

1 **BENNINGTON SELECT BOARD MEETING**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **MARCH 13, 2023**

5 **MINUTES**

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

8 **SELECT BOARD MEMBERS ABSENT:** Gary Corey, Jim Carroll, and Sarah Perrin.

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Shannon  
10 Barsotti-Community Development Director; Isabel Harper and David Bond; Debbie Matte;  
11 Nancy White; 5 citizens; Josh Boucher-CAT-TV; and Nancy H. Lively-Secretary.

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

13 **1. PLEDGE OF ALLEGIANCE**

14 The Pledge of Allegiance was recited.

15 **2. VISION STATEMENT**

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

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

20 **3. CONSENT AGENDA**

21 **A. MINUTES OF FEBRUARY 27, 2023**

22 **B. WARRANTS**

23 **C. LICENSES**

24 *Bruce Lee-Clark moved and Tom Haley seconded to approve the Consent Agenda as*  
25 *presented. The motion carried with Gary Corey, Jim Carroll, and Sarah Perrin absent.*

26 **4. PUBLIC COMMENT**

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

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

41 \_\_\_\_\_  
42 \_\_\_\_\_

43 Debbie Matte:

- 44 • Seniors were told that they would have double the space at the renovated Benn Hi than  
45 they currently have. With every update we get less.
- 46 • A bathroom had been taken out but has since been put back in.
- 47 • There isn't a map of the new layout available until April.
- 48 • No one has answered if we would be under the YMCA.
- 49 • Parking will be a problem.
- 50 • Seniors are the fastest growing demographic so we will be needing more space, not less.  
51 Shared space is not our space that will be available to us whenever we want it.
- 52 • Went to Hale Resources for a copy of their grant agreement to buy the Benn Hi and  
53 there was a "no walk-ins" sign on the door. Requested that the Board get her one.
- 54 • Feels the Town hasn't been honest and up front with the Seniors.

55 *Mr. Monks: We have not made any major changes to the floor plan - no reduction in*  
56 *square footage or removal of a bathroom. Only minor adjustments as required by Historic*  
57 *Preservation. Plans haven't been finalized yet, and when they are, they will be posted to the*  
58 *public for comment. The Bennington County Regional Commission (BCRC) will be doing a*  
59 *parking study but there will be "significantly more parking available to the Seniors than there is*  
60 *currently at the Senior Center". And, the Hale application is their own private application. Since*  
61 *we have not made any final decisions on the Senior Center, we don't have anything to share and*  
62 *are not being dishonest.*

63 *Ms. Barsotti: The Hale grant application is for a Community Development Block Grant.*  
64 *These grants are awarded to the Town and sub granted for housing. We have the application -*  
65 *actually the pre-application - that can be printed out if you want to see it.*

66 *Mr. Lee-Clark: What do you mean by finalized? Mr. Monks: That there have been some*  
67 *minor changes to the original plan and it is “finalized for presentation”. None of these have*  
68 *changed any square footage, room functionality, or programming as originally planned.*  
69 *Programming for the Seniors is a Select Board decision.*

70 Isabel Harper and David Bond:

- 71 • Reiterated their concern for storing the LGB oil trains stored in Bennington as they are a  
72 danger to nearby residents.
- 73 • If they derail, the danger is “catastrophic” as it was recently in Ohio. This was a  
74 controlled burn for 2 days with road access and the entire community was evacuated.  
75 There is no road access to the ones in Bennington.
- 76 • They don’t provide any new jobs or tax revenue to the Town.
- 77 • We would like the Select Board to take a leading role in addressing this problem.

78 *Ms. Jenkins: Please update us on the requests that the Board had asked of you after the*  
79 *other presentation. They were to 1. Contact other communities and bring back any actions that*  
80 *they have done; 2. Join the Select Board in “bugging” our delegation who still haven’t provided*  
81 *the waybill which our Town Counsel has said is the path forward with this. We have also heard*  
82 *that these trains are reinforced so if you could also research that if you haven’t already.*

- 83 • We published a 2<sup>nd</sup> piece in the Banner that went through these requests. We’ve  
84 reached out to several communities and though there is concern, there isn’t a lot of  
85 precedent on community actions.
- 86 • Portland, Maine had a port where they were loading oil onto the tankers; the  
87 community sued on the transportation grounds for the risk to the port and won.

88 *Mr. Lee-Clark: Please send us the citation on the Maine case. We will.*

89 *Ms. Jenkins: It would be more helpful to us if we had a community that had taken action*  
90 *with an analogous example of our situation and to reach out to our delegation.*

- 91 • We have reached out to the Vermont Delegation, have sent multiple e-mails, and  
92 Senator Sanders staffers have not responded. Welch was just getting set up but we’ll  
93 start that again this spring.
- 94 • Is Vermont Railway investing in the spur right now? *Mr. Monks: This is a run-around*  
95 *track that replaces the run-around track that used to be closer to Town but became part*  
96 *of our Rail Trail Pathway. We have no control over what Vermont Railway does with*  
97 *their tracks.*

- 98 • Our community should send a letter to the Ohio community acknowledging the  
99 similarities to our situations. Their catastrophe is all over the news and Senator  
100 Sanders has been very vocal about it.
- 101 • We should write the Service Transportation Board. They can change the classification  
102 from a spur to a rail yard for storage and this would open it up to more local rules and  
103 oversight. *Mr. Monks: The support that Vermont Railway has from the State of*  
104 *Vermont makes it virtually impossible to change the classification from a spur to a rail*  
105 *yard.*
- 106 • Senators Champion and Sears are in favor of making a change and recommended that  
107 the Select Board or the Federal Delegation do something. *Mr. Monks: Vermont Railway*  
108 *is supported heavily by the State of Vermont. We have tried for 50 years to get the*  
109 *State to help us with the Railway and they have refused saying that the Railway is*  
110 *protected. "That is the reality."*
- 111 • If something goes wrong with one of these trains that is the opportune moment to put  
112 pressure on all of these groups.

113 *Ms. Jenkins: Mr. Hurd and Mr. Monks could look into what are the two best pressure*  
114 *points and what do we need as partners to make something happen - perhaps a site visit when*  
115 *they're in the area.*

116 Nancy White:

- 117 • It is unfair to the Seniors to move them to the Benn Hi where they will be exposed to  
118 more people of all ages instead of being secluded on the 2<sup>nd</sup> floor as they are now.  
119 Money is the reason this is being done.
- 120 • Who is paying to buy Benn Hi? *Ms. Jenkins: There will be another public meeting in April*  
121 *with an update on the Benn Hi. All parties were present at the last meeting on Benn Hi -*  
122 *the architects, Hale Resources, and the Town - and broke out into separate areas where*  
123 *everyone could stay and ask questions after the presentation. Mr. Monks: The Town has*  
124 *a long term lease agreement with the current owner of Benn Hi. We can assign the lease*  
125 *to whomever we want and we can terminate it whenever we want. It is a method of site*  
126 *control of the property. It has been publicly stated twice and is on the website, that the*  
127 *"most likely scenario" is that Hale Resources will buy the property. It is unlikely that the*  
128 *Town will own the property.*

## 129 **5. CASELLA CONTRACT EXTENSION**

130 Mr. Hurd explained that our contract with Casella to operate the Transfer Station and  
131 the Recycling Depot expired on December 31, 2022. The new contract term officially began on  
132 January 1, 2023 and will run through December 31, 2026 and includes new pricing that includes  
133 an annual increase at the rate of inflation which will take effect May 1, 2023.

134 ***Bruce Lee-Clark moved and Tom Haley seconded to approve the Amendment to***  
135 ***Municipal Waste Management Amended and Restated Agreement between the Town of***  
136 ***Bennington and Casella Waste Management, Inc. as presented.***

137 Mr. Lee-Clark noted that given the way that waste management has changed and the  
138 market for recycling, this makes sense.

139 ***The motion carried with Gary Corey, Jim Carroll, and Sarah Perrin absent.***

## 140 **6. IMPLEMENTING THE TOWN VISION**

141 Mr. Haley announced that there will be a CPARB meeting on March 16, 2023 at the Fire  
142 Facility beginning at 5:30pm.

## 143 **7. MANAGER'S REPORT**

144 Mr. Hurd did the following report:

### 145 *Queer Connect Pride Event -*

146 ***Bruce Lee-Clark moved and Tom Haley seconded to close Pleasant Street from North to***  
147 ***School Street and School Street from Main Street to Pleasant Street from Noon until 5:00pm***  
148 ***on June 25, 2023 for the Queer Connect Pride Event. The motion carried with Gary Corey, Jim***  
149 ***Carroll, and Sarah Perrin absent.***

### 150 *Contract 3 Lead Service Line Replacement Project -*

151 Casella Constructions have begun work on Elm Street for the lead line replacement  
152 project for a bid price of \$1,251,820.50. This is fully reimbursable by the State of Vermont.  
153 Work will be at various places in town and the schedules are in the Banner on Thursday or  
154 Friday morning.

### 155 *Benmont Avenue/County Street Sewer Line Replacement -*

156 This project is essentially finished until Spring. Some lead service lines may need to be  
157 replaced in the Spring and the Town hopes to replace the County Street sidewalks in the project  
158 area and pave where needed.

### 159 *Rail Cars -*

160 We are still awaiting the waybill and will get together with counsel when we have that.

## 161 **8. UPCOMING AGENDA**

162 March 27, 2023 - Bennington Sports Foundation

163 March 27, 2023 - Chelsea Solar Project

164 March 27, 2023 - Proclamation

165 Late April 2023 - Skate Park

166 **9. OTHER BUSINESS**

167 Mr. Haley: Drink responsibly on St. Patrick's Day and don't drink and drive.

168 Mr. Lee-Clark: Will there be a curb cut at the beginning of the Rail Trail, and Mr. Monks said yes.

169 Ms. Jenkins: Can there be a paved path from the Fire Facility parking lot to the Rail Trail, and  
170 Mr. Monks said yes.

171 **10. EXECUTIVE SESSION**

172 **A. CONTRACT**

173 *At 6:50pm, Bruce Lee-Clark moved and Tom Haley seconded that the meeting was*  
174 *adjourned finding that an Executive Session be held on a Contract as premature public*  
175 *knowledge would place a person involved in the subject matter at a substantial*  
176 *disadvantage. No decision will be taken when going back into Open Session. The motion*  
177 *carried with Gary Corey, Jim Carroll, and Sarah Perrin absent.*

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180

181 Respectfully submitted,

182 Nancy H. Lively

183 Secretary

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