

1 **BENNINGTON SELECT BOARD MEETING**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **JANUARY 9, 2023**

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; R.J. Joly-
10 Public Works Director; Larry Gates-Assistant Public Works Director; Jason Dolmetsch-MSK;
11 Donald Washum; Kelly Carroll; Debbie Mann; Robert Ebert; Will Greer; Jack Rossiter-Munley;
12 Lorraine Donately; Tordis Isselhardt; Mary Ellen Munley; Asher Edelson; Bill Clark; Nancy White;
13 5 citizens; Jim Vires-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 Ms. Conner 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 DECEMBER 19, 2022**

24 **B. WARRANTS**

25 **C. LIQUOR LICENSES**

26 *Bruce Lee-Clark moved and Jim Carroll seconded to approve the Consent Agenda as*
27 *submitted. The motion carried unanimously.*

28 **4. PUBLIC COMMENT**

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

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

43

44 Bill Clark: The holiday decorations will be coming down on Wednesday in preparation for the
45 spring banners going up.

46 Asher Edelson: Would like more sidewalks in Town and is running for the Select Board.

47 Jack Rossiter-Munley and Lorraine Donately: The Community Café, supported by the Unitarian
48 Universalist Fellowship, St. Peters Episcopal Church, and the Greater Bennington Community
49 Services, will be opening on Saturdays from 1:30pm-3:00pm at 121 Depot Street in front of
50 GBCS. Anything on the menu is free and donations are accepted at the Café, the UU Fellowship
51 meeting house, or St. Peters Episcopal Church. All donations will go into the Café project to
52 keep it going. Everyone is welcome and it can be followed on our Facebook page -
53 [Facebook.com/Bennington/Community Café](https://www.facebook.com/Bennington/CommunityCafe) or e-mail benningtoncommunitycafe@gmail.com .

54 Mary Ellen Munley-Bennington Cares: Because of the exposure during Public Comments at a
55 previous Select Board meeting, there were new attendees at the Bennington Cares second
56 meeting yesterday. Even though the Select Board doesn't have jurisdiction over the school
57 system, we think that a Board liaison to the schools would be beneficial. The next meeting will
58 be on 1/22/23 at the UUF Meeting House at 108 School Street and we can be contacted at
59 benningtoncares@gmail.com .

60 Kelly Carroll: The Riverwalk will take place on 1/21/23 starting at People's Park. Michael
61 McDonough will be speaking on public safety and improvements on the Riverwalk with a
62 presentation and refreshments following the walk at the VFW on North Street. On the

63 February walk, we will be inviting Select Board candidates to join us, and in March, the
64 Bennington Free Library will be co-hosting the walk and talking about Emily's Explorer Backpack
65 Program.

66 5. WATER SYSTEM BOND HEARING - MSK AND TOWN OF BENNINGTON

67 Mr. Hurd stated that the Town is working with MSK to become in compliance with our
68 water system issues of low pressure in various parts of the system. The State has been working
69 with us for the past decade to address these issues. The remaining two projects are at the
70 South End and Gage Street.

71 Jason Dolmetsch from MSK did the following presentation:

- 72 • Our purpose here tonight is to ask the Board to put a \$5.8M bond before the voters for
73 water main replacement at the South End and Gage Street.
- 74 • The South End is a completion/continuation project for upgrades and Gage Street is a
75 stand-alone project.
- 76 • The South End Upgrades:
 - 77 ✓ Has been on the books since 2008 with construction having begun in 2015.
 - 78 ✓ State funds had covered the construction of the tank and the line from the tank
79 to the pump station on Monument Avenue Extension.
 - 80 ✓ The next 4 phases of the project were done over the next 4 years by allocating
81 ~\$400,000/year/phase which included work on Dewey Street, Harwood Drive,
82 Putnam Street, and Observatory.
 - 83 ✓ Our proposed work includes 7,500 linear feet, replacements on Jefferson, Stone
84 Hedge, and Crescent Boulevard for ~\$4M.
 - 85 ✓ This is a regulatory mandate and has been on the Town's temporary operating
86 permit as a deficiency since 2008. After completion the Town will have a full
87 operating permit which will make the Town eligible for a general permit for
88 future projects.
 - 89 ✓ If this was not done and the project was "scrapped", you would be in violation
90 of your permit with potential penalties and other mandates as a result.
- 91 • The Gage Street Upgrades:
 - 92 ✓ Include the section between Branch Street and Main Street, as well as,
93 improvements on Frank Street and Cross Street.
 - 94 ✓ This project has been a consistent problem for the Town for 20-30 years.
 - 95 ✓ The lines are so filled with scale where any flow causes low pressure.
 - 96 ✓ Replacement will provide maximum flow and fire protection for ~\$1.8M.
- 97 • Why do these now instead of continuing on as we have been?
 - 98 ✓ These are high priority projects and the last piece to be done for the Town to be
99 in compliance.

- 100 ✓ It has become increasingly difficult to get contracting companies to do projects
101 of this size individually, so by bundling projects, there is more interest and we
102 get a better economy of scales.
103 ✓ In 2015, we could do a project for \$140/linear foot. Now it is ~\$500/linear foot.
104 ✓ The bond will allow us to lock these projects into those dollars at \$259,000/year
105 instead of the \$400,000/year that we have been doing.

106 *Board comments/questions answered by Mr. Dolmetsch:*

107 Mr. Corey: Does a drop in pressure release bacteria? *If pressure drops that can release bacteria*
108 *as the system would be pulling from more stagnant areas. None of these areas are being served*
109 *with adequate fire protection at this time but will be upon completion of the projects.*

110 Mr. Corey: Are there funds from the lead project to reduce the cost of this? *If during the project*
111 *we find any lead service lines, they will be paid for by those funds but the mains will not be.*

112 Mr. Carroll: We will probably get push back from our constituents but this has to be done.

113 Ms. Conner: Will our staff be doing any of the work? *These are contracted projects.*

114 Ms. Perrin: Are these lines all residential? *These projects will only go to the curb stop on Town*
115 *owned property unless there is a lead service line issue. And there may be some non-residential*
116 *properties along the way.*

117 Ms. Perrin: Will the upgrades be beneficial to housing? *Both projects are to correct low pressure*
118 *problems but will not change the zoning or the capacity to serve a particular unit in that area.*

119 Mr. Lee-Clark: Is a maximum flow event just opening up the hydrants or are there other
120 occasions? *There is a list of things that would create a maximum flow event, such as a main*
121 *breaks, Morgan Springs pump station turns on, or a hydrant is opened up. Anything that would*
122 *cause a greater than normal flow.*

123 Mr. Lee-Clark: Are you aware of anyone that has a lead service line within these two projects? *I*
124 *can't answer that now but can get you that information.*

125 Mr. Lee-Clark: Will the business contracted to do the projects also be the ones to replace the
126 lead service lines, if necessary? *The costs will be duly separated even if the work is done by the*
127 *same contractor.*

128 *Public comments/questions answered by Mr. Dolmetsch and Mr. Hurd:*

129 Asher Edelson: Would like to contact Mr. Dolmetsch about lead pipe removal.

130 Nancy White:

- 131 ➤ Are we being reimbursed by the State for the Benmont/County Street project? Mr.
132 Hurd: The \$980,000 for the project is mostly coming out of the sewer system fund
133 balance with the rest coming out of the budget that had been committed to it.
- 134 ➤ Are we currently paying 2 bonds now that each have 10 years to go? Mr. Hurd: Yes.
- 135 ➤ We still have projects to do for \$21M - failing sand filters for 2 years-\$2M; filter
136 upgrades at the end of their useful life-\$5M-\$8M; and others. This needs to go on the
137 agenda and discussed with the public.
- 138 ➤ Where do our water/sewer rates fall with others in the State? Mr. Hurd: Last I checked,
139 our rates were on par with other systems within the State. For a long time, we were
140 below average but have been budgeting for depreciation which goes into the fund
141 balance that allows us to deal with the emergencies as they come up. Our water system
142 was built in 1912 and federal funds are there for us to borrow with about half the
143 annual impact than what we've been allocating annually for smaller projects.
- 144 ➤ Aren't there \$3M in ARPA funds that we can use toward these projects? Mr. Hurd: We
145 have until 2025 to allocate those funds, so if BennHi or the skate park comes in at less
146 than expected, for example, we will have funds to reallocate.
- 147 ➤ People can't continue to have their water/sewer bills continue to go up over the next 5
148 or 6 years.

149 ***Bruce Lee-Clark moved and Jim Carroll seconded that the Board has determined by***
150 ***resolution that the public interest or necessity demands improvements, and that the cost of***
151 ***the same will be too great to be paid out of ordinary annual income and revenue. The motion***
152 ***carried unanimously.***

153 6. QUALITY CONTROL, INTERNAL INVESTIGATIONS AND DISCIPLINE - 3RD READING

154 Mr. Hurd explained that it was suggested by Mr. Monks that we needed to separate the
155 Policy which provides CPARB with the Select Board's BPD review authority from the procedures
156 and processes originally included in the Policy statement. Lt. Grande and I agreed. Therefore,
157 attached is the Policy with the Draft Procedures and Processes attached thereto. The
158 Procedures and Processes can be worked out between the CPARB and the BPD leadership.
159 There is no reason for the Select Board to be involved in that discussion at this time.

160 *Board comments/questions:*

161 Mr. Lee-Clark: Agrees with the separation as this is normally what is done and has the following
162 comments:

- 163 ❖ Organize Policy into 3 sections - Complaints, Investigations, and Outcome Analysis
- 164 ❖ Page 2, 2nd full paragraph, Lines 1 and 3, Change "Citizen's" to "Civilian"
- 165 ❖ Page 2, last paragraph, Line 6, "the disciplinary outcome of any internal investigation" -
166 use more distinct language
- 167 ❖ Page 3, 1st paragraph, Line 2, "shall be strictly confidential" - ask attorney for rewording
168 option

169 Ms. Jenkins: Following comments:

- 170 ❖ Page 3, last line, Add date to be reviewed in 2 years
- 171 ❖ Procedures, Page 6, III. QUALITY CONTROL & INVESTIGATIONS, C. Procedures, 1. Line 3,
- 172 Change "i.e." to "e.g."
- 173 ❖ Procedures, Page 9, C. and Page 10, Discipline Factors, Last sentence of 1st paragraph,
- 174 look at wording again to clarify intent

175 Mr. Corey: Following comments:

- 176 ❖ Page 2, 1st full paragraph, Line 1, Change, "member will" to "member of BPD will"

177 Mr. Monks explained that no changes were made in the Procedures as CPARB and the BPD will
178 be working on those together.

179 *Public comments/questions:*

180 Will Greer: Hopes the Board will approve the Policy including the changes that were suggested.

181 Robert Ebert: If CPARB and the BPD disagree on Procedures, who will iron those out? *Both*
182 *CPARB and the BPD can bring anything back to the Select Board.*

183 Jack Rossiter-Munley: Page 2, 1st full paragraph, Line 4, Change "not to document their
184 complaint" to "not to complete a Citizen's Complaint Form"

185 Jack Rossiter-Munley: Page 3, 3rd paragraph, Line 1, Change "On an ongoing basis" to "Monthly"
186 to put a time frame in the Policy even though CPARB and the BPD can work this out as time
187 goes on.

188 Kelly Carroll: Today is Law Enforcement Appreciation Day and thanked all law enforcement
189 personnel for their service. Also, felt that not specifying a time frame in the Policy is what they
190 had ultimately decided. In the Draft Procedures, discuss with the BPD the wording "to be
191 revised and adopted by Police Chief and reviewed by CPARB"

192 *Jim Carroll moved and Bruce Lee-Clark seconded to adopt Policy on Quality Control,*
193 *Internal Investigations and Discipline with proposed amendments in final language to be*
194 *signed at the next Select Board meeting. The motion carried unanimously.*

195 7. IMPLEMENTING THE TOWN VISION

196 A. BRIAN COOR'S PROPOSAL FOR ADDITIONAL CPARB TRAINING

197 Ms. Jenkins noted that the Board had committed to ongoing training and support for
198 CPARB.

199 *Board comments/questions:*

200 Mr. Lee-Clark: In Retreat Session One, the Checking In process of welcome, introductions,
201 getting to know each other and what each member brings to the table, may not be necessary as
202 CPARB members have been meeting and know each other at this point.

203 *Public comments/questions:*

204 Nancy White: Is the Town Budget funding these trainings? *Mr. Hurd: We have \$17,000 in the*
205 *FY23 budget contingency line item of the General Fund, as well as in the FY24 budget, for*
206 *trainings and this will come out of there. Ms. Jenkins added that we have the contingency fund*
207 *for any Board or Commission that may need training. The CPARB members are not being paid.*

208 Robert Ebert-CPARB Member: Appreciates the Board's commitment to training CPARB but
209 would like to just be able to "get to work". We already had a full agenda for our January
210 meeting that's been cancelled now, as is what we had planned for our February meeting, and
211 we're to work with the BPD on Procedures. All of this is now "coming to a halt". *Ms. Jenkins*
212 *stated the outline of the sessions are June Community Listening Session, Civilian Review of*
213 *Complaints, and Recommendations from the IACP and Synthesis and Understanding of Input*
214 *and Outreach where guidance from Brian Corr will be helpful. Mr. Haley added that the agenda*
215 *items mentioned haven't been cancelled, they've been postponed.*

216 Will Greer-CPARB Vice-Chair: Sees the necessity for CPARB to have outside guidance such as
217 Brian Corr and, as good as Mr. Corr is, he has been looking into sources that may be less
218 expensive. Thanks to the Board for committing to these trainings.

219 Kelly Carroll-CPARB Chair: A start time of 6:00pm instead of 5:00pm for the January 19th and
220 March 16th meetings is preferred as is being sure that the Saturday meetings from 9:00am-
221 4:00pm are 7 hours of productive time. Also, what had been planned for our January and
222 February agendas will be held at a later date.

223 ***Bruce Lee-Clark moved and Jim Carroll seconded to approve the Cambridge Consulting***
224 ***Services Group, Brian Corr, Principal proposal for Ongoing Training and Support for the***
225 ***Community Policing Advisory Review Board through 2023 as stated in Fees for Services***
226 ***Rendered - \$9,800.***

227 Ms. Perrin: Change the start times on the January 19th and March 16th meetings to
228 6:00pm.

229 Ms. Jenkins: And have CPARB work out the schedule with Mr. Corr.

230 ***The motion carried unanimously.***

231 **8. MANAGER'S REPORT**

232 Mr. Hurd did the following report:

233 Willow Park Playground Update - Much of the necessary work has been completed and punch
234 list items remain until Spring. There will be a ribbon cutting and Grand Opening in the Spring.

235 Benmont Avenue/County Street Sewer Line Replacement - We had expected completion by the
236 Christmas Holiday, however, it now appears that another 3 weeks will be required to complete.
237 A large vault will be installed near Depot Street to connect to the existing system. Several
238 water service lines still need to be replaced due to lead. In the Spring, the Town hopes to
239 replace the County Street sidewalks in the project area and pave where needed.

240 Rail Cars - The Town is still awaiting the waybill and will reach out to Senator Welch's office on
241 obtaining it. When received we will get together with counsel as to options.

242 **9. UPCOMING AGENDA**

243 January 7, 2023 - Budget Meeting

244 January 14, 2023 - Budget Meeting

245 January 21, 2023 - Budget Meeting (if necessary)

246 January 23, 2023 - Bennington Sports Foundation Presentation

247 January 23, 2023 - Sign the Warning

248 January 23, 2023 - Revised Policy Quality Control, Internal Investigations and Discipline
249 for Signatures.

250 **10. OTHER BUSINESS**

251 Mr. Lee-Clark: If you're running for Select Board you must have your petitions and signed
252 consent in by January 30, 2023 at 5:00pm. Mr. Lee-Clark will not be running.

253 **11. EXECUTIVE SESSION**

254 **A. PERSONNEL**

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

260

261 Respectfully submitted,

262 Nancy H. Lively

263 Secretary

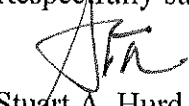
**SELECT BOARD
MINUTES ADDENDUM
January 9, 2023**

Present: Jeannie Jenkins, Chair, Tom Haley, Jim Carroll, Bruce L Clark, Jeanne Conner, V. Chair, Gary Corey, and Sarah Perrin. Also present.: Stu Hurd, Town Manager.

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

The Board came out of executive session at 8:38 pm. but took no action. There being no other business, the meeting adjourned at 8:40 pm.

Respectfully submitted,


Stuart A. Hurd