

1 **BENNINGTON SELECT BOARD MEETING**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **SEPTEMBER 25, 2023**

5 **MINUTES**

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

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

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Jonah Spivak-Communication Coordinator; Margae  
10 Diamond-Project Alliance Update on Outreach for Housing; Alison Levie-Energy Committee-  
11 Compost Fee; Loraine Donatelli; Jack Rossiter-Munley; Donald Washum; Steve Golden; Debbie  
12 Matte; Mary Ellen Munley; Representative Mary Morrissey; Nancy White; Shirley Adams; 12  
13 citizens; Josh Boucher-CAT-TV; and Nancy H. Lively-Secretary.

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

15 **1. PLEDGE OF ALLEGIANCE**

16 The Pledge of Allegiance was recited.

17 **2. VISION STATEMENT**

18 Mr. Haley read the Town’s Vision Statement that was adopted by the Select Board on  
19 August 24, 2020:

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

22 **3. CONSENT AGENDA**

23 **A. MINUTES OF SEPTEMBER 7 AND 11, 2023**

24 **B. WARRANTS**

25 **C. LICENSES**

26 *Jim Carroll moved and Gary Corey seconded to approve the Minutes of September 7,*  
27 *2023 as submitted. The motion carried with Tom Haley abstaining and Sarah Perrin absent.*

28 *Jim Carroll moved and Ed Woods seconded to approve the Minutes of September 11,*  
29 *2023 as submitted. The motion carried with Sarah Perrin absent.*

30 *Jim Carroll moved and Ed Woods seconded to approve the Warrants and Licenses as*  
31 *submitted. The motion carried with Sarah Perrin absent.*

32 **4. PUBLIC COMMENT**

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

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

47 \_\_\_\_\_  
48 Donald Washum: Wants to hear an update from the Board on the Benn High Project before he  
49 is able to make a comment. *Ms. Jenkins: We have had 5 public meetings on Benn High with the*  
50 *last one at the 9/11/23 meeting and all of the information is available on the Web, CAT-TV, and*  
51 *YOUTUBE. If having difficulty getting on the site, there is help to do that at the Library and*  
52 *there is info in our meeting packets.*

53 Nancy White: We have over 300 signatures on the Benn High petition and 185 more are needed  
54 by Friday. It can be signed at Martin’s Mini Mart or contact Ms. White. There were many  
55 details omitted 1 ½ years ago on the Lease to Purchase Agreement. Mr. Gilbert was to get the  
56 Senior Center and \$1.1M and the gym was to have been ready for use. He didn’t uphold his  
57 end of the bargain. The petition will force the Town to explain the costs of the Benn High  
58 project to the Bennington taxpayers and Chris Gilbert shouldn’t get the Senior Center. The  
59 voters will decide. *Ms. Jenkins: Public comment is an opinion and not necessarily factual. All of*  
60 *the information on the Benn High Project process is available online.*

61 Loraine Donatelli and Jack Rossiter-Munley: Spoke on how the Community Café has flourished  
62 with the support of many volunteers and community connections. In addition to food there is  
63 also music, art, clothing, and life essentials available. They are feeding an average of 50 people

64 per week and have served over 1,000 meals since forming in January. Also noted that after  
65 Café hours there was someone in need of Narcan close by whose life was saved. Narcan is  
66 readily available and can be used by anyone. *Ms. Conner asked: Does Narcan expire and Ms.*  
67 *Diamond answered that there is an expiration date on the bottle.*

68 Steve Golden: Feels that there should be signage on Benmont Avenue primarily due to the  
69 increased traffic from the farm stand.

70 Jeanne Conner: Speaking on behalf of Kelly Carroll, Socktober is a campaign to collect socks for  
71 the unhoused in Bennington County. In 2021, 2,400 pairs of new socks were collected and in  
72 2022, 1,300 pairs were collected. And in 2023, new hats, gloves, mittens, long underwear, and  
73 boots will also be collected to benefit the Project Alliance Community Outreach Program and  
74 the Bennington County Coalition for the Homeless. Socktober donation boxes are located in  
75 Bennington at the Police Department, VFW, American Legion, UCS, Turning Point, VSCCU  
76 (Credit Union), Glow Lounge Tanning Salon, and CAPA (Bennington College); Arlington at the  
77 Battenkill Valley Health Center; and Manchester at their Police Department and VFW the whole  
78 month of October. Contact Kelly Carroll for other locations.

79 Jonah Spivak: Reiterated Benn High Project information that has been on the Town's website.  
80 Once the Senior Center and Meals and Wheels are relocated in the Benn High building the old  
81 building will no longer be needed. The value of the building would go toward the cost of the  
82 new Senior Center and could be redeveloped for private use and returned to the tax rolls. If the  
83 Senior Center doesn't move, then there is no sale contemplated.

## 84 **5. PROJECT ALLIANCE UPDATE ON OUTREACH FOR HOUSING**

85 Margae Diamond, Executive Director of Turning Point, did the following presentation:

- 86 • Project Alliance is an effort to connect all of the social services agencies, town and local  
87 government, police, and rescue.
- 88 • Our goal is to reduce harm in the community.
- 89 • The State's assistance to house people in motels will end on March 31, 2024 and not all  
90 people will be housed elsewhere on April 1<sup>st</sup>.
- 91 • We are working to be sure that all of the homeless have completed the mandatory  
92 documentation that is required by the State to be on the list for permanent housing.
- 93 • Vermont has the 2<sup>nd</sup> highest per capita homeless rate in the country and are ~3,000  
94 units short for what our population demands.
- 95 • To stay in the motels until the end of March, people have to pay 30% of their income to  
96 the motels and be actively engaged with a social service agency.
- 97 • Traveling nurses were very helpful in completing the required documentation but  
98 needed local input to answer many questions.

- 99 • We currently have 133 households - comprised of 165 adults and 93 children - in  
100 Bennington County staying in motels, with the vast majority of those having disabilities  
101 and children.
- 102 • There have been 31 new households that include 23 children added to the motel  
103 program since June 1<sup>st</sup>.
- 104 • 80% of the households have signed a consent form so we can make referrals and 50% of  
105 them have completed basic screening with 68% of those 50% with an active shared care  
106 plan.
- 107 • 20% still need to complete the coordinated entry piece which will get them on the  
108 Section 8 list.
- 109 • There is still the free shower program at the Rec Center including a caddy of supplies  
110 available at the front desk.
- 111 • There is also a pilot program between Rescue and Turning Point looking for substance  
112 use issues but not just overdoses. We're getting ~3/day.

113 *Board comments/questions answered by Ms. Diamond:*

114 Mr. Carroll: Has heard the per diem rate for motels is high - do you know what it is? *No.*

115 Ms. Conner: When a child is unhoused with their family, do they stay in the same motel so they  
116 don't have to change schools? *Ms. Jenkins: They don't change schools, the school system keeps*  
117 *them in the same school.*

118 Ms. Conner: Do you have a sense that the substance use disorder is getting worse, better, or  
119 the same? *Overdoses and repeat visits to the Emergency Room are on the rise statewide*  
120 *primarily due to the contamination of the drug supply. They're finding fentanyl in everything*  
121 *and Xylazine in 40%-80% of the supply, as well. Xylazine is a veterinary drug, not an opioid, so it*  
122 *can't be reversed by Narcan, and it causes open wounds on those that inject and those that*  
123 *don't with the potential for the need for limb amputation.*

124 Ms. Conner: What are the barriers to getting the paperwork done? *Finding people in their*  
125 *rooms if they don't have a phone and the need for more people to help us with the process.*  
126 Thank you to all that are working so tirelessly on this situation.

127 *Public comments/questions answered by Ms. Diamond:*

128 Debbie Matte: Can you kick people out for refusing to cooperate in the process? *The motel,*  
129 *itself, has the right to evict someone if they aren't paying their 30% but, since we don't have a*  
130 *deadline, we're working with everyone at this time.*

131 Debbie Matte: Do the motels accepting vouchers sign an agreement with the State that states  
132 what their responsibilities are? *Mr. Hurd answered that the motels had to sign up to get into*  
133 *the voucher program, and Ms. Jenkins requested that Mr. Sancic respond to this question, as*  
134 *well.*

135 Donald Washum: People with substance use disorders will remain addicted without housing.  
136 We need to move past where we are, stay on the path and stay focused.

137 Nancy White: 1. Do you have any plans for the Bennington Health and Rehab building? 2. The  
138 State still has the voucher system that is apart from the COVID voucher system so people can  
139 still come to Vermont knowing they are homeless and get a voucher. How can we address the  
140 situation if we have people coming in from other states when we can't take care of the people  
141 that are already here? 3. Are you working with other towns to get shelters open because  
142 Bennington can't do it all by ourselves? *Housing is first and the motels charge the State a lot for*  
143 *deplorable conditions, such as, no toilet paper, no laundry facilities, no fresh air, etc. This has*  
144 *not been an easy road for them and the out-of-state people coming in is very minimal. We need*  
145 *to focus on our mission and Field Services would be the contact in other towns. Ms Jenkins:*  
146 *Added that the Board sent a letter to the State noting that if there isn't any transportation*  
147 *available people need to be located near the services which means they need to be in*  
148 *Bennington. This puts much stress on the service providers and the Town, Montpelier needs to*  
149 *be looking at this, and Act 250 has been a barrier for housing in this area.*

150 Mary Ellen Munley: This is an issue about the safety and well-being of several people that live in  
151 Bennington and they deserve to see the community seeing it as an emergency. It is in the  
152 purview of the Select Board to lead us in that recognition. "It is completely unsatisfactory that  
153 we have these conditions in our community." *Ms. Jenkins: We're not just accepting this, we're*  
154 *doing a lot of "nibbling around the edges" with the shower program, for example. We have a*  
155 *good idea about the problem and Project Alliance was established to increase the safety for*  
156 *everyone. Ms. Jenkins recommended that Ms. Munley attend the Project Alliance meetings and*  
157 *bring any suggestions that she may have on how to improve on the work that is being done. "It*  
158 *is a shared frustration."*

159 Shirley Adams: Can Mr. Carroll and/or Representative Morrissey recommend anything that the  
160 public can do to change the focus?

161 *Mr. Carroll asked Mr. Hurd if the Health Department is required to inspect the motels with these*  
162 *horrible conditions, and Mr. Hurd responded yes and no. Their focus - and the local focus - has*  
163 *been on privately owned housing units. The State created the voucher program and there is no*  
164 *reason for the motels not to provide the basic services of a motel, and if they're not, then the*  
165 *State needs to step in.*

166 *Representative Mary Morrissey stated that part of the problem is that this has been extended by*  
167 *the State - and to a degree by the communities - "and we have limped along with emergency*  
168 *services". "The solution isn't to have vouchers for folks to stay in a one room motel and they're*  
169 *a disaster." This program has cost the State over \$200M that could have been better spent in a*  
170 *different way. We need housing and Federal, State, and local governments have to work*  
171 *together to find appropriate solutions for the people that need the help.*

172 *Ms. Jenkins appealed to Rep. Morrissey that if there was a way for the Legislature to remove the*  
173 *Act 250 barriers and work on transportation accommodations would be very helpful.*

174 *Ms. Conner: These motels are functioning as people's homes so what is Paul Dansereau's*  
175 *jurisdiction? Mr. Hurd answered that he is the Health Inspector for the Town and motels are*  
176 *generally out of our jurisdiction, however, when they are being used as residences, we will go in,*  
177 *and the motels should be providing services. It will take more than the \$200M that the State*  
178 *has spent on vouchers to "build our way out of this" housing shortage.*

179 *Mr. Carroll: Have you gone to the Health Department to report the filthy conditions? I have not.*  
180 *It isn't every room or every motel but I have seen where those conditions exist and some of*  
181 *those people have been there for 3 years. Mr. Carroll recommended that the Health*  
182 *Department just show up where we know there are issues. I will "float it up the flagpole". Rep.*  
183 *Morrissey stated that she doesn't understand why the State and Local can't coordinate those*  
184 *efforts and she will contact the Health Department to get more presence in Bennington. Mr.*  
185 *Woods commented that the State inspectors do come here without warning, and Ms. Jenkins*  
186 *added if Rep. Morrissey could also find out if the motels that are all voucher driven are still on*  
187 *the State's inspection radar.*

188 *Mr. Woods: Do those in motels with the voucher program have a way for their needs to be*  
189 *heard? We ask them what their needs are but we are not enforcement to the motels,*  
190 *themselves.*

191 *Shirley Adams: Is there an organizer in the State that is handling the homeless problem that*  
192 *could come back to us? That would be Adam Sancic with the Agency of Human Services. He will*  
193 *be attending a meeting in the future. Rep. Morrissey added that it has to be a coordinated*  
194 *effort to get as reasonable a price as we can for future housing.*

## 195 **6. COMPOST FEE**

196 *Alison Levie, Energy Committee member, stated that the Energy Committee is*  
197 *requesting that the Select Board rescind the \$1.25/gallon compost fee to encourage people to*  
198 *compost as much as they can. When organic materials go to the landfill they create methane*  
199 *and the Energy Committee is looking into this in connection to energy and greenhouse gases.*  
200 *Composting saves 450% of the greenhouse gases as compared to just taking it to the landfill.*  
201 *Interestingly in Bennington, it is more expensive to take your compost to the landfill than it is to*  
202 *take your trash.*

203 *Board discussion ensued with the following points:*

- 204 *○ We don't charge to recycle other items, such as glass, plastic, etc. so the*  
205 *taxpayers are subsidizing recycling.*
- 206 *○ Composting lowers the greenhouse gases from just bringing the organic material*  
207 *to the landfill as trash.*
- 208 *○ It is a state law to encourage composting.*

- 209 ○ \$1.25/gallon is expensive.
- 210 ○ TAM and Casella will pick up your compost when they pick up your trash.
- 211 ○ The transfer station will take compost that you would not put in your backyard
- 212 compost.
- 213 ○ If you're not able to have a backyard compost then you either pay the
- 214 \$1.25/gallon or don't do it.
- 215 ○ A better option would be to not charge for compost instead of having people just
- 216 not declare they have it so they don't have to pay for it.
- 217 ○ Most other communities don't charge for compost at their transfer stations.
- 218 ○ We don't know what Casella does with the compost that goes to the transfer
- 219 station.

220 ***Tom Haley moved and Jeanne Conner seconded to stop charging \$1.25/gallon to bring***  
221 ***compost to the transfer station. The motion carried with Sarah Perrin absent.***

222 Ms. Jenkins asked Mr. Hurd to let the Board know where and how the compost is dealt  
223 with, and Mr. Hurd answered that TAM and Casella do operate a composting facility at the  
224 transfer station on East Road, however, he will confirm this for the next meeting.

## 225 **7. BRUSH FEE AT TRANSFER STATION**

226 Mr. Hurd reported the following:

- 227 ➤ Those who don't utilize the brush pile are subsidizing those that do.
- 228 ➤ Last year, we had 130 commercial haulers bring brush to the pile at \$120/ton that
- 229 generated \$7,880, or approximately \$60/load.
- 230 ➤ Paying by the ton requires the haulers be weighed full, get back in line, and be weighed
- 231 empty when the lines may be so long that they are out onto Houghton Lane.
- 232 ➤ Sometimes the haulers aren't truthful about where the brush came from so arguing with
- 233 the scale house workers is an irritant to them and further holds up the line.
- 234 ➤ Our costs to chip and otherwise manage the pile range from \$10,000 to \$15,000
- 235 depending on the cost of fuel and other variables.
- 236 ➤ It is estimated that the commercial haulers make up approximately 10% of the users.
- 237 ➤ He is recommending a flat commercial fee of \$40/load and a residential flat fee of
- 238 \$10/load.
- 239 ➤ If all estimates are accurate, this should generate approximately \$16,000.
- 240 ➤ If we reduce the residential fee to \$5/load, the income generated drops to \$10,500.
- 241 ➤ His suggestion as to what constitutes a "load" is any delivery of brush that exceeds two
- 242 30 gallon bags - the amount one might fit in a standard car trunk.

243 Board discussion ensued with the following points:

- 244 ✓ People would still be able to pick up the chips for free.

- 245 ✓ It seems like we should charge for the mulch and not the branches as they come
- 246 into the transfer station.
- 247 ✓ There aren't that many people that get the chips primarily because it is made up of
- 248 diseased wood and the Town is using most of the mulch because we are
- 249 composting the sludge at the wastewater treatment plant.
- 250 ✓ We have to pay to have it chipped and to bring it to the wastewater treatment plant
- 251 but at least we are utilizing the product.
- 252 ✓ This will encourage people to just burn their brush and that smoke will negatively
- 253 affect many people.
- 254 ✓ There are permit fees for burning your own brush.
- 255 ✓ Lowering the commercial fee to \$40/load from the estimated current \$60/load will
- 256 eliminate the controversy at the scale house.
- 257 ✓ It would cost over \$100,000 to put in a 2<sup>nd</sup> scale for the empty truck weigh in.
- 258 ✓ If the commercial fee is \$60/load and we don't charge the residents, we would
- 259 generate the same amount of money that we do now - \$7,880.
- 260 ✓ The guess is that the current commercial fee is only a year or so old so it isn't a 10-
- 261 year old rate.
- 262 ✓ This may be a large deficit that we're considering here.
- 263 ✓ The Town pays for recycling from Bennington and Woodford, chipping the brush,
- 264 and trash from our facilities.
- 265 ✓ When a storm like we just had, people may not be able to budget this expense.
- 266 ✓ Those that don't have woods behind their house where they can dump the brush
- 267 will be the ones that suffer.
- 268 ✓ Is \$2,000-\$3,000 worth making people angry?
- 269 ✓ It's difficult to find towns that can be compared to Bennington on this subject.
- 270 ✓ The Board wants to know when the commercial rate was last increased.

271 ***Agenda Item #7 Brush Fee at Transfer Station has been tabled until the next meeting.***

## 272 **8. MANAGER'S REPORT**

273 Mr. Hurd did the following report.

274 Lead Service Line Removal Bond - The documents attached fund the continuing lead service  
275 lines projects. They require Board signatures on two of the documents and the Board Chair's  
276 signature on one. The Treasurer and the Clerk must also sign after the Board takes action. This  
277 is 100% reimbursed by the State of Vermont.

278 ***Jim Carroll moved and Ed Woods seconded to approve the Loan Agreement Vermont***  
279 ***State Revolving Fund Loan RF3-401-3.1 in the amount of \$10,550,000.00 and authorize the***  
280 ***Chair to sign, to approve the Bond that the Board members must sign and to waive the***  
281 ***reading of the Resolution that the Board members must sign. The motion carried with Sarah***  
282 ***Perrin absent.***



283           There is a public meeting scheduled for September 28<sup>th</sup> at the Fire Facility at 7:00pm by  
284 the Department of Environmental Conservation because PFOA has been found both east and  
285 south of the community. Some households have access to municipal water and bottled water  
286 will be supplied with the same process that took place in the other PFOA areas. Notice of the  
287 meeting went out today.

288           Hydrant flushing will be on October 9<sup>th</sup> and if your water is discolored, run cold water  
289 until it clears. Do not use your hot water.

290           There are currently four candidates continuing with their training at the Vermont Police  
291 Academy seeking Level III certification and we have identified three candidates for the February  
292 2024 Level III Training. Two of the candidates are currently navigating through Level II training  
293 in preparation for working with Bennington Police Department training officers.

294    South Stream Road Speed Issues - We have reviewed the issues raised by several property  
295 owners along a stretch of the South Stream Road. Our initial response is to establish a 25-mph  
296 school zone at the former Beech Street School building which housed the Superintendent's  
297 Offices. It is now being used as a school building once again. We will continue to monitor the  
298 situation to determine if there are additional avenues we can explore.

299    River Walk Update - Work by municipal staff has begun and is moving forward at a good pace.  
300 Once again Town staff from multiple departments are working together to get this project  
301 done.

302    Municipal Banking Change - The Town of Bennington is changing its banking institution to TD  
303 Bank effective January 1, 2024. The memorandum by the Finance Director and the Treasurer  
304 outlines the process and the thinking. The local government banking officer is incredibly  
305 forthcoming but is not located in town at TD Bank, nor is the M&T officer located in town.

306    Benmont Avenue Burned Structure - I reached out to the Department of Environmental  
307 Conservation Deputy Commissioner John Smeltzer to get an understanding of the State's view  
308 of this particular property and how it may assist the Town in addressing the terrible conditions  
309 by tearing the building down. The flooding has delayed a response.

310    Benn High Petition Drive - It is essential that we understand the Benn High Project will provide  
311 housing and increase the available space for the Senior Center and Meals on Wheels 2 to 3  
312 times what they have now. When we began the project 2 years ago there were assumptions  
313 that have been worked out in detail since. This is a very important project and we will  
314 endeavor to move forward with it with all funding sources updated to the public as we move  
315 on.

## 316 **9. UPCOMING AGENDAS**

317           October 9, 2023 - Skate Park Update

318           October 9, 2023 - Manager from the Agency of Human Resources

319           October 9, 2023 - Brush Fees at Transfer Station

320   **8. OTHER BUSINESS**

321   Mr. Carroll: The Bennington Community Market is under new management and encourages  
322   everyone to visit the market.

323   Ms. Conner: Thanked LL Bean for bringing their vehicle to Bennington on Saturday and Sunday.  
324   It was hilarious.

325                ***At 8:13pm, Jim Carroll moved and Jeanne Conner seconded the adjournment of the***  
326   ***meeting. The motion carried with Sarah Perrin absent.***

327

328

329   Respectfully submitted,

330   Nancy H. Lively

331   Secretary