconded to approve the Minutes of October*
33 *24, 2022 and Warrants as presented and the Minutes of October 19, 2022 amended as*
34 *follows:*

35 *Page 3, Line 92 and Page 6, Line 186 - Change “professionally” to “permanently”*

36 Page 5, Line 182, Change “Stewart’s” to “Old Stewart’s”

37 Page 7, Line 256, Add “At 8:30pm, It was moved and seconded to adjourn the meeting. The motion
38 carried unanimously.”

39 *The motion carried with Sarah Perrin absent.*

40 **4A. RESOLUTION**

41 Ms. Conner read the Town of Bennington Resolution Honoring Lisa Byer for 25 Years of
42 Service to CAT-TV signed by the Select Board and presented to Ms. Byer. Ms. Byer thanked
43 everyone for the recognition.

44 **4B. MAUHS FOOTBALL TEAM**

45 Mr. Carroll stated that MAUHS hasn’t had a State Champion Football Team since 1994
46 acknowledging the years of effort by Coach Chad Gordon, the members of the Team and their
47 parents, and the support of the Town, to help make this year’s team the State Champions.

48 Mr. Gordon thanked the team for their hard work and their parents and the Town for
49 their support.

50 **5. PUBLIC COMMENT**

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

- 54 1. Public Comment is to allow residents an opportunity to share information or make
55 announcements that benefit the community at large.
- 56 2. The topic should not be related to an agenda item. If a member of the public wants to
57 comment on an agenda item they can do so during the discussion of that item.
- 58 3. Comments should be 3 minutes or less.
- 59 4. You are required to state your real name and town of residence.
- 60 5. Sharing comments, announcements and concerns are encouraged rather than asking
61 questions. Public Comment is not a time for discussion. If you have specific questions it is best
62 to call the Town Manager to get a full explanation and accurate information.

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

Bill Clark-BBC Streetscape and Maintenance: Stated that the decorations will be going up in the Downtown on November 15th with the help from the Community Based Learning class and the Town's Building and Grounds crew.

Debbie Mann: Feels that the Select Board should run the Town more like a household that saves for future upkeep and purchases. She was "flabbergasted" when the Town Office was buying bottled water when we are always praising, and sell, our Town water, and doesn't feel that the Town is running on a tight enough budget. *Ms. Jenkins encouraged Ms. Mann to attend the budget meetings held the first three Saturdays in January.*

Isabelle Harper-Bennington College Student: Doesn't feel that the LPG train cars on Rice Lane are safe because they could combust. There are 60 of them in a residential area. They also do not provide any benefit to our community and we ask that the Select Board consider options to improve the situation. *Ms. Jenkins confirmed that this will be on the next meeting's agenda and Ms. Harper will bring the information on the improvements that the Select Board has the authority to do.*

Sam Restino: Yes, propane is dangerous, however, these trains are used for training the Fire Department should a leakage occur. The trains do move.

Kelly Carroll: Thanked the Bennington Community for participating in Socktober. 1,018 socks were distributed in Bennington to the Homeless Coalition and the Veterans Home with 611 of those coming from the Bennington Police Department. The Riverwalk is 11/19/22 starting at People's Park at 10:00am and ending at the Splash Pad with Scott Winslow speaking on the Empty Bowls Program.

7. LAKE PARAN ASSOCIATION - WEED PROBLEMS

Camille Kaufman, Lindsey Restino, Alisa Del Tufo, and Michael Fernandez did the following presentation:

- Eurasian Watermilfoil, (milfoil) has been present in Lake Paran since 1950 and there was a little bit of management in the 1980's. A study was done in 2018 on the aquatic species in Lake Paran showing milfoil by far the most prevalent.
- Milfoil spreads by fragmenting - when it breaks off, it will reroute in the same place - making it very hard to manage.
- Mats of milfoil depletes oxygen levels for fish and other aquatic species, swimming and boating are severely obstructed, and native plant species are overcrowded.
- If we don't do anything about this problem, Lake Paran will turn into a swamp in 20 years.

- We have been going around to gain support from the various stakeholders in the communities and municipalities in establishing a consecutive year weed management plan.
- There are two removal option plans we are considering -
 - Herbicide - ProcellaCor is 100% non-toxic and approved by the EPA and used in 10 Vermont lakes, targets only milfoil, and requires a permit and survey completed by the State. COST: \$8,000/acre and Lake Paran is 36 acres. We are estimated that we would do ¼ of the area.
 - Diver Assisted Suction Harvesting (DASH) - Hire divers to vacuum the milfoil targeting specific areas where growth is more dense, and removes the milfoil by the root that causes delayed regrowth. COST: \$1,750/day for 5-8 days.
- The Bennington County Conservation District (BCCD) recommends the ProcellaCor option as it is more affective.
- We have been working on this for ~10 years with the mapping and an environmental survey of the surrounding areas that may be contributing to the problem. We have finally convinced the State that Lake Paran is worth saving so we are now appealing to the three towns it is a part of - Bennington, North Bennington, and Shaftsbury. This is a multiple year project.

Board questions/comments answered by the Presentators:

Mr. Corey: Does ProcellaCor have any affect downstream? *No, it is a very targeted herbicide. There are a couple of other species it affects but they don't exist in Lake Paran or downstream.*

Mr. Haley: Suction Harvesting is far less expensive, so why use the Herbicide? *Treating with the Herbicide, and following up the next year with Suction Harvesting, is going to have more long term weed control.*

Mr. Carroll: How is ProcellaCor applied and is that a permanent solution? *We would spray the roots, and it is not a permanent fix. Milfoil is constantly coming in on birds and boats. This is a chronic problem that needs to be managed and has gotten systemic and unsustainable.*

Mr. Carroll: Is there federal and state grant funding available? *There is one State grant that we are in contention for which has a 20% match for the project. Our region hasn't been designated for funding until 2 years ago.*

Mr. Carroll: Have you checked with the Agency of Fish and Wildlife and Natural Resources? *Yes, and they have encouraged us to proceed with the project but it isn't a high priority for State funds. Mr. Carroll will discuss Lake Paran with the legislature.*

Ms. Jenkins: Looked up ProcellaCor's website and it is a targeted herbicide but it is not non-toxic as you said in your slide. You can't keep using ProcellaCor repeatedly because the milfoil will become resistant to it and another herbicide would have to be used. *We intend to use an initial application of ProcellaCor followed up with a suction harvesting plan.*

136 Ms. Jenkins: If you do come back with a plan that includes ProcellaCor, be sure to include the
 137 language that ProcellaCor is using. *"It is a herbicide and it is not non-toxic."*

138 Ms. Conner: If you do decide to use ProcellaCor, can you collaborative with other lakes to bring
 139 down the cost of it? *The BCCD is working on doing more resource sharing in our district.*

140 Ms. Conner: Would you have access to funding if you were not a stand-alone non-profit but
 141 partnered with the Village of North Bennington the way the Benn Hi Project is working? *This*
 142 *isn't going to happen right away so we are trying to build collaborations with all of the towns.*
 143 *The grant that we do have access to is because of the partnership between the Lake Paran*
 144 *Association and the BCCD.*

145 Ms. Conner: Will there be any education on how to prevent bringing in milfoil on boats? *We do*
 146 *intend to do that and the grant funding will pay for some of it but not all of it.*

147 Mr. Haley: What kind of time frame are you looking at? *We would like to do something this*
 148 *summer but that would require a lot of work in a short amount of time. Lake Paran is an*
 149 *anomaly because it is not owned by a town or a home owners association as many other lakes*
 150 *are.*

151 Mr. Lee-Clark: Clarified that the Bennington Select Board finalizes its budget in January. It is
 152 then voted on in March and begins on July 1st. Also, there are 3 communities, two towns and a
 153 village, and the village is in one of those towns.

154 Mr. Hurd: We would need actual expenditures by mid-December and is there a cap on the
 155 grant? *Yes, 20% of the project cost. We need to raise the other 80%.*

156 *Public questions/comments answered by the Presentators:*

157 Sam Restino: We should collaborate with Pontoosuc Lake in Pittsfield, MA to see how they have
 158 handled their problems. *The only area in Lake Paran that we have been able to try and manage*
 159 *is around the swimming area. The rest has been off limits to us. They use huge combines on*
 160 *Pontoosuc Lake that just break off the leaves so they aren't really managing the problem.*
 161 *Several years ago we did reach out to them to rent their equipment and they did not want to do*
 162 *that.*

163 Sam Restino: Suggested ways to raise money for the project and that landscapers need to stop
 164 using fertilizer on the lawns. *We agree that part of our management plan is to be pro-active on*
 165 *the prevention as much as we can.*

166 Sam Restino: If you've been working on this for 10 years, why are you here now? *Funds used to*
 167 *be directed to Lake Champlain and that has changed. We are now competing with other towns*
 168 *that have also not had these funds available to them until now.*

169 **8. MUNICIPAL PLANNING GRANT**

Mr. Monks presented the following:

- The Bennington County Regional Commission (BCRC) will work with the Town of Bennington to apply for an FY23 Municipal Planning Grant for \$20,000 to complete an update to the Bennington Town Plan.
- Developing a new Town Plan will include two related and successive phases -
 - ✓ Phase 1 - An extensive public outreach component to identify key themes that will provide a framework for each section of the plan while informing recommended policies, actions, and priorities.
 - ✓ Phase 2 - Development of a Town Plan that includes all elements and maps required by statute while providing fresh insights on equity and inclusion across all issues in the community. Based on new state guidance, the Town Plan also will include an enhanced implementation table. Phase 2 will begin next year with an expected completion date of 2025.
- A local match of 10% of the total project cost of \$20,000, or \$2,000, is required and we have that from our training budget.

Bruce Lee-Clark moved and Jim Carroll seconded to approve the FY23 Municipal Planning Grant Application for \$20,000 for the Bennington Town Plan Update. The motion carried with Sarah Perrin absent.

9. IMPLEMENTING THE TOWN VISION

A. CPARB

CPARB Chair Kelly Carroll reported the following:

- ❖ The first CPARB meeting was October 27th and the next one will be November 17th.
- ❖ We will be meeting monthly on the 3rd Thursday of the month at 6:00pm and they are open to the public.
- ❖ We had a motion concerning the Pledge of Allegiance and it was reported in the Bennington Banner that Mr. Haley had voted and he did not.
- ❖ Also, the comment that was in the Banner that Marsh Hudson-Knapp made concerning trust and the police was from a previous experience on a task force that he had and not from the training that we had in CPARB.
- ❖ We need clarification as to what was the intent of the Select Board as to the presence of the police at our meetings. Was the intent for the Chief of Police or his designee to be present at all meetings or only when their presence was requested? Ms. Jenkins answered that it was the intent for the police to attend all meetings - the Chief or his designee - because questions may come up that they could answer. The police and the Select Board liaison could be resources available to you. Mr. Carroll added that it is similar to having the Town Manager and Assistant Town Manager attending the Select Board meetings so that they can hear discussions/comments first hand. Mr. Lee-Clark noted that it's a public meeting so anyone can attend, however, if there is a discomfort

208 in speaking openly, an individual attending can be asked to step out for a few minutes.
209 And, Ms. Conner was glad to hear that a lively discussion took place which indicated that
210 people felt it was a safe place to speak.

211 **B. IDEAL**

212 Ms. Jenkins reported the following:

- 213 ❖ Assistant Manager Dan Monks, SVSU Equity Coordinator Jonathan Phipps, and Ms.
214 Jenkins attended an IDEAL meeting in Randolph, Vermont on October 26th.
- 215 ❖ We met the representatives from the 12-14 towns that are participating in this program
216 - a mayor, several town managers and assistant town managers, and select board
217 members.
- 218 ❖ We were the only ones that brought a representative from the school system.
- 219 ❖ We will be having an Equity Training on November 15th and our other team members -
220 HR Director Michele Johnson and Select Board member Ms. Conner - and our
221 Community Development Director, Shannon Barsotti, have also been invited to attend.
- 222 ❖ They are giving us a lot of work and e-mailing regularly.

223 **10. MANAGER'S REPORT**

224 Mr. Hurd did the following report:

225 Benmont Avenue/County Street Sewer Line Replacement - This project is moving along and it is
226 expected that Benmont Avenue will be paved before Thanksgiving weather permitting. They
227 still must complete a manhole at County and Benmont and may continue to work on County
228 into December, again, weather permitting.

229 Distribution of COVID Test Kits - The completed distribution of test kits was 2,200, not 220. We
230 have reached out to the Department of Health to see if we can obtain more kits. We will once
231 again make them available at various municipal buildings if we can obtain them.

232 Tax Sales - Went very well. 11 properties were up and 10 were sold.

233 Fleet Manager Position - The individual we had in mind found another job so the position
234 remains unfilled while we look for another individual with the training and skills we need.

235 Willow Park Playground - Due to the cold weather, we can't put down the rubber as planned so
236 it is unlikely that the project will be finished this year. Our contractor is checking other systems
237 that can be put down in colder weather to see if we, indeed, can finish this year. There is no
238 additional cost for this work and we are holding funds until it is finished.

239 Other Items - Mr. Lee-Clark: What is the completion date for the Rail Trail? Mr. Monks
240 answered that it is substantially complete but there are many punch list items left to do. It is,
241 however, fully usable. A reminder that it is not for motorized vehicles but electric bikes are
242 allowed.

243 **11. UPCOMING AGENDA**

244 November 28, 2022 or December 12, 2022 - Propane Train Cars

245 November 28, 2022 or December 12, 2022 - Green Mountain Network

246 **12. OTHER BUSINESS**

247 Mr. Carroll: There will be a ribbon cutting at the Holiday Cottage and encouraged everyone to
248 check it out.

249 Ms. Conner: Reminded everyone that MAUHS is performing Chicago on November 17th -
250 November 19th and the ticket price is \$8.00/person.

251 Mr. Lee-Clark: Thanks to the Board of Civil Authority, the Town Clerk, and the Assistant Town
252 Clerk for their work on the elections and the general good attitude from those that voted.

253 Mr. Lee-Clark: Please don't park on the street after November 15th.

254 **13. EXECUTIVE SESSION**

255 **A. PERSONNEL**

256 *At 7:35pm, Bruce Lee-Clark moved and Tom Haley seconded that the meeting was*
257 *adjourned finding that an Executive Session be held on Personnel as premature public*
258 *knowledge would place a person involved in the subject matter at a substantial*
259 *disadvantage. No action will be taken when going back into Open Session. The motion*
260 *carried with Sarah Perrin absent.*

261

262

263 Respectfully submitted,

264 Nancy H. Lively

265 Secretary

266

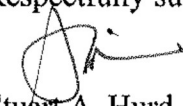
**SELECT BOARD
MINUTES ADDENDUM
November 14, 2022**

Present: Jeannie Jenkins, Chair, Tom Haley, Jim Carroll, Bruce L Clark, Jeanne Conner, V. Chair, and Gary Corey. Absent: Sarah Perrin. No staff present.

The Board went into executive session at 7:35 for a personnel matter.

The Board came out of executive session at 8:09 pm. but took no action. There being no other business, the meeting adjourned at 8:09 pm.

Respectfully submitted,


Stuart A. Hurd