M E E T I N G N O T I C E

BENNINGTON SELECT BOARD

March 22, 2021

A G E N D A

6:00 PM

For public health reasons, Select Board members will participate in the meeting by videoconference. Members of the public are urged to watch the meeting on Cat-TV or Cat-TV-Facebook. If one wishes to participate you may join the meeting as an Attendee using the webinar link listed: https://us02web.zoom.us/j/81997454575 or call into the meeting Dial:1-646 558 8656 and enter Webinar ID: 819 9745 4575 and follow the prompts.

1. Consent Agenda A. Minutes of 3/8/21 B. Warrants C. Liquor Licenses	6:00 PM - 6:05 PM
2. Public Comment	6:05 PM - 6:20 PM
3. Covid Update	6:20 PM - 6:30 PM
4. YMCA Update	6:30 PM - 6:50 PM
5. Community Policing Update	6:50 PM - 7:00 PM
6. Lead Line Bond Documents	7:00 PM - 7:10 PM
7. Manager's Report	7:10 PM - 7:20 PM
8. Upcoming Agenda	7:20 PM - 7:25 PM
9. Other Business	7:25 PM - 7:30 PM
10. Executive Session Litigation	

BENNINGTON SELECT BOARD

MEETING HELD REMOTELY VIA ZOOM

BENNINGTON, VERMONT 05201

MARCH 8, 2021

MINUTES

SELECT BOARD MEMBERS PRESENT BY VIDEOCONFERENCE: Donald Campbell-Chair; Jeannie Jenkins-Vice Chair; Jeanne Conner; Jim Carroll; Bruce Lee-Clark; and Sarah Perrin.

SELECT BOARD MEMBERS ABSENT: None.

ALSO PRESENT BY VIDEOCONFERENCE: Stuart Hurd-Town Manager; Daniel Monks-Assistant Town Manager and Planning Director and Director of the COVID-19 Response; Shannon Barsotti-Community Development Director; Megan Herrington-Vermont Department of Health; Stephanie Lane-Shires Housing Executive Director; Peter Schneider-Efficiency Vermont Senior Consultant; Josh Boucher-CAT-TV; and Nancy H. Lively-Secretary.

PUBLIC CALL INS: None.

At 6:00pm, Chair Donald Campbell called the meeting to order and explained that, due to the COVID-19 Pandemic State of Emergency declared by Governor Scott, and pursuant to Addendum 6 to Executive Order 01-20, Act 92, this public body is authorized to meet electronically. There is no physical location to attend this meeting, however, the public may view it on CAT-TV and call in at 1-646-558-8656 and enter the meeting ID, 891 5558 4168 when prompted to do so. The call in information will be periodically posted on the screen and the process for calling in was explained. If technology fails us, the meeting will be continued at a time and place to be determined and all votes that are not unanimous will be done with a roll call vote in accordance with the law.

1. CONSENT AGENDA

A. MINUTES OF FEBRUARY 22, 2021

B. WARRANTS

C. LIQUOR LICENSES

Bruce Lee-Clark moved and Jeanne Conner seconded to adopt the Consent Agenda amended as follows:

On the Minutes of February 22, 2021 -

Line 75, Change "With lower age bands opening up, will the older people still be able to be vaccinated?" to "With the age band going to 70, if one registers above 75 where do they

fall in line? Would that person take precedence, would it be up to the provider or would they go back into queue?"

Line 200, Change "payment" to "pavement"

Line 263, Change "Schemitz" to "Schemeth"

The motion carried unanimously.

2. PUBLIC COMMENTS

None.

3. VERMONT DEPARTMENT OF HEALTH (VDH) - COVID UPDATE

Megan Herrington from the Vermont Department of Health did the following COVID update:

- Four weeks ago we were at 58/100,000 and have decreased to 22/100,000 countywide.
- In Bennington County, 23% of the age bank of 60+ have received at least the 1st shot of the vaccine, and 63,000 people in the State have received both shots.
- As of today, the 55+ age bank with high risk medical conditions can now make appointments for their shots.
- The list of high risk medical conditions is comprised of those conditions that may be more likely to be deadly if they contact COVID.
- The high risk list from the CDC includes - current cancer, chronic kidney disease, COPD, emphysema, chronic bronchitis, heart disease, severe obesity, type 1 and 2 diabetes, immune compromised, pregnancy, certain disabilities, and sickle cell disease.
- Self-certification if you have a high risk medical condition is all that is necessary. A doctor's note is not needed, however, it is recommended to do the CDC Checklist questionnaire.
- In addition to our community clinics there will be clinics for educators, child care, and expanded public safety. More information to come for those groups.
- When an age band opens up, anyone in Vermont in that age band has an appointment.
- Two vaccinated households may gather with one unvaccinated household.

Board questions/comments with responses from Ms. Herrington:

Ms. Conner: Clarified that the high risk list is more general and not inclusive of every condition so an individual may fit into those categories in a broader sense. That is correct. There is an inclusive list on the website.

Mr. Campbell: Will vaccinations be available in a person's region or will they need to travel? In large population areas there are "mega clinics" with the National Guard, and so far, we haven't heard of people having to travel too far.

4. PUBLIC HEARING - VCDP GRANT APPLICATION-SHIRES, WILLOWS MOBILE HOME PARK, MODULAR HOMES

Stephanie Lane, Executive Director-Shires Housing and Peter Schneider, Senior Consultant-Efficiency VT did the following presentation:

- The Town applies for the Community Development Grant and Shires Housing is the sub-grantee. Shires Housing needs a Resolution from the Select Board to approve the application process.
- There have been 4 mobile homes in the Park that have been abandoned and we want to replace them with zero energy 2-3 bedroom modular homes.
- We will also be doing infrastructure improvements.
- Shires Housing will be partnering with Efficiency VT and using a local contractor for the set up.
- The current residents of the Park own their homes and lease the land from Shires Housing.
- The VHCP has granted Shires Housing $285,000 in new bond funds for the project plus $15,000 to assist the homeowners that are already there.
- KBS Homes will be providing the homes as the price of Vermod homes was too high.
- There are 150 of these more durable energy efficient homes in the State since Irene had destroyed many mobile homes in her path.
- These homes exceed the State standards for stick built homes and far exceed the standards for mobile homes - thicker walls, triple glazed windows, fresh air ventilation systems, heat pumps for heating, cooling and hot water, and a solar PV system on the roofs.
- The homes can be customized to fit where they will be set up and are delivered 95% ready to set up.
- Vermod Homes only produces 30 homes per year, whereas, KBS produces 500 per year and have been building energy efficient units for nearly a decade. Efficiency VT still works with Vermod Homes in addition to KBS and others.

Board questions/comments answered by Ms. Lane and Mr. Schneider:

Mr. Carroll: Do these homes decline in value? We have followed HUD's code that was updated in 2009 for installation requirements that were implemented in Vermont 2 years ago so that mobile homes are now all placed on frost protected slabs or piers. These modular homes have been built to the local codes that were just passed this past year and do seem to be holding their value.

Mr. Lee-Clark: Is there a way to do a tour of these energy efficient homes to educate the public? Absolutely, that is a great idea.

Ms. Jenkins: Does the cost of the units require that they need to be rented instead of owned? There is one individual that has a 30-year mortgage on a Vermod home but we are offering these homes for rental up to 80% median income or lower. Efficiency VT does have programs for those that want to buy these homes but the 4 at the Park are not offered for sale at this time.

Ms. Conner: Do children live there? Yes, they do, and we hope to be making the Park more kid/family friendly.

Jim Carroll moved and Sarah Perrin seconded to approve the Resolution for Shires Housing to apply for funding as the sub-grantee of the Vermont Community Development Program for Willows Mobile Home Park and authorize the Select Board Chair to sign on behalf of the Board. The motion carried unanimously.

5. COMMUNITY POLICING UPDATE

A. TRAFFIC ENFORCEMENT - 3RD READING

Mr. Lee-Clark stated the following on the 3RD reading of this policy:

- Page 2, PURPOSE:, Line 5, Change "crashes" to "accidents".
- Page 2, 1.TRAFFIC ENFORCEMENT, POLICY:, Line 4, Change "crashes" to "accidents".
- Page 4, 4. DUI ENFORCEMENT, POLICY:, Line 1, Change "will take aggressive action in the enforcement of all" to "will conscientiously enforce all".
- Page 4, 4. DUI ENFORCEMENT, POLICY:, Line 5, Change "BPD has a zero tolerance policy towards DUI operation in order to ensure the safety of the community" to "BPD takes DUI operation with the highest level of seriousness.".

Bruce Lee-Clark moved and Sarah Perrin seconded to adopt the Traffic Enforcement Policy as presented.

Ms. Jenkins likes the changes and thinks they make it a stronger policy.

The motion carried unanimously.

B. RESPONDING TO PERSONS EXPERIENCING A MENTAL HEALTH CRISIS - 3rd READING

Mr. Lee-Clark stated the following on the 3rd reading of this policy:

- Page 1, III. DEFINITIONS:, A., Line 4, Change "anger, or excessive giddiness, psychological" to "anger, grief, or excessive giddiness, suicidal behaviors; psychological"

Sarah Perrin moved and Bruce Lee-Clark seconded to adopt Responding to Persons Experiencing a Mental Health Crisis Policy as presented.

Mr. Lee-Clark noted that we are learning from our experience in reviewing these policies and has no doubt that they will be revised at some time in the future.

Ms. Jenkins feels that the Collaborative Partnerships Policy should be added to the Related Policies: of this one.

Sarah Perrin moved and Bruce Lee-Clark seconded to amend the motion to adopt Responding to Persons Experiencing a Mental Health Crisis Policy as presented and add Collaborative Partnerships to the list of Related Policies. The motion carried unanimously.

C. OTHER INFORMATION

Ms. Conner read the following on the process for procedures noting that the dates still need to be filled in:

- The Select Board Working Group will announce details of the procedure review process on the Monday preceding the start of the public comment period. Information on how to make comments will be placed on the Town and the Bennington Police Department websites, the Town Facebook Page, the Bennington Police Department Facebook Page, Front Porch Forum, in the Bennington Banner, and will be announced at our regular Select Board meetings. The comment period will be 10 days in length and the exact dates of the comment period will be provided. Comments can be submitted electronically on the Bennington Police Department website and an electronic acknowledgement will be sent to the participant. Once the comment period is over, the final version of the procedures will be posted on the Bennington Police Department's website with the related policy.

6. SUBMITTAL OF REVISED LUDR

Mr. Monks stated that the Planning Commission is submitting for adoption proposed revisions to the Land Use and Development Regulations that incorporate Form-Based Design Standards for the areas in and around Downtown Bennington. If the Select Board wishes to adopt the proposed revision they must first adopt the resolution to schedule a Public Hearing to be held within 120 days after the proposed regulations are submitted to the Select Board.

There is a summary of the proposed changes on the BCRC website, Mr. Monks will make a link available to hear the recording of the changes, and Catherine Bryars from BCRC will be presenting the changes at the Select Board's public hearing.

Board questions/comments answered by Mr. Monks.

Ms. Conner: Suggested that the Form-Based Design Standards be defined. They are defined at the beginning of every meeting and online, and will be done at the Select Board meeting, as well.

Bruce Lee-Clark moved and Jeannie Jenkins seconded to acknowledge receipt of the Proposed Amendment to Land Use and Development Regulations (Zoning Bylaws) - Form-Based Design Standards and adopt a Resolution to set a Public Hearing on the proposed revisions for April 26, 2021. The motion carried unanimously.

7. MANAGER'S REPORT

Sarah Perrin moved and Jeanne Conner seconded to close Main Street from Benmont Avenue to Branch Street and Gage Street from Bradford Street to Safford Street on November 6, 2021 for the UCS 2021 Superhero 5K and Kid's Dash from just before 9:00am for the duration of the event.

Mr. Lee-Clark stated that the Committee is working on a Special Events Policy and acknowledged that many of the processes in that are already being done.

The motion carried unanimously.

Mr. Hurd reported as follows:

Police Department Report - Attached to the Manager's Report is the first of the monthly Police Department Report's that will be available on the 1st Select Board Meeting of each month. The Bennington Police Department had deployed two officers to assist the State of Vermont and the City of Montpelier in an effort to maintain safety and security at our state Capital. The officers were described as "extraordinarily professional, proactive and stellar". And, the leaders at the Bennington Police Department have participated in three separate mental health training seminars over the past month.

Y Statistics 2020 - The following are the Y Statistics for 2020 that should have been in the Annual Report. It should also be noted that the Y was closed from March 16, 2020 thru June 15, 2020:

- ✓ 19,000 visitors to the Center
- ✓ Memberships active: 525 mostly from Bennington; 80 from NY and Mass.
- ✓ Swim lessons served 93 children; 29 sessions
- ✓ Adult Fitness programs: 5 per week
- ✓ Summer Camp: 70 children served in an 8 week program
- ✓ Fall Youth Soccer: 85 children served, ages pre K to grade 8, a 6 week program
- ✓ School-age Programs: Sept-Dec served 34 children
- ✓ Other Programs: Teen Strength and Conditioning; DIY 5K Triathlon; Kids Night Out; Movement Playgroup; Pumpkin Splash; and Teen Hour in the Fitness Center

8. UPCOMING AGENDA

March 22 2021 - Special Events Policy and/or Social Media Policy

March 22, 2021 - Community Policing Update

March 22, 2021 - New Programs at the Y

9. OTHER BUSINESS

Mr. Campbell: Thank you to the Town Clerk and her assistant for their work on the voting process and congratulations to Jim Carroll, Tom Haley, and Gary Corey for the victories. He is also pleased that the Penny's for Parks and the Budget passed, and the good that the SVHC will do at SVC for the community. The fundraising efforts that got them $560,000 to get that facility up and running shows the community's support of the project.

Ms. Perrin: The VDH has three informational banners hung up around town - one at the Chamber, one at the Four Corners, and one at County Street. Also, a Happy Birthday wish to her father.

Mr. Carroll: Thanked the voters for re-electing him.

Ms. Conner: Thank you to CAT-TV for their coverage of several Board meetings in the area, a thank you to all of the agencies that presented at the Town Meeting, and a thank you to Mr. Hurd for the upcoming Board training.

10. EXECUTIVE SESSION

A. CONTRACT

B. LEGAL

At 7:18pm, Bruce Lee-Clark moved and Sarah Perrin seconded that the meeting was adjourned finding that an Executive Session be held on Contract and Legal as premature public knowledge would place a person involved in the subject matter at a substantial disadvantage. There will be no actions taken on these items when going back into Open Session. The motion carried unanimously.

Respectfully submitted,

Nancy H. Lively

Secretary

TOWN OF BENNINGTON

2021 LIQUOR LICENSE RENEWAL APPLICATIONS

2021 1st Class Renewals
1. Aramark Dining Hall (& Outside Consumption)
2. American Legion Post #13
3. Four Chimneys Inn (& Outside Consumption)
4. Jensen's Restaurant
5. Papa Pete's Restaurant of Bennington, VT

2021 2nd Class Renewals
1. Beshara's 99 Cents & Up
2. Dollar General Store #14357
3. Walgreens #17631
4. Willy's Variety

2021 3rd Class Renewals
1. American Legion Post #13
2. Aramark Dining Hall
3. Four Chimneys Inn

The Bennington Select Board hereby approves the above
2021 Liquor License Renewal Applications
Dated: March 22, 2021

Donald A. Campbell, Chair	**Jeannette Jenkins, Vice Chair**
Jim Carroll	**Bruce Lee-Clark**
Jeanne Conner	**Sarah B. Perrin**

cc: Town Clerks Office

MEMORANDUM

To: Select Board

From: Stuart A. Hurd, Town Manager

Re: Lead Service Line Replacement Bond Documents approval

Date: March 15, 2021

Attached you will find a packet of bond documents. This is similar to the Ladder Truck Bond documents recently approved. The Board must approve the Loan Agreement and authorize the Chair to sign it, approve the General Obligation Bond and authorize the Chair to sign it, waive the reading of and adopt the Resolution authorizing the Chair to sign it and approve the Tax Certificate and authorize the Chair to sign it.

LOAN AGREEMENT

Vermont State Revolving Fund

Loan RF3-401-3.0
Loan Amount: $10,842,329.00

1. Town of Bennington, the Municipality, hereby certifies to the Vermont Municipal Bond Bank ("Bond Bank") that:

(a) It will secure all state and federal permits, licenses and approvals necessary to construct and operate the improvements to be financed by the Loan (the "Project"), if any, as described in Exhibit A;

(b) It has established, or covenants with the Bond Bank to establish, by ordinance, rule or regulation, a rate charge or assessment schedule which will generate annually sufficient revenue to pay:

(i) Principal, administrative fees and interest of the Municipal Bond, as the same becomes due; and

(ii) reasonably anticipated cost of operating and maintaining the improvements to be financed by the Loan, if any, and the system of which is a part;

(c) It has duly established a fund under Title 24 of the Vermont Statutes Annotated, or by other means permitted by law which, for so long as the Municipal Bond shall remain outstanding, shall be maintained and replenished from time to time, and used solely to repair, replace, improve and enlarge the improvement to be financed by the Loan, if any.

2. The Municipality shall make funds sufficient to pay the principal, administrative fees and interest as the same matures (based upon the Maturity Schedule appended hereto as Exhibit C) available to the Bond Bank at least five business days prior to each principal payment date.

3. The Bond Bank and Municipality agree that Loan proceeds will be paid to the Municipality as Project costs are incurred and paid by the Municipality over the course of the Project, but in no event shall payments be made more often than monthly, and only on Municipality's certification, through its authorized representative, that such costs have been paid.

4. The Municipality is obligated to make the principal, administrative fee and interest portion of the Municipal Bond payments scheduled by the Bond Bank on an annual basis. The Municipality may prepay the Loan at its option without penalty.

5. Simultaneously with the delivery of the Municipal Bond and Certificate of Registration (Exhibit C) to the Bond Bank, the Municipality shall furnish to the Bond Bank an opinion of bond

counsel satisfactory to the Bond Bank which shall set forth among other things the unqualified approval of said Bond(s) then being delivered to the Bond Bank and that said Bond(s) will constitute valid and binding obligations of the Municipality.

6. The Municipality shall be obligated to inform in writing to the Bond Bank, or such agent designated by the Bond Bank, at least thirty days prior to each principal payment date of any changes to the name of the official or address to whom invoices for the payment of principal, administrative fees and interest should be sent.

7. The period of performance for this agreement begins upon execution and ends five years after execution.

8. Notwithstanding paragraph 14 hereof, prior to payment of the amount of the Loan, or any portion thereof, the Bond Bank shall have the right to cancel all or any part of its obligations hereunder and after payment of any portion thereof to require a refund of amounts paid if:

(a) Any representation made by the Municipality to the Bond Bank in connection with its application for a loan or additional loans shall be incorrect or incomplete in any material respect; or

(b) The Municipality has violated commitments made by it in its application and supporting documents or has violated any of the terms of this Loan Agreement.

9. The Municipality shall at all times comply with all applicable federal and state requirements pertaining to the Project, including but not limited to requirements of Federal Safe Drinking Water Act, Title 24 of the Vermont Statutes Annotated, and the list of Federal Laws and Authorities included as Exhibit B. The enumeration of the Federal Laws and Authorities in Exhibit B shall not be construed as a waiver by the Municipality of any exemption or exception, jurisdictional or otherwise.

10. If any provisions of this Loan Agreement shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such provision shall not affect any of the remaining provisions of this Loan Agreement and this Loan Agreement shall be construed and enforced as if such invalid or unenforceable provision had not been contained herein.

11. This Loan Agreement may be executed in one or more counterparts, any of which shall be regarded for all purposes as an original and all of which constitute but one and the same instrument. Each party agrees that it will execute any and all documents or other instruments, and take such other actions as are necessary, to give effect to the terms of this Loan Agreement.

12. No waiver by either party of any term or condition of the Loan Agreement shall be deemed or construed as a waiver of any other terms or conditions, nor shall a waiver of any breach be deemed to constitute a waiver of any subsequent breach, whether of the same or of a different section, subsection, paragraph, clause, phrase, or other provision of this Loan Agreement. Any

delay in exercising rights or requirements of the Loan Agreement does not constitute a waiver of such rights or requirements.

13. The Municipality agrees to indemnify and hold the Bond Bank, the state, its officials, agents, and employees harmless from and against any and all claims, suits, actions, costs, and damages resulting from the negligent performance or non-performance by the Municipality or any of its officials, agents, or employees of the Municipality's obligations under this Agreement, as it may be amended or supplemented from time to time. It is further understood that such indemnity shall not be limited by an insurance coverage.

14. The Municipality agrees that the Loan will be adjusted upon final audit to an amount equal to or less than the project costs determined eligible by the Department of Environmental Conservation and recommended to the Bond Bank for loan participation.

15. The Municipality agrees that if actual final eligible costs are less than the amount paid under the Loan Agreement, repayment of the excess funds will be made within sixty days of the request made by the Department of Environmental Conservation.

16. Increases, amendments, or modifications to the project during construction will be processed for record keeping purposes only, except for the addition of major approved Project Elements, Exhibit A. The Loan Agreement will also be amended upon completion of the project based upon final audited eligible costs, and any increases in the Loan will be made contingent upon availability of funds. All Project records will be retained by the Municipality and made available for state inspection upon request for three years after Project completion or until any audit questions have been resolved, whichever is later.

17. The Municipality will obtain flood insurance for any insurable portion of the Project.

18. The Municipality agrees to use the Loan proceeds solely for the Project for which the Loan is made and any approved amendments thereto. The Municipality further agrees to make prompt payment to the contractors and to apply any interest received to the Project. Once payment has been made to contractors, the applicant shall submit a payment request to the Department of Environmental Conservation (DEC). Disbursements from DEC are made on a reimbursement basis. Funds will be disbursed from Federal Award ID Number FS991218## (## equals last two digits of award year). Upon disbursement, DEC will notify the Municipality of the standard terms and conditions applicable based on the exact amount of federal funds disbursed and relevant capitalization grant being drawn down. Please see https://dec.vermont.gov/water-investment/water-financing/srf/reimbursement-help for the standard terms and conditions. If the foregoing link is not accessible, contact DEC for assistance.

19. The terms of this Loan Agreement shall be controlling over those of any prior Agreement with respect to this Loan Agreement. However, this Loan Agreement shall not otherwise supersede the terms of any other agreements between the Municipality and the State.

20. The Municipality agrees to furnish to the Bond Bank such financial statements as the Bond Bank may reasonably request, which statements and supporting records shall be prepared and maintained in accordance with Generally Accepted Accounting Principles (GAAP).

21. This agreement will be funded by approximately 80 percent federal funds. These funds are being awarded in accord with the Federal Drinking Water State Revolving Fund, CFDA number 66.468, under the authority of the Environmental Protection Agency. This is not a research and development award. For any accounting year in which the Municipality expends Loan proceeds and other Federal funds of $750,000.00 or more from all Federal sources, the Municipality shall have an audit performed in accord with the Federal Single Audit Act and furnish a copy to the Vermont Department of Environmental Conservation within 9 months of the end of Municipality's accounting period.

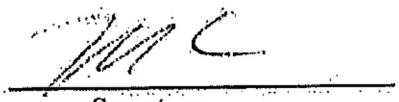
22. By acceptance of this Agreement, the Municipality agrees to complete a Subrecipient Annual Report as provided by the Department of Finance. Prior to submitting the Subrecipient Annual Report, the Municipality must review previous fiscal year disbursements from the Facilities Engineering Division to determine the actual amount of federal funds disbursed from the loan proceeds. The Subrecipient Annual Report must then be submitted to the State of Vermont Department of Finance within 45 days after its fiscal year end, informing the State whether or not a single audit is required for the prior fiscal year. If a single audit is required, the Municipality will submit a copy of the audit report to the Vermont Department of Environmental Conservation within 9 months of its fiscal year end. If a single audit is not required, only the Subrecipient Annual Report to the State Department of Finance is required.

23. The Municipality understands that the provisions of the Davis-Bacon Act, which is codified at Subchapter IV of Chapter 31 of Title 40 of the United States Code and U.S. Department of Labor Memorandum No. 208 ("Memorandum 208"), apply to the Project, and the Municipality certifies and agrees that with respect to the Project, it has complied and will continue to comply with the requirements of the Davis-Bacon Act and Memorandum 208.

24. The effective date of the Loan Agreement is the execution date of the General Obligation Bond.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

Attest:



Secretary

VERMONT MUNICIPAL BOND BANK

By: 

Executive Director

Attest:

Clerk

Town of Bennington

By: _____

Chair of the Governing Body

And by:

Treasurer

List of Loan Exhibits
EXHIBIT A: Project description and conditions
EXHIBIT B: List of Federal Laws and Authorities
EXHIBIT C: General Obligation Bond
EXHIBIT D: Resolution and Certificate

EXHIBIT A

PROJECT DESCRIPTION AND CONDITIONS FOR THIS AGREEMENT

Description:

Identification and replacement of lead-containing service lines throughout the town. The work will be performed under four separate construction contracts. The Step II portion will complete design for approximately 920 replacement lines. The Step III portion will cover the construction pilot and three additonal construction contracts running through 2023.

Conditions:

1) Repayment of this loan shall commence one (1) year after completion of the project.

2) The DWSRF program has determined that the expected weighted average useful life of the funded assets equals or exceeds the loan term.

3) The Applicant shall, as a condition of the loan, provide the Department with a digitally formatted copy of any plan or surveys developed with funds awarded under the loan, if the Applicant or any subcontractor develops plans or surveys in digital format. By acceptance of the loan, the Applicant agrees to pass through this requirement to any subcontracts awarded and funded by the loan. This condition is included pursuant to Section 56 of Act 233 of 1994. Such digital formats are subject to the Federal Freedom of Information Act and the State Access to Public Records and Document Statute and, unless otherwise restricted, the Department will release copies of such information to the general public upon request. It shall be acceptable to submit read only copies or copies marked archival copies only. The Applicant, by acceptance of this loan agrees not to copyright any plans or surveys developed pursuant to this action. Acceptable electronic formats include pdf and pdf/A.

EXHIBIT B

LIST OF FEDERAL LAWS AND AUTHORITIES WHERE APPLICABLE

ENVIRONMENTAL:

- "American Iron and Steel" requirements of P.L. 113-76 the Consolidated Appropriations Act of 2014
- Archeological and Historic Preservation 16 USC §469a-1
- Bald and Golden Eagle Protection Act, 16 USC §668-668c
- Clean Air Act, 42 USC §7401
- Coastal Barrier Resources Act, 16 USC §3501
- Coastal Zone Management 16 USC §1451
- Davis-Bacon Act (40 CFR '31.36(i)(5))
- Davis Bacon and Related Acts Wage Rate Requirements (29 CFR 5.5)

- Endangered Species Act, 16 USC §1531
- Floodplain Management, Executive Order 11988, as amended by Executive Order 12148
- Protection of Wetlands, Executive Order 11990 (1977) as amended by Executive Order 12608 (1997)
- Environmental Justice, Executive Order 12898
- Protection and Enhancement of the Cultural Environment, Executive Order 11990 (1977), as amended by Executive Order
- Farmland Protection Policy Act, 7 USC §4201
- Fish and Wildlife Coordination Act, 16 USC §661
- Magnuson-Stevens Fishery Conservation and Management Act, 16 USC §1801 *et seq.*
- Marine Mammal Protection Act, 16 USC §7703 *et seq.*
- Migratory Bird Act 16 USC Chapter 7, Subchapter II: Migratory Bird Treaty
- National Historic Preservation Act 54 USC § 300101 *et seq.*
- Rivers and Harbors Act, 33 USC §403
- Safe Drinking Water Act, 42 USC §300f
- Wild and Scenic Rivers Act 16 USC §1271

ECONOMIC:

- Demonstration Cities and Metropolitan Development Act of 1966, PL 89-754 as amended
- Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans

SOCIAL LEGISLATION:

- Age Discrimination Act, PL 94-135
- Civil Rights Act of 1964, PL 88-352
- Disadvantaged Business Enterprise, 49 USC § 47113 - Minority and disadvantaged business participation
- Equal Employment Opportunity, Executive Order 11264
- Women's and Minority Business Enterprise, Executive Orders 11625 and 12138
- Section 13 of PL 92-500; Prohibition against sex discrimination under the Federal Water Pollution Control Act
- Rehabilitation Act of 1973, PL 93-112 (including Executive Orders 11914 and 11250)

MISCELLANEOUS AUTHORITY:

- Executive Order 12549 - Debarment and Suspension
- Trafficking and Violence Protection Act of 2000 (P.L. 106-386)
- Uniform Relocation and Real Property Acquisition Policies Act of 1970, PL 91-646
- Signage requirements per 2015 EPA guidance
- 2 CFR 200.216 and section 889 of Public Law 115-232, Prohibition of certain telecommunication and video surveillance services or equipment

EXHIBIT C

$10,842,329.00

UNITED STATES OF AMERICA
STATE OF VERMONT
Town of Bennington
GENERAL OBLIGATION BOND

The Town of Bennington (hereinafter called the "Municipality"), a body corporate and a political subdivision of the State of Vermont, promises to pay to the Vermont Municipal Bond Bank, or registered assigns, the not-to-exceed sum of $10,842,329.00 with a preliminary interest at the rate of 0.00% per annum and with a preliminary administrative fee of 0.00%, subject to change based on final disbursed value, beginning on 1/1/2025 as follows:

Loan Agreement
Vermont EPA Drinking Water State Revolving Fund
Bennington, Town of
Loan RF3-401-3.0
Prepared on 2/24/2021
Loan Terms

Loan Amount:	$10,842,329.00
Loan Term Years:	1
Interest Rate:	0.00%
Administrative Fee:	0.00%

Repayment Date	Payment Number	Principal Due	Principal Payment	Principal Forgiven	Interest Payment	Administrative Fees	Total Payment
1/1/2025	1	$10,842,329.00	$0.00	$10,842,329.00	$0.00	$0.00	$0.00
			$0.00	$10,842,329.00	$0.00	$0.00	$0.00

For planning purposes only. Subject to change based on actual disbursed amounts.

EXHIBIT C

This Bond is payable in lawful money of the United States at People's United Bank in the City of Burlington, State of Vermont. Repayment terms shall comply with 24 V.S.A. Chapter 120, §4755 which prohibits deferral of payment. Final payment of this Bond shall be made upon surrender of this Bond for cancellation.

This Bond is issued by the Municipality for the purpose of financing planning, design, and construction of infrastructure improvements under and by virtue of Title 24 of the Vermont Statutes Annotated, and a vote of the legal voters of the Municipality duly passed on 3/3/2020.

This Bond is transferable only upon presentation to the Treasurer of the Municipality with a written assignment duly acknowledged or proved. No transfer hereof shall be effectual unless made on the books of the Municipality kept by the Treasurer as transfer agent and noted hereon by the Treasurer with a record of payments as provided hereon.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the issuing of this Bond have been done, have happened, and have been performed in regular and due form, as required by such law and vote, and for the assessment, collection and payment hereon of a tax to pay the same when due the full faith and credit of the Municipality are hereby irrevocably pledged.

IN TESTIMONY WHEREOF, the Municipality has caused this Bond to be signed by its Treasurer, and a majority of its Selectboard and its seal to be affixed hereto.

Town of Bennington

By: _____

_____

_____

_____

_____
Majority of its Governing Body

Date_____

_____
Treasurer

EXHIBIT D

RESOLUTION AND CERTIFICATE
(General Obligation)
(Vermont Drinking Water State Revolving Fund)

WHEREAS, at meetings of the municipal legislative body of the Town of Bennington (herein called the "Municipality") at each of which all or a majority of the members were present and voting, which meetings were duly noticed, called and held as appears of record, it was found and determined that the public interest and necessity required certain public water system improvements described in Exhibit A, and it was further found and determined that the cost of making such public improvements would be too great to be paid out of ordinary annual income and revenue, and that a proposal for providing such improvements and the issuance of bonds of the Municipality to pay for its share of the cost of the same was submitted to the legal voters at meetings thereof, and it was ordered, all of which action is hereby ratified and confirmed; and

WHEREAS, pursuant to the foregoing action, at a meeting of the Municipality which was warned and held at the place and time appointed therefor, there was submitted a proposition to be voted upon by ballot between the hours stated in the Warning, all as appears by reference; and

WHEREAS, the said Warning was duly recorded, published and posted, and said meeting was duly convened and conducted, all as appears of record, and which proceedings are hereby ratified and confirmed in all respects; and

WHEREAS, immediately upon closing of the polls and after counting of the ballots cast, the results as set forth were declared by the moderator, all as appears of record, and pursuant to which the Municipality is carrying forward the authorized improvements and pursuing the same diligently to completion; and

WHEREAS, the Municipality has applied for financial assistance in making the authorized improvements which application has been approved by the Department of Environmental Conservation and the Vermont Municipal Bond Bank, as evidenced by the Funding Application Approval, the terms and conditions of which are found in Exhibit A; and

WHEREAS, pursuant to powers vested in them by law the said governing board is about to enter into a Loan Agreement on behalf of the Municipality with the Vermont Municipal Bond Bank respecting a Loan from said Bank in the amount of $10,842,329.00, to be discounted by the amount of $10,842,329.00, repayable with interest at the rate of 0.00% per annum, together with an administrative fee of 0.00%.

AND WHEREAS, the Bond to be given by the Municipality to the Vermont Municipal Bond Bank at the time of receiving the proceeds of said Loan shall be substantially in the form found in Exhibit C;

THEREFORE, be it resolved that the Governing Body proceed forthwith to cause said Bond to be executed and delivered to the Vermont Municipal Bond Bank upon the price and terms stated, and be registered as the law provides; and

EXHIBIT D

BE IT FURTHER RESOLVED, that the Bond when issued and delivered pursuant to law and this Resolution shall be the valid and binding obligation of the said Municipality, payable according to law and the terms and tenor thereof from unlimited ad valorem taxes on the grand list of taxable property of said Municipality as established, assessed, apportioned and provided by law; and

BE IT FURTHER RESOLVED, that in addition to all other taxes, there shall annually be assessed and collected in the manner provided by law each year until the Bond, or any bond or bonds issued to refund or replace the same, is fully paid, a tax, charge or assessment sufficient to pay the note and bond or bonds as the same shall become due; and

BE IT FURTHER RESOLVED, that execution of the above-referenced Loan Agreement between the Municipality and the Vermont Municipal Bond Bank is hereby authorized, the presiding officer of the legislative body and Treasurer of the borrower being directed to execute said Loan Agreement on behalf of the Municipality and the legislative branch thereof; and

BE IT FURTHER RESOLVED, that the Municipality expressly incorporates into this Resolution each and every term, provision, covenant and representation set forth at length in Exhibit A to be delivered in connection with the issuance and sale of the Bond, execution and delivery of each of which is hereby authorized, ratified and confirmed in all respects, and the covenants, representations and undertakings set forth at length in said Loan Agreement are incorporated herein by reference; and

BE IT FURTHER RESOLVED, that all acts and things heretofore done by the lawfully constituted officers of the Municipality, and any and all acts or proceedings of the Municipality and of its Governing Body, in, about or concerning the improvements hereinabove described and of the issuance of evidence of debt in connection therewith, are hereby ratified and confirmed.

BE IT FURTHER RESOLVED, that in connection with the pending sale of the Bond in the face amount of $10,842,329.00 to the Vermont Municipal Bond Bank, execution and delivery of the Bond, this Resolution Certificate, Loan Agreement and incidental documents, all attached hereto, are authorized; and

BE IT FURTHER RESOLVED, that People's United Bank in the City of Burlington, Vermont, is hereby designated the Municipality's paying agent with respect to the Bond and the Loan Agreement.

And we, the undersigned officers, as indicated, hereby certify that we as such officers have signed the Bond payable as aforesaid, and reciting that it is issued under and pursuant to the vote herein above mentioned, and we also certify that the Bond is duly registered in the office of the Treasurer of the Municipality as prescribed by law.

And we, the said officers of the Municipality, hereby certify that we are the duly chosen, qualified and acting officers of the Municipality as undersigned; that the Bond is issued pursuant to said authority; that no other proceedings relating thereto have been taken; and that no such authority or proceeding has been repealed or amended.

EXHIBIT D

We further certify that no litigation is pending or threatened affecting the validity of the Bond nor the levy and collection of taxes, charges or assessments to pay it, nor the works of improvement financed by the proceeds of the Bond, and that neither the corporate existence of the Municipality nor the title of any of us to our respective offices is being questioned.

ATTEST:

Town of Bennington

_____
Clerk

By: _____

_____

_____

_____

_____
Majority of its Governing Body

And By:

_____
Its Treasurer

MANAGER'S REPORT
March 22, 2021

ACTION

Nothing at this time.

INFORMATIONAL

Police Stop Data for 2020 Attached please find the police stop data for 2020. It is presented by month with the number of stops and the race information provided. It is not yet part of the State's data system due to be updated later this year.

School Resource Officer comments by David Beriau, retiring Dean of Students,

This letter was published in the on-line version of the Banner on March 1, 2021. I share it with you at Mr. Beriau's request.

National Guard's Readiness Center application I attach a copy of the Project Review Sheet received on Monday March 15, 2021.The process to construct the Readiness Center has begun.

Groundwater Reclassification – PFOA contaminated areas. I have supplied the Notice of this before. Given the small number of people participating in the hearing and the small number of comments received, the State has continued the comment period until April 2, 2021. The Extension Notice is posted on our website and Front Porch Forum. I attach a letter from Al Bashevkin to the VT ANR for your information.

FOLLOW-UP

The Bike/Ped Monthly Report is attached.

Bennington Police Department

2020 STOP DATA

January 2020:

508 Motor Vehicle Stops

11-Black (1 Search)

8-Asian

11-Hispanic

14 of the 30 above operators were stops that occurred on Route 7 or Route 279.

February 2020:

395 Motor Vehicle Stops

Operators:

7-Black

11-Asian

4-Hispanic

No Searches of the 22. 14 of the 22 above operators were stops that occurred on Route 7 or Route 279.

March 2020:

185 Motor Vehicle Stops

Operators:

5-Black

2-Asian

1-Hispanic

No Searches. 3 of the 8 above operators were stops that occurred on Route 7 or Route 279.

April 2020:

130 Motor Vehicle Stops

Operators:

4-Black

2-Asian

1-Hispanic

No Search. 1 of the 7 above operators were stops that occurred on Route 7 or Route 279.

May 2020:

178 Motor Vehicle Stops

Operators:

7-Black (1 Search)

2-Asian

1-Hispanic

2 of the 10 above operators were stops that occurred on Route 7 or Route 279.

June 2020:

168 Motor Vehicle Stops

Operators:

6 Black

7-Hispanics (1 Search)

7 of the 13 above operators were stops that occurred on Route 7 or Route 279.

July 2020:

211 Motor Vehicle Stops

Operators:

1-Black

1-Asian

6-Hispanics

No Searches. 3 of the 8 above operators were stops that occurred on Route 7 or Route 279

August 2020:

426 Motor Vehicle Stops

Operators:

13 Black

9-Asian

5-Hispanic

No Searches. 14 of the 27 above operators were stops that occurred on Route 7 or Route 279.

September 2020:

517 Motor Vehicle Stops

Operators:

19-Black (1 Search)

11-Asian

6-Hispanics

1-Island Pacific

27 of the 37 above operators were stops that occurred on Route 7 or Route 279.

October 2020:

258 Motor Vehicle Stops

Operators:

10-Black

7-Asian

4-Hispanic

No Searches. 6 of the 23 above operators were stops that occurred on Route 7 or Route 279.

November 2020:

317 Motor Vehicle Stops

Operators:

12-Black

7-Asian

5-Hispanic

No searches. 10 of the 24 above operators were stops that occurred on Route 7 or Route 279.

December 2020:

170 Motor Vehicle Stops:

Operators:

7-Black

3-Asian

4-Hispanic (1 Search)

7 of the 14 above operators were stops that occurred on Route 7 or Route 279.

2020 STATISTICS :

Vermont Civil Violation Complaints : 2,182

Written Warnings : 1,699

Total- 3,881

Total Motor Vehicle Stops : 3,463

102 Black Drivers 2.9%

63 Asian Drivers 1.8%

55 Hispanic Drivers 1.6%

1 Island Pacific Driver

49% of the above listed drivers were stopped on Route 7 or Route 279 within the Town of Bennington.

6.3% of drivers stopped in Bennington identified as non-Caucasian

3,242 Caucasian Drivers 93.7%



Printed in the Bennington Banner online on March 1,2021

I would like to express my appreciation of the Bennington Police Department. As an administrator at MAUHS for over 20 years, it has been my honor and pleasure to have worked closely with the BPD. Their presence at innumerable school functions contributed to a safe and orderly environment. Their daily presence in the school helped our students to see them as caring, friendly individuals who assisted and interacted with them. They were not there in a punitive, "guard-like" capacity. Yes, there were times when they helped with behavior issues, but the students came to see them as "guardians" of order and security. Most times I saw them, there were smiles and good natured exchanges. Thanks to Paul, Cam and the many officers that have helped our school run smoothly and function as a true community institution.

David Berian

Department of Environmental Conservation & Natural Resources Board

Project Review Sheet

Date Initiated: 3/9/2021 | ANR PIN#: | WW Project#: PB-8-0149 | Pre-application Review: ☐

Project Information

General Information

PROJECT NAME (If applicable)	PROJECT TOWN
Jard-Vermont Army National Guard Readiness Center, construct a National Guard Armory in Bennington	Bennington

PROJECT LOCATION (911 address if available)	SPAN(S) (If available)
259 Bowen Road	051-015-70078

Contact(s)

CONTACT TYPE	NAME	ORGANIZATION NAME (If applicable)
Landowner	Stuart Hurd, Town Manager	Town of Bennington

ADDRESS	TOWN	STATE	ZIP
205 South Street	Bennington	VT	05201

PHONE	CELL PHONE	EMAIL
802-442-1037		shurd@benningtonvt.org

CONTACT TYPE	NAME	ORGANIZATION NAME (If applicable)
Applicant	Lynn Metcalf, Vermont National Guard	State of Vermont

ADDRESS	TOWN	STATE	ZIP
		VT	

PHONE	CELL PHONE	EMAIL
802-338-3106		Lynn.Metcalf@vermont.gov

Project Description

ENTERED BY	INFORMATION SOURCE	DATE ENTERED
Rick Oberkirch	Individual	3/9/2021 11:53 AM

PROJECT DESCRIPTION
This parcel 22 acres, unimproved, formerly part of Jard Company property . Proposed construction of a VT Army National Guard Readiness Center on 11 acres of the parcel.

DEC Prior Permits

PERMIT TYPE	PERMIT NUMBER
Wastewater System & Potable Water Supply	PB-8-0149
Hazardous Waste Brownfield Site 2014	20073684
Hazardous Waste Brownfield Site 2008	770138
Hazardous Waste Spill Site 1997	WMD095

*Jurisdictional Opinion(s) for permits that may be needed from the District Environmental Office **PRIOR TO COMMENCEMENT OF CONSTRUCTION***

Act 250 Jurisdictional Opinion

This is a jurisdictional opinion issued pursuant to 10 V.S.A. § 6007(c) and Act 250 Rule 3(A). Reconsideration requests are governed by Act 250 Rule 3(B) and should be directed to the district coordinator at the above address. Effective May 31, 2016, any appeal of this decision must be filed with the Superior Court, Environmental Division (32 Cherry Street, 2nd Floor, Ste. 303, Burlington, VT 05401) within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must file with the Notice of Appeal the entry fee required by 32 V.S.A. § 1431, which is $295.00. The appellant also must serve a copy of the Notice of Appeal on the Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

VERMONT

PERSON REQUESTING JURISDICTIONAL OPINION	REQUESTOR TYPE	ACT 250 PERMIT NUMBER (if any)	HAS THE LANDOWNER SUBDIVIDED BEFORE?
Lynn Metcalf, Vermont National Gurad	Landowner/Agent	800002, 8B0056 series	☐ Yes ☐ No

TYPE OF PROJECT (check all that apply)

☐ Commercial ☐ Residential ☐ Agricultural ☐ Municipal ☒ State ☒ Federal

IS AN ACT 250 PERMIT REQUIRED?	COPIES SENT TO STATUTORY PARTIES?
☒ Yes ☐ No	☒ Yes ☐ No

BASIS FOR DECISION

The project as proposed constitutes a 'development' pursuant to 10 V.S.A. § 6001(3)(A)(v). However, the parcel also appears to already be jurisdictional pursuant to land use permits 800002 and 8B0056; therefore the project would constitute a 'material change' pursuant to Act 250 Rules 2(C)(6) and 34.

DISTRICT COORDINATOR SIGNATURE

2021.03.12 15:15:33 -05'00'

VERMONT

Kim Lutchko, *District Coordinator*

[phone] 802-786-5099 [email] kim.lutchko@vermont.gov

Natural Resources Board
Districts 1 & 8 Environmental Commissions
440 Asa Bloomer State Office Bldg, 4th Floor, Rutland, VT 05701-5903

Wastewater System & Potable Water Supply Permit Jurisdictional Opinion

IS A WASTEWATER SYSTEM & POTABLE WATER SUPPLY PERMIT/APPROVAL REQUIRED?		PERMIT NOT REQUIRED?	
☒ Yes	☐ Permit application currently under review	☐ Boundary Line Adjustment	☐ Home Occupation
☐ No	☐ Permit issued on _____	☐ Clean Slate	☐ Notice of Permit Requirement

BASIS FOR DECISION

Based on the information provided, the proposed project appears to entail several "permit triggers" as specified in §1-301 of Chapter 1 of the Environmental Protection Rules, including the construction of a building and its associated potable water supply and wastewater system.

REGIONAL OFFICE STAFF SIGNATURE

David R. Swift 2021.03.09 12:32:00 -05'00'

VERMONT

Dave Swift, *Regional Engineer*

[phone] 802-345-7493 [email] dave.swift@vermont.gov

Department of Environmental Conservation
Drinking Water & Groundwater Protection Division - Rutland Regional Office
450 Asa Bloomer Office Bldg., Rutland, VT 05701-5903

The following are preliminary, non-binding determinations made by DEC Permit Specialists identifying other permits that may be needed PRIOR TO COMMENCEMENT OF CONSTRUCTION

SPECIAL WETLANDS DISCLAIMER

A desktop review cannot definitively confirm the presence or absence of a wetland in or within fifty feet of your project site. This review sheet is the result of a desktop review that included reviewing the project site with these mapping tools available at https://anr.vermont.gov/maps. Many wetlands do not appear on these maps. You are advised to review the site on the ground for wetlands, regardless of whether this box is checked or not (https://dec.vermont.gov/watershed/wetlands/what/guide). To confirm the presence/absence of wetlands, contact a qualified environmental consultant (https://dec.vermont.gov/watershed/wetlands/what/id/wetland-consultant-list) or the State Wetlands Program (https://dec.vermont.gov/watershed/wetlands).

Preliminary, Non-binding Determination of the Applicability of Other State Permits

Note: Fact Sheet numbers below refer to permit fact sheets available at: http://dec.vermont.gov/permits/handbook/info-sheets

Agency of Natural Resources - Department of Environmental Conservation

WASTE MANAGEMENT & PREVENTION DIVISION

☒ Brownfields [Fact Sheet #46.2]
Contact: Trish Coppolino Email: patricia.coppolino@vermont.gov Phone: 802-249-5822

WATERSHED MANAGEMENT DIVISION

☒ Flood Plains
☒ Southern Region
Contact: John Broker-Campbell, CFM Email: John.broker-campbell@vermont.gov Phone: 802-490-6196

☒ Wetlands [Fact Sheet #29] and Ponds [Fact Sheet #32.1]
☒ Bennington, Windham, and Windsor Counties:
Contact: Rebecca Chalmers Email: rebecca.chalmers@vermont.gov Phone: 802-490-6192

☒ Stormwater: Developments [Fact Sheets #6.2 & 6.3] [See Stormwater District Contacts Map]
☒ Contact: Chris Tomberg Email: chris.tomberg@vermont.gov Phone: 802-490-6917

VERMONT

Department of Public Safety

☒ Construction Permit Fire Prevention, Electrical, Plumbing, Accessibility (ADA) [Fact Sheets #49, 50, 50.1, & 50.2]

☒ Rutland: 802-786-5867

Vermont Energy Code Assistance Center

☒ Vermont Building Energy Standards [Fact Sheet #47.2]

Contact: Kelly Launder Email: kelly.launder@vermont.gov Phone: 802-828-4039

Local Permits

☒ See your Town Clerk, Zoning Administrator, Planning Commission or Public Works

PERMIT SPECIALIST SIGNATURE

2021.03.15 09:25:26 -04'00'

Rick Oberkirch, *Permit Specialist*

VERMONT

[phone] 802-282-6488 [email] rick.oberkirch@vermont.gov

Department of Environmental Conservation
Environmental Assistance Office - Rutland Regional Office
450 Asa Bloomer Office Bldg., Rutland, VT 05701-5903

Stuart Hurd

From: Al Bashevkin <abashevkin@gmail.com>
Sent: Monday, March 15, 2021 9:43 AM
To: ddurfee@leg.state.vt.us; mmorrissey@leg.state.vt.us; dwhitman@leg.state.vt.us; mnigro@leg.state.vt.us; Brian Campion; Richard Sears; Stuart Hurd; Jeannie Jenkins; Jeanne Conner; Donald Campbell; tcorcoran@leg.state.vt.us; Jim Carroll; Sarah Perrin; Bruce Lee Clark
Cc: Nancy Pearlman
Subject: PFOA Comments regarding Reclassification of our Groundwater
Attachments: Response to Groundwater Reclassification for Bennington 021821.docx

To our Elected Representatives and Town Leaders:

What follows is a letter to the Department of Environmental Conservation in response to their proposal to reclassify our drinking water. In summary, we were not entitled to access to town water via the consent order with St Gobain, yet it is proposed by DEC that our groundwater be reclassified as non-potable. Something seems to be amiss here and we appreciate your assistance in this matter. A fairer resolution for homeowners here is that either the classification be reconsidered for households without access to town water or that town water be supplied to all homes within the reclassification area. We are all impacted by the pollution of ChemFab and later, St Gobain.

Here is the letter:

VT Agency of Natural Resources
Department of Environmental Conservation, Waste Management and Prevention Division
1 National Life Drive – Davis 1
Montpelier, VT 05620-3704

March 12, 2021

213 Settlers Road
Bennington, VT 05201

Thank you for the opportunity to respond to the petition and draft decision to reclassify groundwater from potable to non-potable for portions of Bennington, Shaftsbury, and North Bennington. We understand the need to reclassify portions of our community that were hardest hit and provided solutions to their unhealthy water supply. Given the current situation, we believe that including our home at 213 Settlers Road in Bennington (and others around us) in the reclassified area, without providing access to town water is in error for the following reasons:

As stated in a letter from Richard Spiese (attached), our first sampling of our well water on June 7, 2016 resulted in a very high measurement of PFOA contamination (381ng/l). Subsequent testing of the water coming into our home (x7) has seen a safe level of PFOA coming into our home (<2ng/l). The homes around our property all have negligible amounts of PFOA in their water systems. The blood tests for my wife and myself had levels of PFOA in our bloodstreams

that are below the average level for people who are drinking clean water. With all these factors taken together, Mr. Spiese offers his professional judgement within the letter that the initial results were incorrect and may have resulted from samples being switched or improperly labeled.

Under the Consent Order and Final Judgement with St Gobain, the town of Bennington installed water lines throughout parts of the community to rectify the damaged water sources. Under this agreement with St Gobain, the water line that extends into our neighborhood stops four houses from ours. We were not allowed access to the town water line, and thus have only the POET system to rely on if needed. The settlement agreement with St Gobain did not include many homes within our neighborhood as they did not fall within the guidelines established in negotiations between the State and St Gobain.

Given the above circumstances, it seems unfair to classify our home to be within the class IV portion in the Town of Bennington (indicating our groundwater well is non-potable). Our well-driven drinking water (measured before the POET System) has repeatedly been deemed non-detectable for PFOA by its measurements by CT Male Associates. The designation of our drinking water as non-potable may have an impact on the resale of our property as well as our capacity to redrill our well if needed. Without access to a public water supply and with no knowledge of how long our POET system will be supported by the State or St Gobain, we believe this classification is unfair. If the settlement with St Gobain

did not include our home or others for town water, why are we included in the property re-classification?

We ask that either the classification map for non-potable drinking water be re-drawn to exclude the homes in our neighborhood as well as others that do not have access to the public water supply, or that town water lines be extended to all homes impacted by this new classification, hopefully through re-negotiation with St. Gobain.

Sincerely,

Al Bashevkin

Nancy Pearlman

--
Al Bashevkin
213 Settlers Road
Bennington, VT 05201
abashevkin@gmail.com
www.albashevkin.com
802 447-2486

Town of Bennington Bike/Ped Projects Update March 2021

Orchard Village (formerly Applegate) to Willowbrook Path

Project Description: Pathway to connect Orchard Village, Willowbrook Apartments and Molly Stark Elementary School.
Status: The Town has contracted with Casella Construction (the low bidder) to construct the project. Construction is underway and is scheduled to be completed by the end of June.

Ninja Trail

Project Description: The proposed path is 2.12 miles. It begins on Hicks Avenue at the existing pedestrian bridge and ends at the intersection of VT Route 67A/College Drive/Silk Road/Matteson Road. From there, pedestrians and cyclists can reach the Village of North Bennington via Bennington College's paths and low-speed roads. The path varies between wooded areas, open fields, and roadside facilities. It crosses streams, goes under an overpass, and crosses a highway.
Status: $1 Million in State/Federal Grants have been secured. A recent update of the cost estimate using current pricing indicates that significant additional funding will need to be secured. Additional grant opportunities are being explored. Segments of paved path between Hicks Avenue and Harmon Road (behind Walmart) and between Bennington College entrance and the Hampton Inn have been constructed. Interim path (dirt and gravel) between the two completed segments is open for use. Preliminary plans for the construction of the remainder of the paved path have been approved by the State. The Town has obtained all but two of the easements required for the project. Negotiations regarding the remaining two easements are ongoing and it is hoped that they will be concluded in the next 60 days. Construction is scheduled for 2022.

Bennington Pathway – Rail/Trail

Project Description: Shared use path (bike path) along Railroad Right-of-Way from Bennington Station to Emma Street (off of Northside Drive). Portion of trail from Bennington Station to Orchard Road will be paved. Remainder of path will be gravel.
Status: State/Federal Grant for 90% of cost has been secured. A local match of $100,000 is being held in reserve account. Based on an updated cost estimate, an additional $60,000 match is necessary and will impact the FY 22 budget. The project was put out to bid on February 11, 2021

and were initially to be due on March 12, 2021. A last-minute change by Vermont Railway has required that the due date for the bids be postponed. The bid due date has been postponed to March 26th but may need to be extended further depending on when the plans are revised to address the change by the railroad. Subject to a successful bidding process, construction remains scheduled to commence in the Summer of 2021.

Benmont Avenue Bike/Ped Improvements

Project Description: Improvements to make Benmont Avenue safer and more attractive for pedestrians, cyclists, and drivers, including significant changes to the Hunt Street intersection. The improvements will act as an extension of the Ninja Trail into Downtown Bennington.
Status: A total of $559,000 in State/Federal Grants have been awarded, including a State of Vermont Bike/Ped Grant in the amount of $309,000 that was awarded in November 2020. The Town match will be approximately $140,000. All easements have been obtained. Additional funds may need to be sought. In addition, the Town DPW will likely need to construct portions of the project to keep costs down. Final plans are scheduled to be completed by Summer of 2021. Project scheduled to be put out to bid in Winter of 2021/22. Construction scheduled for Summer of 2022.