

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

October 11, 2021

BENNINGTON SELECT BOARD
BENNINGTON FIRE FACILITY
MULTI PURPOSE ROOM - 3RD FLOOR
130 River Street
Bennington, VT 05201

AGENDA

6:00 P.M.

1. Pledge of Allegiance
2. Vision Statement
3. Consent Agenda 6:00 PM - 6:05 PM
 - A. Minutes of September 27, 2021 and October 4, 2021
 - B. Warrants
4. Covid Update 6:05 PM - 6:20 PM
 - Dr. Trey Dobson
5. Public Comment 6:20 PM - 6:35 PM
6. Discussion on Downtown Funding Structure 6:35 PM - 7:00 PM
7. Community Policing 7:00 PM - 7:15 PM
 - A. Task Force Update
 - B. Procedures Posting
8. Stocklee Lane Solar Site 7:15 PM - 7:30 PM
9. Manager's Report 7:30 PM - 7:35 PM
 - Stuart Hurd
10. Upcoming Agenda 7:35 PM - 7:40 PM
11. Other Business 7:40 PM - 7:45 PM
12. Executive Session
 - A. Personnel

1 **BENNINGTON SELECT BOARD MEETING**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **SEPTEMBER 27, 2021**

5 **MINUTES**

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

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

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Shannon
10 Barsotti-Community Development Director; Jonah Spivak-Communications Coordinator; Carrie
11 Fabricious-Senior Program Manager; Kayla Becker-YMCA; Sarah Krinsky and Michael
12 McDonough-BBC; Nancy White; Rose Telford; Debbie Matte; 1 citizen; Josh Boucher-CAT-TV;
13 and Nancy H. Lively-Secretary.

14 At 6:00pm, Ms. Jenkins called the meeting to order and asked those not vaccinated to
15 wear a mask and social distance. There are wipes to wipe down the microphone if you wish to
16 speak.

17 **1. PLEDGE OF ALLEGIANCE**

18 The Pledge of Allegiance was recited.

19 **2. VISION STATEMENT**

20 Ms. Conner read the Town's Vision Statement that was adopted by the Select Board on
21 August 24, 2020:

22 "Bennington is a welcoming, engaged, inclusive, resilient community where everyone
23 regardless of identity shares in our vitality and benefits from an outstanding quality of life."

24 **3. CONSENT AGENDA**

25 **A. MINUTES OF SEPTEMBER 9, 13, 15 AND 16, 2021**

26 **B. WARRANTS**

27 *Bruce Lee-Clark moved and Jim Carroll seconded to approve the Minutes of September*
28 *13, 2021 and the Warrants. The motion carried with Sarah Perrin absent.*

29 *Bruce Lee-Clark moved and Jim Carroll seconded to approve the Minutes of September*
30 *9 and 15, 2021 and the Minutes of September 16, 2021 amended as follows:*

31 *Line 8, Change "7:02" to "7:20"*

Line 21, Change "7:23" to 7:33"

The motion carried with Tom Haley abstaining and Sarah Perrin absent.

4. PUBLIC COMMENT

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

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

Sarah Krinsky, Member of the Economic Vitality Committee, and Michael McDonough, Interim Executive Director, of the Better Bennington Corporation (BBC) did the following presentation on the upcoming BBC Open House:

- In recognition of the efforts from the Downtown businesses to make it through COVID with a new vitality on Main Street, we will be hosting a Downtown Open House over Indigenous People Weekend, the evening of October 7th , the evening of October 8th , and October 9th.
- Among those businesses are new businesses that opened during this time and we want to celebrate them, as well.
- On Thursday there will be a Dine Off at participating restaurants, on Friday there will be a performance at Merchants Park from 6:00pm-8:00pm, and on Saturday from 10:00am-6:00 where all businesses, including the recreation facilities, will have punch cards that will be drawn at the end of the day to win \$100.
- Additional information will be in the Banner prior to the event and we hope this will be an uplifting experience for the community.

5. Y UPDATE

69 Kayla Becker from the YMCA did the following update:

- 70 ✓ It was a busy summer with 201 unduplicated youth served, 855 camp week instances,
71 and 32 in Early Summer Care from June 8th thru June 18th.
- 72 ✓ We also partnered with SVSU for 15 Leaders in Training throughout the summer.
- 73 ✓ A thank you to the Town of Bennington Buildings and Grounds crew for all of their help,
74 for the grant from the State of Vermont, and for the work of the YMCA staff which
75 included 17 high school students.
- 76 ✓ During the fall there will be soccer for 3-5 year olds, Kids Night Out on Fridays, and many
77 swim lessons.
- 78 ✓ We also have an After School Program that can serve many schools at the Bennington
79 Sport Center (old Catamount School) for \$12/day - and we do offer financial aid.
- 80 ✓ We provide services at the Old Benn High, at the Rec Center, and outside whenever
81 possible.
- 82 ✓ Going forward we plan to do more programs in the basement of the Rec Center,
83 broaden our Teens Leadership Group, Family Yard Games, Pumpkin Patch in the Water,
84 Turkey Tri (run, swim and bike), and we will participate in the Downtown Open House
85 for the three facilities that we are using on October 9th from 10:00am-noon which will
86 tie into the teens painted mural.

87 *Board questions/comments answer by Ms. Becker:*

88 Ms. Conner: Kudos to Kayla and Taylor for all of the planning that goes into these programs.

89 Ms. Conner: Are most of these programs new? Yes.

90 Ms. Conner: Are most of the people that participate the same people or are there new people
91 coming? It's a mixture.

92 Ms. Jenkins: Describe the Leaders in Training. The 15 Leaders in Training this summer had
93 responsibilities during camp, take a lunch break, etc. and see this as job training. They often
94 return and potentially may become staffed employees.

95 Ms. Jenkins: Do you have plans on the horizon that would require community or town support?
96 More activity in the After School Programs for teens.

97 *Public questions/comments:*

98 Nancy White: Can the Y keep all of the income? Mr. Hurd answered yes, but if that exceeds a
99 certain amount then it is either returned to the Town or used as a credit against a future
100 contract. The better the Y does, the more the Town benefits. We have a Memorandum of
101 Understanding with the Y which is subject to change. The Town, and the Y, are doing
102 everything within the parameters of that document.

103 Nancy White: How can you verify the amount of money they are taking in if they deposit it into
104 their own account? We have no reason to believe that they are falsifying records.

105 Nancy White: Feels that we should “keep the public money separate from the private” by
106 having the YMCA at Benn High and have our own recreation center at the Rec Center.

107 Mr. Monks added that we are “paying less now and getting more services” and thanked
108 the Y for the work they are doing.

109 Ms. Barsotti also added that, in addition to the agreement with the Y, there has also
110 been over \$100,000 in grants as a result of both the efforts of the Y and the Town.

111 **6. SENIOR CENTER UPDATE**

112 Mr. Hurd reported the following:

- 113 • We - some staff, some Select Board members, and representatives from Meals on
114 Wheels, Council on Aging, and RSVP - toured the Benn High facility coming away with it
115 is “in rough shape”.
- 116 • However, there is enough space to house our Senior Center, triple the space for the
117 Meals on Wheels program plus an additional 2,500 square feet for office space for other
118 agencies that also serve Seniors.
- 119 • The gymnasium space/courtyard is an outdoor space to sit and enjoy the outside.
- 120 • There is more parking space than is available at the Senior Center.
- 121 • “It has potential.....and a ton of opportunities.”
- 122 • Floor plans have been sent to the other agencies for them to consider and we have yet
123 to speak to the owner.
- 124 • Work to do is:
 - 125 ○ Other agencies interest.
 - 126 ○ Owners schedule for renovations.
 - 127 ○ Anyone can tour the building on October 9th from 10:00am-noon.

128 *Board questions/comments answered by Mr. Hurd:*

129 Mr. Lee-Clark: Was there a timeframe discussed? No. The other agencies will be considering
130 their budgets and we would need to know their intent by November to get a sense of any
131 impact to our budget.

132 *Public questions/comments answered by Mr. Hurd:*

133 Rose Telford: Doesn’t understand why consideration is being given to moving the Senior Center
134 when we have a place now that is dedicated to only seniors. Seniors don’t want to be mixing
135 with younger people. Mr. Hurd stated that there have not been any decisions made to move
136 the Senior Center to Benn High or to sell the existing Senior Center building.

137 Debbie Matte: What is the cost of running the Senior Center? On the average it is \$40,000-
138 \$45,000 but the replacement of the roof has added \$68,000 to that, and adding staff and
139 programs, adds another \$60,000-\$70,000. The combined total is ~\$150,000-\$160,000.

140 Nancy White: Parking is going to be an issue.

141 Ms. Fabricious added that on October 6th we are having coffee with The Manager at
142 10:30am and we have set up a Health Lecture Series with the hospital. The first lecture will be
143 on November 16th at 1:00pm on Diabetes.

144 Ms. Becker also added that the water exercise classes have different instructors so they
145 are different but we want to hear from anyone what they want.

146 Ms. Barsotti stated that we are considering what can be done with a space that has
147 been vacant for years at a time when grant funding is plentiful.

148 **7. MORGAN SPRINGS AGREEMENT**

149 Mr. Hurd reported the following:

- 150 ❖ Our Morgan Spring contract on Bradford Street will terminate on January 1, 2023.
- 151 ❖ The cost to build the facility on Main Street (across from Domino's) will be ~\$608,000
152 plus engineering costs of \$70,000 so we will need vendor support.
- 153 ❖ Construction costs include piping the water from Morgan Spring to Main Street.
- 154 ❖ We have negotiated a contract with Primo Waters. They will pre-buy in two
155 installments, each \$250,000 - one in January 2022 and one in February 2022 - and will
156 grant them a discount on the cost of water over the first five years, or our current rate
157 of \$0.0095/gallon.
- 158 ❖ The contract will include three renewal periods of five years each with no discount.
- 159 ❖ The new contracts will provide an annual escalator clause at 3%.
- 160 ❖ The contract sets the hours of operation according to the DRB permit conditions; it sets
161 the access route to and from the facility; it restricts parking on Main Street and other
162 streets in Bennington; it sets a minimum annual draw of 5M gallons; and provides for a
163 maximum annual draw of 15M gallons - an average 52,500 gpd.
- 164 ❖ Our existing contract did not have these conditions so it was a struggle to get them to
165 accommodate any changes that we had requested throughout the 20-year agreement;
166 such as, accessing through town and parking/idling on Bradford Street while awaiting
167 access.
- 168 ❖ There is no loss of revenue for the Town.
- 169 ❖ Our new proposed rate is \$0.015/gallon, or 50% higher. This is the rate all new vendors
170 would pay including Primo Waters once their discounted pricing ceases.
- 171 ❖ Casella has indicated that they want to start work on this project from October 2021
172 thru December 2021 realizing that they won't be paid until after December 2021.

173 *Board questions/comments answered by Mr. Hurd:*

174 Mr. Lee-Clark: Through the Wholesalers Association with many variables the rate range for
175 water is \$0.0125 thru \$0.06. Our use of Primo Waters investment of \$.5M while not losing any
176 revenue is a good move for the Town.

177 Mr. Haley: Did similar due diligence research as Mr. Lee-Clark with the same results. Is there
178 any restriction in the contract that prohibits a community spigot and when would we have to
179 decide to do that? No, and we would be able to decide on that at any time.

180 Mr. Carroll: How old is the current pump house and how much did it cost? Sometime in the
181 1980's and around several hundreds of thousands of dollars plus \$27,000 for the ultraviolet
182 system.

183 *Public questions/comments:*

184 Nancy White: Feels this location is unsafe.

185 *Jim Carroll moved and Gary Corey seconded to approve the Water Supply Agreement*
186 *with DS Services of America, Inc. DBA Primo Water North America as presented. The motion*
187 *carried with Sarah Perrin absent.*

188 8. COMMUNITY POLICING UPDATE

189 Ms. Jenkins reported the following:

- 190 ○ The Bennington Police Department (BPD) will post the policies and procedures no later
191 than early next week on the BPD website. Thank you to all that participated in their
192 development.
- 193 ○ The Working Group hopes to wrap up looking at the draft procedures this week for the
194 Spring policies so they can be posted on the Town's website for the community to
195 comment on within a couple of weeks.

196 Ms. Conner reported the following:

- 197 ○ The Task Force has been appointed and their trainings will take place on September 28th
198 and 29th with Chloe Viner Collins, Executive Director of the Bennington County Coalition
199 for the Homeless. The training on September 30th will be done by the Bennington Police
200 Department.
- 201 ○ These three trainings are not open to the public.
- 202 ○ The first Task Force meeting will be on October 7th via Zoom and the public will be
203 allowed to attend as observers but not participants.

204 9. MANAGER'S REPORT

205 Mr. Hurd reported the following:

206 *Bruce Lee-Clark moved and Tom Haley seconded to waive the reading of the*
207 *Resolution and authorize the Chair to sign on behalf of the Board to establish seven (7)*
208 *deposit accounts to deposit Tax Sale Payments for each property sold for the next 12 months*
209 *or until a property is redeemed. The motion carried with Sarah Perrin absent.*

✓ ARPA Funding Update - Town departments, BCRC staff, BBC staff, and the Select Board's Economic Development and Infrastructure sub-committee have pulled together a lengthy list of potential projects to consider for use of the ARPA funds. It has not been vetted by the sub-committee and is not yet ready for public review. The total amount expected to receive is just under \$4M that we have 5 years to use. We have received the first half of the funds and placed them in a separate reserve. We expect the other half of the funds around this time next year. Next steps include vetting and prioritizing the list, seeking public input, finalizing the list and planning for future use of the funds. White & Burke will be helping us with that. TIF funds may be part of it and we know that water and sewer infrastructure is an acceptable use. However, the complete list of uses criteria has yet to come out.

✓ EPA Led Furnace Brook Clean Up - The project is now completed. EPA representatives are satisfied, MSK must certify the work, and EPA will conduct a formal project completed review.

✓ Public Works Projects - The Town and its contractors are nearing the completion of our seasonal work including PFOA related water line extensions, the south end water system improvements, and lead line removal finish work. Sidewalk work continues - although not as much as we had planned - and Washington Avenue is not yet paved. Kudos to the Town crews for the work they've done.

✓ Additional Comments - The Orchard Village Path is open and is fully lit.

10. UPCOMING AGENDA

Near Future - Report on the Use of the SVC Fields

October 11, 2021 - COVID Update - Dr. Trey Dobson

October 11, 2021 - BBC Discussion

When Available - Energizer Report

11. OTHER BUSINESS

Mr. Lee-Clark: Attended the Open House at 226 Union Street - kudos to the carpenters that put that together - and for the use of heat pumps that were purchased with Community Grant dollars.

Mr. Carroll: Had Jonah Spivak, the Town's new Communications Coordinator, speak to his new position. With only being at his new job for 1 week, Mr. Spivak intends to add information on Bennington to social media. His article on the rail trail, 90% of which was funded from grants, garnished 10,000 hits. "This is huge for Bennington."

Ms. Jenkins: Also enjoyed the Sunrise Open House - especially the pantry.

246 Ms. Jenkins: Attended the dedication of the last Habitat house on Corcoran's Way and noted
247 the nice neighborhood that they have created.

248 **10. EXECUTIVE SESSION**

249 **A. PERSONNEL**

250 *At 7:44pm, Bruce Lee-Clark moved and Jim Carroll seconded that the meeting was*
251 *adjourned finding that an Executive Session be held on Personnel as premature public*
252 *knowledge would place a person involved in the subject matter at a substantial*
253 *disadvantage. There will be no actions taken on these items when going back into Open*
254 *Session. The motion carried with Sarah Perrin absent.*

255

256

257 Respectfully submitted,

258 Nancy H. Lively

259 Secretary

260

**SELECT BOARD
MINUTES ADDENDUM**

September 27, 2021

Present: Jeanne Conner, V. Chair, Jeannie Jenkins, Chair, Jim Carroll, Bruce Lee-Clark, Gary Corey and Tom Haley.

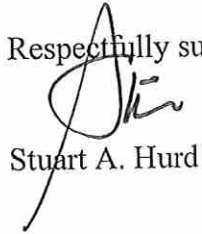
Absent: Sarah Perrin

The Board went into executive session at 7:43 pm for a personnel matter.

The Board came out of executive session at 8:20 pm. No action was taken.

There being no other business, the meeting adjourned at 8:21 pm.

Respectfully submitted,



Stuart A. Hurd

**SELECT BOARD
MINUTES**

**October 4, 2021
Special Meeting**

Present: Jeanne Conner, V. Chair, Jeannie Jenkins, Chair, Jim Carroll, Sarah Perrin, Tom Haley, and Bruce Lee-Clark. Absent Gary Corey


Also present: Stuart Hurd, Town Manager, Dan Monks, Assistant manager, and Paul Dansereau Health Officer

The meeting was called to order by the Chair at 5:00 pm. to consider an Emergency Health Order regarding a residence at 957 Gage Street. P. Dansereau presented the Board with a packet of information including the Violation Notice and Order, an inspection report dated 9/29/21, an Emergency Order dated 10/1/21, a Notice of Dangerous Structure dated 9/29/21, the Emergency Health Order, and a Notice of Hearing, both dated 10/1/21. The property, currently occupied, presents unsanitary conditions and is a danger to occupants for lack of fire safety protection and egress. The Town now seeks to proceed with the Emergency Health Order.

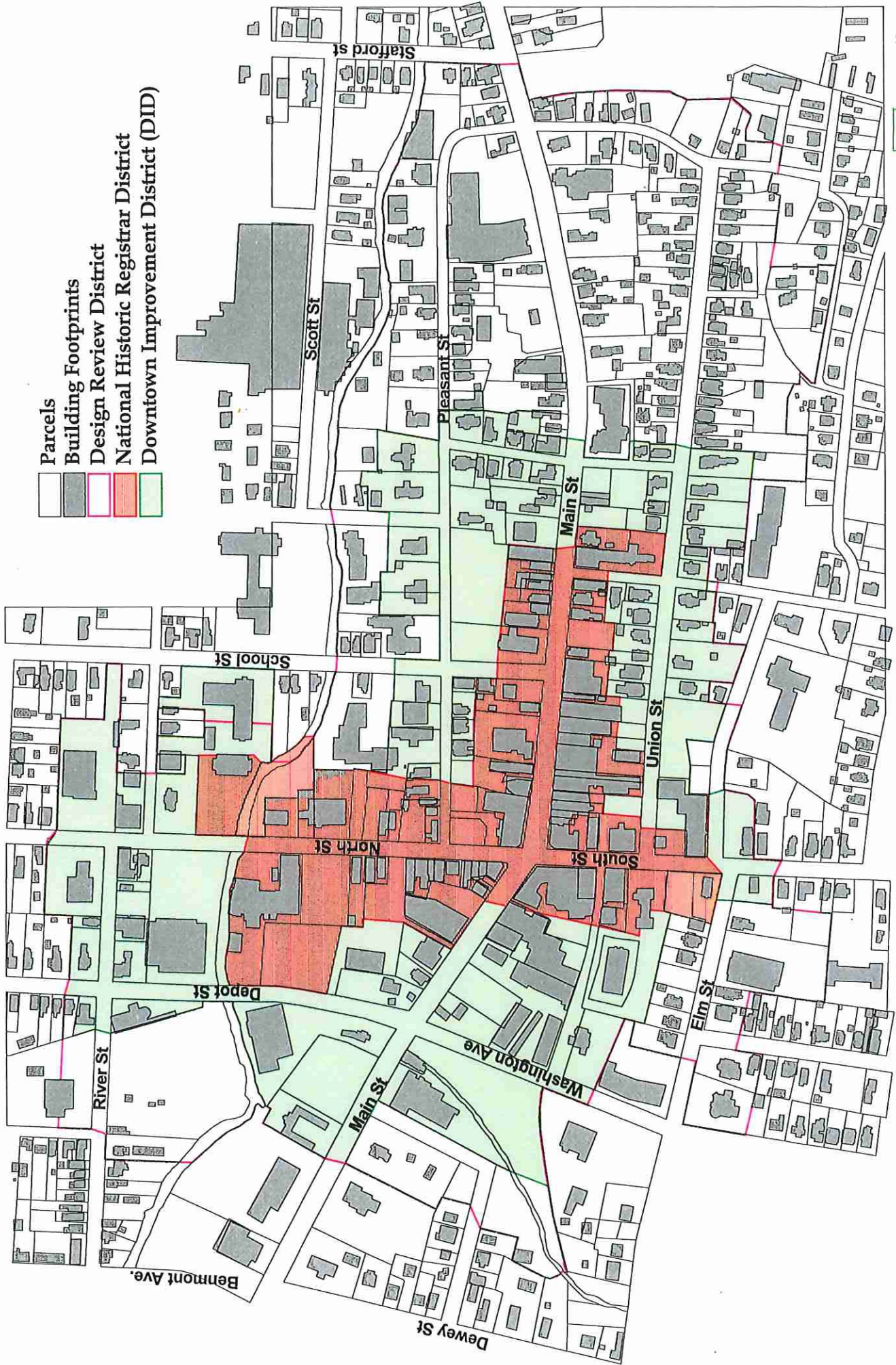
Discussion followed with B. Lee Clark seeking clarification on ownership and timeline for foreclosure. The owner is listed as the Secretary of Veterans Affairs. The foreclosure took place last summer. This is an effort to bring pressure to bear on the owner to complete eviction and secure the building. B. Lee Clark made a motion, seconded by T. Haley to proceed with the Order. It passed unanimously.

There being no other business, the meeting adjourned at 5:14 pm.

Respectfully submitted,


Stuart A. Hurd

Downtown Bennington, Vermont





ALLCO RENEWABLE ENERGY LIMITED
157 Church Street - 19th Floor
New Haven, CT 06510
Telephone (212) 681-6974

September 7, 2021

Bennington Select Board
205 South Street
Bennington, VT 05201

Re: **Request to Support Petitions 21-3191 and 21-3192**

Dear Bennington Select Board:

On May 26, 2021, Apple Hill Solar LLC and Chelsea Solar LLC (the "Petitioners") and Libby Harris and the Apple Hill Homeowner Association (the "Intervenors") participated in a formal mediation process concerning their dispute over the proposed Apple Hill and Chelsea solar projects in Bennington. Over the course of the next few months, all parties involved in the mediation worked tirelessly to reach the terms of a mutually agreeable settlement agreement in an effort to put an end to the seven years of litigation related to the projects.

On August 9, 2021, a settlement agreement between the Intervenors and the Petitioner was reached concerning those projects (the "Settlement Agreement"). The Settlement Agreement contemplates the relocation of both the Apple Hill Solar project and the Chelsea Solar project out of the Apple Hill neighborhood to another site that is considered a "Preferred Area" for solar facilities in Bennington as such term is defined in the Town Plan Energy Amendment adopted by the Bennington Select Board on January 22, 2018. The Settlement Agreement is contingent on the Vermont Public Utility Commission (the "PUC") approving the relocation of the Chelsea Solar and Apple Hill solar projects with the corresponding Vermont SPEED Standard Offer Purchase Power Agreements ("PPAs") remaining in place (i.e., no changes to the pricing or terms of the PPAs). If the Commission does not approve the relocation of the projects with the PPAs intact and issue certificates of public good for the relocated projects, the Settlement Agreement effectively terminates.

On August 24, 2021, the Petitioners filed petitions with the PUC seeking to amend the PPAs to effectuate the relocation of the projects from the Apple Hill neighborhood to a "Preferred Area" for solar in Bennington (the "Petitions"). These Petitions can be found on epuc.vermont.gov under Case No. 21-3191 for Apple Hill Solar and No. 21-3192 for Chelsea Solar. On August 30, 2021, the Intervenors filed with the PUC public comments in favor of the Petitions.

To effectuate the terms of the Settlement Agreement, the Petitioners have since acquired site control to a property in a mapped "Preferred Area" in Bennington approximately three miles from the Chelsea and Apple Hill site. The Petitioners hereby respectfully request that the Select

Board of the Town of Bennington also file letters with the PUC in support of the Petitioners. The Town's support of these Petitions will help effectuate the terms of the Settlement Agreement thereby ending seven years of litigation and transferring the projects from the Apple Hill neighborhood to a mapped "Preferred Area" for solar under the Town Plan Energy Amendment.

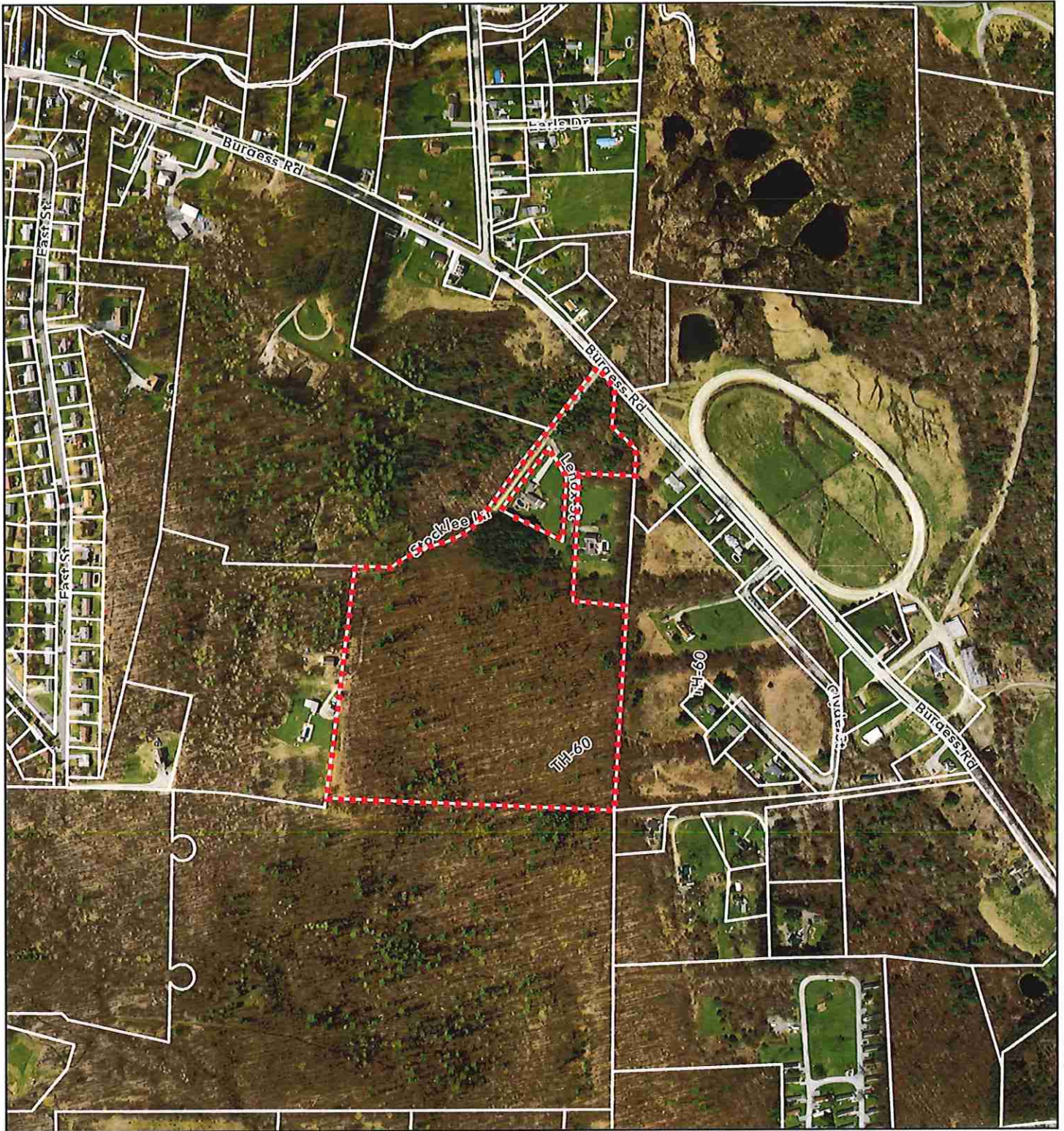
Thank you for your consideration and please feel free to call me with any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. Melone", written in a cursive style.

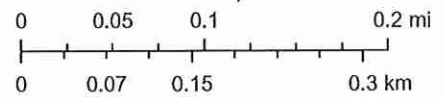
Michael Melone

Stocklee Lane Parcel Vicinity Map



Property Location
Town of Bennington, VT
GPS Coordinates: 42.8727, -73.1603

1:9,028



VCGI, Esri Community Maps Contributors, MassGIS, VCGI, Esri Canada, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Apple Hill Solar LLC for Contingent)
Amendment to Standard Offer Purchase Power)
Agreement)

Case No. _____

**PETITION FOR A CONTINGENT AMENDMENT TO ATTACHMENT A OF THE
STANDARD OFFER PURCHASE POWER AGREEMENT**

I. BACKGROUND

A. Procedural History

Apple Hill Solar LLC (“AHS”) is a party to a Vermont SPEED Standard Offer Purchase Power Agreement dated May 12, 2014 (the “PPA”), for a 2.0 MW AC photovoltaic electric generation project to be located in the Town of Bennington, Vermont, known as the Apple Hill solar project (the “Project”). On March 15, 2015, AHS filed a petition for a Certificate of Public Good (“CPG”) under 30 V.S.A. §248 for the Project with the Public Utility Commission (the “Commission”).¹

On December 10, 2015, AHS requested that the Commission extend the commissioning milestone deadline (the “Commissioning Deadline”) in Section 7.c. of the PPA be extended six months “from the date a CPG might be issued”. On March 31, 2016, the PUC granted the requested extension to a date that is six months after the date of any CPG that may be issued for the Project. On September 26, 2018, the Commission issued a CPG for the Project pursuant to a final order (the “Final Order”).

On October 26, 2018, intervenors Libby Harris and the Apple Hill Homeowners Association (the “Intervenors”) filed an appeal of the Final Order and the CPG with the Vermont Supreme Court. On October 29, 2018, AHS requested that the Commission extend the

¹ Case No. 8454. At the time, the Commission was called the Public Service Board.

Commissioning Deadline to the later of (i) November 30, 2019 or (ii) twelve months after the date the Vermont Supreme Court issues a mandate letter with respect to the Intervenors' appeal. On December 28, 2018, the Commission issued an Order extending the Commissioning Deadline to twelve months after the date the Vermont Supreme Court issues a mandate letter with respect to the Intervenors' appeal.

On September 6, 2019, the Vermont Supreme Court reversed the Commission's decision granting the CPG and remanded the case back to the Commission.

On September 10, 2019, the Petitioner filed a request that the Commission further extend the operational deadline "until twelve months after the final non-appealable, conclusion of all litigation related to the Project."

On October 17, 2019, the Commission denied the Petitioner's request for a third extension of the operational deadline in its standard-offer contract without prejudice to the request being refiled. In its denial, the Commission requested that any future extension requests include a more specific end date and a discussion of how the Petitioner would define "all litigation related to the Project."

On October 23, 2019, the Vermont Supreme Court issued a mandate letter in *In re Petition of Apple Hill Solar LLC*, returning the case to the Commission for further proceedings consistent with its decision of September 6, 2019.²

On January 22, 2020, the Petitioner filed a petition making another request that the Commission extend the operational deadline in its standard-offer contract. In the petition the Petitioner reiterated the request that the Commission extend the operational deadline to "twelve months after the final, non-appealable, conclusion of all litigation related to the Project." The

² *In re Petition of Apple Hill Solar LLC*, 2019 VT 64, mandate letter issued October 23, 2019.

Petitioner defined “all litigation related to the Project” as all litigation that “relates to or affects the permitting or construction of the [Apple Hill Solar] project, and/or the standard-offer contract for the project.”

On March 12, 2020, the Commission granted a further extension of the operational deadline in the standard offer contract. The new deadline was set at twelve months after the Commission issued a decision on remand. The Commission denied the extension deadline as requested because it was overbroad and may be used to extend the deadline indefinitely due to other civil litigation—including other litigation that the Petitioner chose to bring—that may be “related to the Project” but which would otherwise have no effect on the ability of the Petitioner to meet the contract’s operational milestone.

On May 7, 2020, the Commission issued its Order Adopting Proposal for Decision on Remand and Denying Petition (the “Remand Order”) which denied a CPG for the Project. On September 8, 2020, AHS filed an appeal of the Remand Order with the Vermont Supreme Court (the “Remand Appeal”). The Remand Appeal has been argued and is currently pending an opinion of the Vermont Supreme Court.

On April 21, 2021, the Petitioner filed a petition with the Commission seeking to amend its standard-offer contract again by extending the contract’s commissioning milestone. That petition seeks an extension until 12 months after the Vermont Supreme Court issues its mandate letter regarding the Petitioner’s appeal of the Commission’s order denying a CPG in Docket 8454. That petition is currently pending before the Commission and oral argument is scheduled in that proceeding (Case No. 21-1485) on September 1, 2021.

B. Mediation and Settlement with the Intervenor

On May 26, 2021, the Petitioner and the Intervenor participated in a formal mediation process with Michael Marks, Esq. (the “Mediation”). Over the course of the next few months, all parties involved in the Mediation worked tirelessly to reach the terms of a mutually agreeable settlement agreement in an effort to put an end to the seven years of litigation related to the Apple Hill and Chelsea solar projects. On August 9, 2021, a settlement agreement between the Intervenor and the Petitioner was reached concerning those projects (the “Settlement Agreement”). The Settlement Agreement contemplates the relocation of both the Apple Hill Solar project and the Chelsea Solar project out of the Apple Hill neighborhood to a “Preferred Area” for solar facilities in Bennington as such term is defined in the Town Plan Energy Amendment adopted by the Bennington Select Board on January 22, 2018. The Settlement Agreement is contingent on the Commission approving the relocation of the Chelsea Solar and Apple Hill solar projects with the corresponding PPAs remaining in place (i.e., no changes to the pricing or terms of the PPAs). If the Commission does not approve the relocation of the Projects with the PPAs intact and issue CPGs for the relocated projects, the Settlement Agreement effectively terminates.

To effectuate the terms of the Settlement Agreement, the Petitioner has since acquired site control to a property in a mapped “Preferred Area” in Bennington approximately three miles from the Chelsea and Apple Hill site. The Petitioner or one of its affiliates will file two new Section 248 petitions for the relocated Chelsea and Apple Hill solar projects provided that the Commission contingently approves the amendment of Attachment A of the Apple Hill and Chelsea PPAs to allow for such relocation.³ Petitioner does not want to waste the time, money and resources of its staff, the Intervenor or the various state agencies (including the Commission) that would be

³ While this petition and the petition to amend the Chelsea Solar PPA are pending, AHS intends to continue to preserve its rights to develop the AHS project in its original location.

required during the 248 process for each of the relocated projects if the Commission is not inclined to transfer the PPAs without modification other than location. As such, the approval sought herein of the amendment of Attachment A to the PPA would be contingent on the issuance of a CPG for the relocated Apple Hill solar project (the “Relocated Project”).

II. PPA CONTINGENT AMENDMENT.

The Petitioner seeks a contingent amendment to the PPA so that the description of the facility in the PPA refers to the Relocated Project. Pursuant to Paragraph 32 of the standard-offer contract, when authorized by the Commission, the Standard Offer Facilitator may amend Attachment A of the contract.⁴ By contingently amending Attachment A to specifically refer to the Relocated Project, a path forward would emerge to end the seven years of litigation surrounding the Chelsea and Apple Hill solar facilities. The Relocated Project would, of course, be subject to the normal Section 248 process and would have to satisfy all applicable criteria. The PPA would not be amended unless the CPG was issued for the Relocated Project. Given that the relocated site is within a mapped “Preferred Area” for solar in Bennington, preliminary discussions with the Town indicate that the Petitioner will have the full support of the Town of Bennington both in these proceedings and any related 248 proceedings.

The Petitioner and the Intervenors are aware of the Commission’s July 11, 2018 decision in the *Petition of Conti Solar for an amendment to its standard-offer contract* in Case No. 18-0939-PET (“*Conti*”) and the Commission’s “general practice” of not allowing standard-offer project to change location from the site identified in Attachment A.⁵ Unlike the facts underlying the *Conti* decision, amending the PPA to relocate the Project will not transform the project into

⁴ Paragraph 31 of the PPA is not applicable here as this is not a Commission imposed amendment to the PPA.

⁵ *Request of Star Wind Turbines, LLC to amend standard-offer contracts*, Docket 8720, Order of 4/14/16 (“*Star Wind Order*”) at 6.

one of the “undefined or nascent projects” that the standard-offer bid and contract process is designed to avoid. In the *Conti* case, Conti did not have site control over and had not submitted interconnection applications for any of the three proposed alternative sites.⁶ In addition, a member of the planning commission for one of the proposed site locations had already indicated that the public and the town will oppose relocating the project there.⁷ As such, the Commission held that allowing for Conti’s proposed amendment would introduce more uncertainty to the Project than would be permitted even at the bid stage of the standard-offer process.⁸

Conti is distinguishable here because (i) the Petitioner has site control in a mapped “Preferred Area” for solar in Bennington, (ii) an interconnection application has been submitted to Green Mountain Power, and (iii) preliminary discussions with the Town indicate that the Town is in support of the relocation. In addition, deviating in these unique circumstances in Bennington from the Commission’s “general practice” of not allowing standard-offer projects to relocate will not encourage standard-offer bidders to discount the importance of engaging with the community before submitting a bid. If anything, the seven-year history of the Chelsea and Apple Hill saga demonstrates the importance of community engagement throughout the process, not just at the bidding stage. Moreover, in 2014 when the Petitioner submitted its bid into the standard offer program, the Town of Bennington did not have a map of “Preferred Areas” for solar that it does now. The Town of Bennington now has a much clearer road map for solar development than it did in 2014 when the Petitioner reached out to the Town and received only positive feedback regarding the original location for these projects. Since 2014, these projects have taken on a life of their own and all parties in interest would like to see a successful resolution of the seven-years

⁶ *Conti* at 4-5.

⁷ *Id.*

⁸ *Id.*

of continuous litigation. Granting the relief requested herein is in the public interest because it would put an end to that litigation, litigation that would otherwise undoubtedly continue for the foreseeable future. Moreover, the relocation of the projects to a "Preferred Area" for solar is undoubtedly in the public interest as that was the express purpose of the Town creating the map of Preferred Areas for solar.

CONCLUSION

As described above, the Petitioner and the Intervenors worked tirelessly for several months to reach an amicable resolution of the seven-year dispute concerning the Chelsea and Apple Hill solar facilities. That resolution was memorialized in the Settlement Agreement which contemplates the relocation of the projects to a "Preferred Area" for solar in Bennington. The unique history of these projects and the support of the Town with respect to the relocation justify an exception to the "general practice" of not allowing standard-offer projects to change location. Accordingly, Petitioner respectfully requests that the Commission allow for a contingent amendment to Attachment A of the PPA to allow for the relocation to a mapped "Preferred Area" for solar in Bennington. The amendment would become effective upon the issuance of the CPG for the Relocated Project. If the contingent amendment is denied, the months of hard work and negotiations between the Intervenors and the Petitioner to end the seven-year struggle over these projects will have been for naught.

Dated: August 24, 2021

APPLE HILL SOLAR LLC

/s/Michael Melone

Michael Melone

Apple Hill Solar LLC

c/o Allco Renewable Energy Limited

157 Church Street, 19th Floor

New Haven, CT 06510

(212) 681-6974

mjmelone@AllcoUS.com

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Chelsea Solar LLC for Contingent)	Case No. _____
Amendment to Standard Offer Purchase Power)	
Agreement)	

**PETITION FOR A CONTINGENT AMENDMENT TO ATTACHMENT A OF THE
STANDARD OFFER PURCHASE POWER AGREEMENT**

I. BACKGROUND

A. Procedural History

Chelsea Solar LLC (“Chelsea” or “Petitioner”) is a party to Vermont Sustainably Priced Energy Enterprise Development Standard Offer Purchase Power Agreement dated June 20, 2013 (the “PPA”), for a 2.0 MW photovoltaic electric generation project to be located in Town of Bennington, Vermont (the “Project”). On June 19, 2014, Chelsea submitted to the Vermont Public Utility Commission (“Commission”) a petition for a certificate of public good (“CPG”) under 30 V.S.A. §248 for the Project. The Commission initiated Docket 8302 to review the Chelsea Solar Facility petition.

On December 13, 2014, the Petitioner filed a request that the Commission extend the commissioning deadline by ten months to April 19, 2016. On January 8, 2015, the Commission granted the Petitioner’s first request to extend the commissioning milestone to April 19, 2016. On December 10, 2015, the Petitioner filed a second request that the Commission extend the commissioning deadline.

On February 16, 2016, the Commission issued an order in Docket 8302 denying the Petitioner a CPG for the Chelsea Solar Facility.

On March 31, 2016, in recognition of the continuing litigation regarding the Petitioner's request for a CPG, the Commission granted the Petitioner's second request to extend the commissioning milestone to a date "six months after the date any CPG may be issued."

On April 14, 2017, the Commission denied the Petitioner's motion that the Commission reconsider its February 16, 2016, order denying the petition and various other motions.

On April 17, 2017, the Commission issued an amendment to its April 14, 2017, order.

On May 12, 2017, the Petitioner filed a notice of appeal of the Commission's April 17, 2017, order to the Vermont Supreme Court.

On September 8, 2017, the Petitioner filed a motion under Vermont Rule of Civil Procedure 60(b) and a motion seeking to amend the Chelsea Solar Facility.

On October 12, 2017, the Commission denied the Petitioner's 60(b)(6) motion and request to amend the Chelsea Solar Project and encouraged the Petitioner to dismiss its appeal before the Vermont Supreme Court, file a new petition for the project reflecting the proposed revisions, and request an extension of the commissioning deadline to one year from the date the revised petition was deemed administratively complete.

On October 13, 2017, the Petitioner filed 45-day advance notice of a revised project on the site of the Chelsea Solar Facility accessed from Willow Road.

On October 20, 2017, the Petitioner filed a motion with the Vermont Supreme Court for voluntary dismissal of its appeal of the Commission's April 17, 2017, order.

On October 24, 2017, the Petitioner filed a request for a third extension of the commissioning deadline to a date one year after the revised petition was deemed complete by the Commission.

On December 4, 2017, the Commission issued notice that the revised petition was administratively complete and initiated Case No. 17-5024-PET to review the petition for a revised project (the “Willow Road Facility”).

On March 9, 2018, the Vermont Department of Public Service (the “Department”) filed comments, on behalf of itself, the Town of Bennington, and the Vermont Agency of Natural Resources, in Case No. 17-5024-PET, requesting that the Commission extend the Petitioner’s commissioning deadline to allow for a full litigation schedule in that proceeding.

The Petitioner also filed comments on March 9, 2018, in Case No. 17-5024-PET requesting that the Commission extend the commissioning deadline to no earlier than August 31, 2019.

On March 15, 2018, the Commission issued an order extending the commissioning milestone in the Petitioner’s June 20, 2013, standard-offer contract for a third time to August 31, 2019.

On June 6, 2019, the Commission disapproved the Petitioner’s petition for the Willow Road Facility without prejudice to the Petitioner’s ability to file an amendment to the petition.

On June 13, 2019, the Petitioner filed a notice of appeal of the Commission’s June 6, 2019, decision to the Vermont Supreme Court.

On June 21, 2019, the Petitioner filed a fourth request to extend the commissioning milestone in its June 20, 2013, standard-offer contract (the “Petitioner’s Request”) to twelve months after the date the Vermont Supreme Court issues a mandate letter with respect to an appeal taken with respect to the Commission’s final order in case 17-5024-PET.

On August 20, 2019, the Commission granted the Petitioner's fourth extension request to the date that is twelve months after the date the Vermont Supreme Court issues a mandate letter with respect to an appeal taken on the Commission's final order in case 17-5024.

On April 16, 2021, the Vermont Supreme Court issued an order affirming the Commission's final order in case 17-5024 and on June 6, 2021, the Vermont Supreme Court issued its mandate letter with respect to the Commission's final order in case 17-5024.

B. Mediation and Settlement with the Intervenors

On May 26, 2021, the Petitioner and intervenors Libby Harris and the Apple Hill Homeowners Association (collectively, the "Intervenors") participated in a formal mediation process with Michael Marks, Esq. (the "Mediation"). Over the course of the next few months, all parties involved in the Mediation worked tirelessly to reach the terms of a mutually agreeable settlement agreement in an effort to put an end to the seven years of litigation related to the Apple Hill and Chelsea solar projects. On August 9, 2021, a settlement agreement between the Intervenors and the Petitioner was reached concerning those projects (the "Settlement Agreement"). The Settlement Agreement contemplates the relocation of both the Apple Hill Solar project and the Chelsea Solar project out of the Apple Hill neighborhood to a "Preferred Area" for solar facilities in Bennington as such term is defined in the Town Plan Energy Amendment adopted by the Bennington Select Board on January 22, 2018. The Settlement Agreement is contingent on the Commission approving the relocation of the Chelsea Solar and Apple Hill solar projects with the corresponding PPAs remaining in place (i.e., no changes to the pricing or terms of the PPAs). If the Commission does not approve the relocation of the Projects with the PPAs intact and issue the CPGs for the relocated projects, the Settlement Agreement effectively terminates.

To effectuate the terms of the Settlement Agreement, the Petitioner has since acquired site control to a property in a mapped “Preferred Area” in Bennington approximately three miles from the Chelsea and Apple Hill site. The Petitioner or one of its affiliates will file two new Section 248 petitions for the relocated Chelsea and Apple Hill solar projects provided that the Commission contingently approves the amendment of Attachment A of the Apple Hill and Chelsea PPAs to allow for such relocation.¹ Petitioner does not want to waste the time, money and resources of its staff, the Intervenors or the various state agencies (including the Commission) that would be required during the 248 process for each of the relocated projects if the Commission is not inclined to transfer the PPAs without modification other than location. As such, the approval sought herein of the amendment of Attachment A to the PPA would be contingent on the issuance of a CPG for the relocated Chelsea solar project (the “Relocated Project”).

II. PPA CONTINGENT AMENDMENT.

The Petitioner seeks a contingent amendment to the PPA so that the description of the facility in the PPA refers to the Relocated Project. Pursuant to Paragraph 32 of the standard-offer contract, when authorized by the Commission, the Standard Offer Facilitator may amend Attachment A of the contract.² By contingently amending Attachment A to specifically refer to the Relocated Project, a path forward would emerge to end the seven years of litigation surrounding the Chelsea and Apple Hill solar facilities. The Relocated Project would, of course, be subject to the normal Section 248 process and would have to satisfy all applicable criteria. The PPA would not be amended unless the CPG was issued for the Relocated Project. Given that the relocated site is within a mapped “Preferred Area” for solar in Bennington, preliminary discussions with the

¹ While this petition and the petition to amend the Apple Hill Solar PPA are pending, Chelsea Solar LLC intends to continue to preserve its rights to develop the Chelsea solar project in its original location.

² Paragraph 31 of the PPA is not applicable here as this is not a Commission imposed amendment to the PPA.

Town indicate that the Petitioner will have the full support of the Town of Bennington both in these proceedings and any related 248 proceedings.

The Petitioner and the Intervenors are aware of the Commission's July 11, 2018 decision in the *Petition of Conti Solar for an amendment to its standard-offer contract* in Case No. 18-0939-PET ("*Conti*") and the Commission's "general practice" of not allowing standard-offer project to change location from the site identified in Attachment A.³ Unlike the facts underlying the *Conti* decision, amending the PPA to relocate the Project will not transform the project into one of the "undefined or nascent projects" that the standard-offer bid and contract process is designed to avoid. In the *Conti* case, Conti did not have site control over and had not submitted interconnection applications for any of the three proposed alternative sites.⁴ In addition, a member of the planning commission for one of the proposed site locations had already indicated that the public and the town will oppose relocating the project there.⁵ As such, the Commission held that allowing for Conti's proposed amendment would introduce more uncertainty to the Project than would be permitted even at the bid stage of the standard-offer process.⁶

Conti is distinguishable here because (i) the Petitioner has site control in a mapped "Preferred Area" for solar in Bennington, (ii) an interconnection application has been submitted to Green Mountain Power, and (iii) preliminary discussions with the Town indicate that the Town is in support of the relocation. In addition, deviating in these unique circumstances in Bennington from the Commission's "general practice" of not allowing standard-offer projects to relocate will not encourage standard-offer bidders to discount the importance of engaging with the community

³ *Request of Star Wind Turbines, LLC to amend standard-offer contracts*, Docket 8720, Order of 4/14/16 ("*Star Wind Order*") at 6.

⁴ *Conti* at 4-5.

⁵ *Id.*

⁶ *Id.*

before submitting a bid. If anything, the seven-year history of the Chelsea and Apple Hill saga demonstrates the importance of community engagement throughout the process, not just at the bidding stage. Moreover, in 2014 when the Petitioner submitted its bid into the standard offer program, the Town of Bennington did not have a map of “Preferred Areas” for solar that it does now. The Town of Bennington now has a much clearer road map for solar development than it did in 2014 when the Petitioner reached out to the Town and received only positive feedback regarding the original location for these projects. Since 2014, these projects have taken on a life of their own and all parties in interest would like to see a successful resolution of the seven-years of continuous litigation. Granting the relief requested herein is in the public interest because it would put an end to that litigation, litigation that would otherwise undoubtedly continue for the foreseeable future. Moreover, the relocation of the projects to a “Preferred Area” for solar is undoubtedly in the public interest as that was the express purpose of the Town creating the map of Preferred Areas for solar.

CONCLUSION

As described above, the Petitioner and the Intervenors worked tirelessly for several months to reach an amicable resolution of the seven-year dispute concerning the Chelsea and Apple Hill solar facilities. That resolution was memorialized in the Settlement Agreement which contemplates the relocation of the projects to a “Preferred Area” for solar in Bennington. The unique history of these projects and the support of the Town with respect to the relocation justify an exception to the “general practice” of not allowing standard-offer projects to change location. Accordingly, Petitioner respectfully requests that the Commission allow for a contingent amendment to Attachment A of the PPA to allow for the relocation to a mapped “Preferred Area” for solar in Bennington. The amendment would become effective upon the issuance of the CPG

for the Relocated Project. If the contingent amendment is denied, the months of hard work and negotiations between the Intervenors and the Petitioner to end the seven-year struggle over these projects will have been for naught.

Dated: August 24, 2021

CHELSEA SOLAR LLC

/s/Michael Melone

Michael Melone

Chelsea Solar LLC

c/o Allco Renewable Energy Limited

157 Church Street, 19th Floor

New Haven, CT 06510

(212) 681-6974

mjmelone@AllcoUS.com

MANAGER'S REPORT
October 11, 2021

ACTION

SVC Fields Use and Recommendation I have attached the SVC Fields Use report. Staff indicate that it went very well this year and are recommending a continuation of the maintenance and use agreement currently in place.

Action requested Motion to continue the agreement for a term to be determined by both parties.

INFORMATIONAL

Mandatory Vaccination/Testing for All Town Employees Effective November 1, 2021, all Town employees must be vaccinated or submit to weekly testing. The notice to employees went out with paychecks this week. This will allow some to begin the vaccination regime before the deadline. Both Public Works and Police Union agreed with the mandate. Our goal is to keep all our employees and their families safe from COVID and its variants.

Police Department Organization Table Please find attached the newly redeveloped Organization Table including Level of Authority for the Bennington Police Department.

Coffee with the Seniors Spent an hour at the Center Wednesday. Many of the questions and comments focused on senior safety on the streets including bike riders on sidewalks, skateboarders on sidewalks, panhandlers, and loud mufflers. We did talk a little about the planning on a possible move to the Benn Hi building (many are concerned) and we talked about getting the word out when Town or school votes are coming up. Many are interested in getting information more often and on a regular basis.

Citizen Survey The new Citizen Survey will be launched October 12. It will be available on-line at www.benningtonvt.org/survey, by mail upon request to 802-442-1037, in person at the Town Offices, the Community Center (Rec Center), and the Senior Center on Pleasant Street. It will close November 5th.

FOLLOW UP

Overtime Reports for September are attached.

Community Development and Permitting/Planning Reports are attached.

October 7, 2021

Town of Bennington SVHC Field Use First Season Assessment

Prepared by: Paul T. Dansereau, Mark Sawyer, and Chris Barbagallo

1. **Purpose:** Provide an assessment of the SVHC Field Use first season in terms of demand/benefits provided, potential future growth, and Town of Bennington Resource Requirements.
2. **Overall Recommendation:** Recommend the Town of Bennington renew its Memorandum of Understanding with SVHC with no change to the MOU conditions.
3. **Demand 2021 Season & Benefits:** The SVHC Field use for the 2021 Season included:
 - a. MULTI-PURPOSE FIELD:


Mount Anthony Lacrosse – Used each weekday from 5:00 pm to 7:00 pm during April, May, & June.

New England Oaks Lacrosse – Used Tuesday & Thursdays from 6:00 pm to 8:00 pm in the months of June & July. Additionally, every Sunday from 10:00 am to 12:00 pm in the months of September & October.

Black Rock Soccer -- Used eight days during Late June and Early July as Youth Clinics.
 - b. BASEBALL FIELD – Unfortunately due to the weather conditions the field was not able to be used this year.
 - c. Benefits – The multi-purpose field provided a premier location for the three organizations listed above for their events, enabled the additional leagues and groups to use the other Town Fields at Willow Park, and enabled more flexible scheduling options to accommodate the maximum amount of Youth and Community Groups.
4. **Potential Future Growth Next Season:** Additional planning and preparation would enable use of the Baseball Field as another Multi-purpose field next season and should be pursued.
5. **Town of Bennington Resource Requirements:** The Buildings & Grounds additional personnel requirements to maintain the field use was validated this year. This budget cycle an overall Buildings & Grounds resource assessment should be conducted to ensure staffing is in place to sustain the increased Field Use at SVHC as well as other new Town of Bennington Facilities.

MANDATORY VACCINE AND TESTING POLICY

To: All Full, Part Time, Seasonal, and Temporary Employees

From: Stuart A. Hurd, Town Manager 

Re: Mandatory Vaccine and Testing Policy

Date: October 5, 2021

Effective November 1, 2021, the Town of Bennington will require that all full and part time employees be vaccinated or submit to weekly testing. All employees must show proof of vaccination. All those employees who are not vaccinated shall be required to test weekly. Proof of vaccination and results of weekly tests shall be submitted to an individual designated to receive this information. For the Police Department, Chief Doucette will designate an employee; for the Public Works Department, RJ Joly has designated Linda Bermudez; for all other departments, Michele Johnson shall be the employee to receive this information.

Those required to test weekly shall test Monday through Wednesday at a time approved by their supervisor so that results are available no later than Friday of that week. Negative results shall be submitted to the designated employee no later than the end of the workday on that Friday or at the end of the last day of the work week for those employees granted time off. Should an employee fail to submit negative test results in this time frame, he/she shall not be allowed to report to work the following week and shall remain out of work until negative test results are provided. Those who must remain out of work for failure to comply shall not be compensated except by using approved accrued time off. Those without accrued time off shall not be compensated.

Failure to comply with this Policy for more than two days shall constitute a violation of a direct order and may subject the individual to disciplinary action including suspension with or without pay and /or termination.

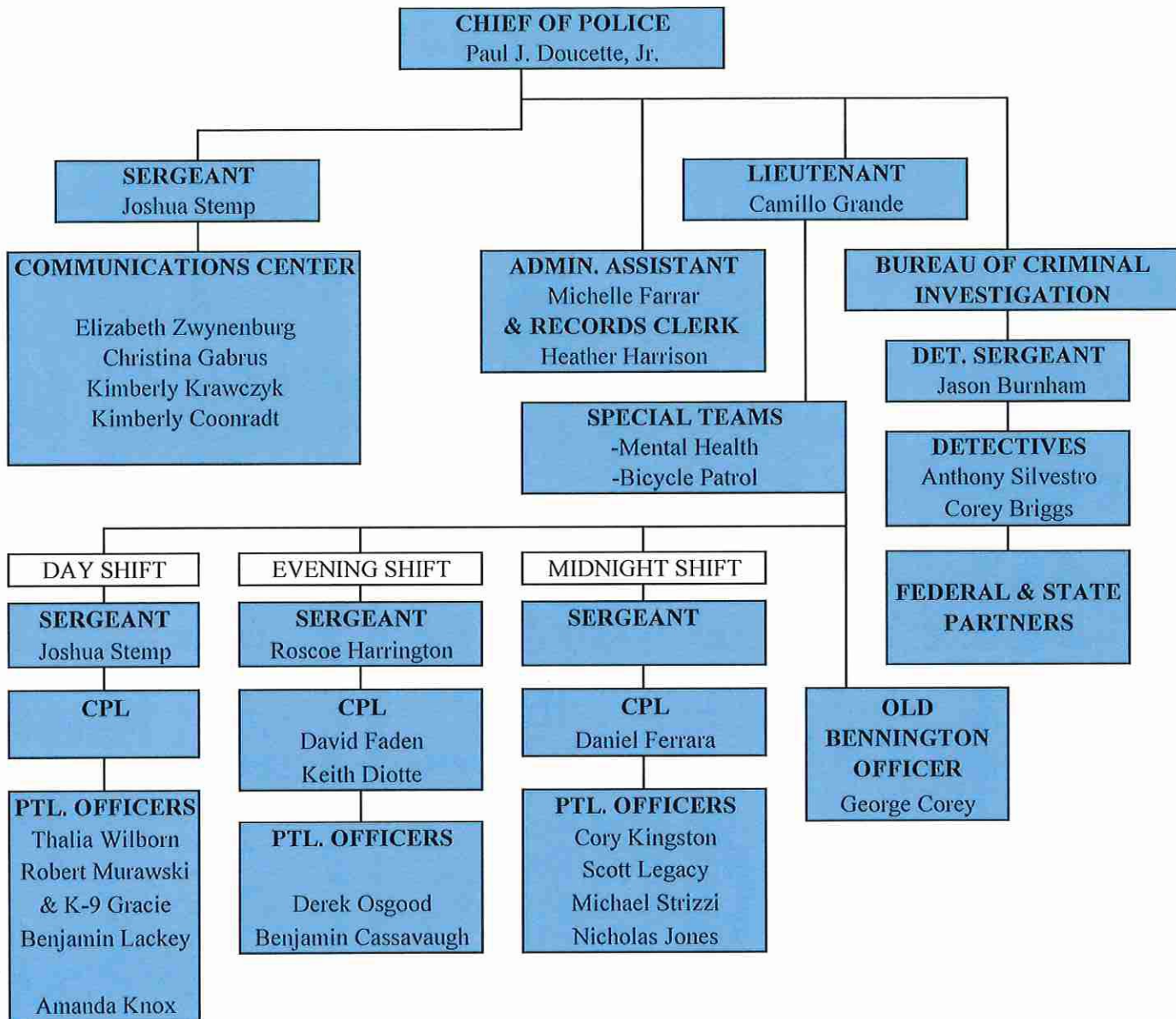
Of course, should an employee test positive, appropriate COVID protocols shall be enforced.

BENNINGTON POLICE DEPARTMENT

GENERAL ORDER

TABLE OF ORGANIZATION – LEVEL OF AUTHORITY

PURPOSE: To clearly delineate areas of authority and responsibility and illustrate the chain of command and communication.



The Order of Command authority is as follows, from highest level to lowest:

CHIEF OF POLICE

CAPTAIN

LIEUTENANT

SERGEANT

CORPORAL

PATROL OFFICER (as determined by Chief of Police or his/her designee)

DATE: Proposal

SUBJECT: Proposal - Table of Organization –Level of Authority

TO: All Personnel

General Order # 90-01

Amended 09-08-2021

BY: _____
Paul J. Doucette, Chief of Police

09/28/21
01:10 pm

Town of Bennington Payroll
Overtime Report
09/25/21 - 09/30/21

Page 1 of 1

DEPARTMENT	OT HRS	GROSS AMT	OVERTIME	PRCT
TOTALS FOR DEPT 300	0.00	758.31	0.00	0.00%
TOTALS FOR DEPT 321	0.00	3,573.60	0.00	0.00%
TOTALS FOR DEPT 340	0.00	294.31	0.00	0.00%
TOTALS FOR DEPT 341	0.00	3,530.40	0.00	0.00%
TOTALS FOR DEPT 343	0.00	2,160.00	0.00	0.00%
TOTALS FOR DEPT 344	0.00	2,198.00	0.00	0.00%
TOTALS FOR DEPT 350	0.00	2,610.00	0.00	0.00%
TOTALS FOR DEPT 362	0.00	4,844.01	0.00	0.00%
TOTALS FOR DEPT 365	1.00	3,401.48	37.08	1.09%
TOTALS FOR DEPT 371	4.00	8,883.27	185.84	2.09%
TOTALS FOR DEPT 410	129.50	44,853.68	5,833.17	13.00%
TOTALS FOR DEPT 510	7.50	18,374.48	261.75	1.42%
TOTALS FOR DEPT 540	16.00	8,869.94	657.94	7.42%
TOTALS FOR DEPT 590	8.00	6,993.12	335.92	4.80%
TOTALS FOR DEPT 790	0.00	848.80	0.00	0.00%
REPORT TOTALS	=====	=====	=====	=====
	166.00	**,***.**	7,311.70	6.52%

09/21/21
02:59 pm

Town of Bennington Payroll
Overtime Report
09/18/21 - 09/23/21

Page 1 of 1

DEPARTMENT	OT HRS	GROSS AMT	OVERTIME	PRCT
TOTALS FOR DEPT 321	0.00	3,573.60	0.00	0.00%
TOTALS FOR DEPT 340	0.00	294.31	0.00	0.00%
TOTALS FOR DEPT 341	0.00	3,530.40	0.00	0.00%
TOTALS FOR DEPT 343	0.00	2,160.00	0.00	0.00%
TOTALS FOR DEPT 344	0.00	2,198.00	0.00	0.00%
TOTALS FOR DEPT 350	0.00	2,610.00	0.00	0.00%
TOTALS FOR DEPT 362	0.00	4,544.00	0.00	0.00%
TOTALS FOR DEPT 365	0.00	2,235.12	0.00	0.00%
TOTALS FOR DEPT 371	0.00	8,382.43	0.00	0.00%
TOTALS FOR DEPT 410	112.00	44,950.85	5,015.65	11.16%
TOTALS FOR DEPT 510	2.00	17,771.98	69.69	0.39%
TOTALS FOR DEPT 540	21.50	9,051.25	839.25	9.27%
TOTALS FOR DEPT 590	10.00	7,062.61	405.41	5.74%
TOTALS FOR DEPT 790	0.00	848.80	0.00	0.00%
REPORT TOTALS	145.50	** , *** . **	6,330.00	5.80%

09/14/21
02:16 pm

Town of Bennington Payroll
Overtime Report
09/11/21 - 09/16/21

Page 1 of 1

DEPARTMENT	OT HRS	GROSS AMT	OVERTIME	PRCT
TOTALS FOR DEPT 321	0.00	3,573.60	0.00	0.00%
TOTALS FOR DEPT 340	0.00	294.31	0.00	0.00%
TOTALS FOR DEPT 341	0.00	3,559.30	0.00	0.00%
TOTALS FOR DEPT 343	0.00	2,160.00	0.00	0.00%
TOTALS FOR DEPT 344	0.00	2,198.00	0.00	0.00%
TOTALS FOR DEPT 350	0.00	2,610.00	0.00	0.00%
TOTALS FOR DEPT 362	0.00	4,544.00	0.00	0.00%
TOTALS FOR DEPT 365	0.00	2,210.40	0.00	0.00%
TOTALS FOR DEPT 371	8.00	8,384.68	369.28	4.40%
TOTALS FOR DEPT 410	226.50	47,981.99	10,087.63	21.02%
TOTALS FOR DEPT 510	7.00	18,541.05	244.14	1.32%
TOTALS FOR DEPT 540	29.00	9,910.84	1,235.16	12.46%
TOTALS FOR DEPT 590	36.00	8,227.04	1,569.84	19.08%
TOTALS FOR DEPT 790	0.00	848.80	0.00	0.00%
REPORT TOTALS	306.50	** ,*** .**	13,506.05	11.74%

09/07/21
01:59 pm

Town of Bennington Payroll
Overtime Report
09/04/21 - 09/09/21

Page 1 of 1

DEPARTMENT	OT HRS	GROSS AMT	OVERTIME	PRCT
TOTALS FOR DEPT 321	0.00	3,573.60	0.00	0.00%
TOTALS FOR DEPT 340	0.00	294.31	0.00	0.00%
TOTALS FOR DEPT 341	0.00	3,530.40	0.00	0.00%
TOTALS FOR DEPT 343	0.00	2,160.00	0.00	0.00%
TOTALS FOR DEPT 344	0.00	2,198.00	0.00	0.00%
TOTALS FOR DEPT 350	0.00	2,610.00	0.00	0.00%
TOTALS FOR DEPT 362	0.00	4,544.00	0.00	0.00%
TOTALS FOR DEPT 365	0.00	2,210.40	0.00	0.00%
TOTALS FOR DEPT 371	4.00	8,477.07	184.64	2.18%
TOTALS FOR DEPT 410	54.50	40,581.36	2,362.12	5.82%
TOTALS FOR DEPT 450	0.00	875.00	0.00	0.00%
TOTALS FOR DEPT 510	4.00	19,011.83	139.53	0.73%
TOTALS FOR DEPT 540	13.00	9,288.52	496.90	5.35%
TOTALS FOR DEPT 590	13.00	7,181.86	524.66	7.31%
TOTALS FOR DEPT 790	0.00	848.80	0.00	0.00%
REPORT TOTALS	88.50	** , *** . **	3,707.85	3.45%

Recreation:

a. YMCA program planning:

The Rec Center reopened on September 15 after their annual shut down for cleaning. Pool, adult fitness, and youth program schedules are updated on the Bennington Recreation center Facebook page. The Y's summer camp wrapped up and adult fitness classes are continuing at Benn High. The Y is also running afterschool programs at the Village School in North Bennington and at the Bennington Sports Center (old Catamount School). Youth soccer for ages Pre-K-2nd grade began at the Bennington Rec Center on September 11.

b. Bennington Outdoor Recreation Collaborative:

The Town of Bennington received a \$10,000 grant from the Vermont Community Foundation to support outdoor recreation with wayfinding signs, photography, graphic design, and print media. I am working with Jonah Spivak to redesign the recreation page on the Town's website to also be a hub for information about local recreation organizations. Cat Bryars and Callie Fishburn of BCRC are working with me to develop the wayfinding signs and locations. I am also working with Cat on an application for a VOREC (Vermont Outdoor Recreation Economic Collaborative) grant focused on trail development, wayfinding, marketing, a new parking area, and lookout for the Bennington Area Trail System on the former SVC campus.

c. Appalachian Trail Community designation:

The Appalachian Trail Conservancy officially designated Bennington as an Appalachian Trail Community, which puts Bennington on the map for their marketing and promotion to AT hikers. I am on the advisory committee for the Bennington AT Community, and we are working on educational events for Bennington residents, a hiker appreciation day for AT hikers, as well as trail improvements and wayfinding. The town received four AT Community road signs that will be installed at entry points into town. The next AT Community meeting will be held via Zoom on October 27.

e. Recreational Facilities and Animating Infrastructure Grant:

The Town of Bennington received a Recreation Facilities grant from the State of Vermont to add fencing around the green space next to the Morgan Springs water facility at Memorial Park (Rec Center). This is a sizable green space that will be used for youth programming, outdoor exercise classes, and community picnics. I also applied for an Animating Infrastructure grant that will support art installations along the fence, such as creative benches and gates, working with local artists and designers through the Vermont Arts Exchange. Bennington was one of 5 communities chosen to receive the grant of \$15,000 from the Vermont Arts Council. We held a community workshop, "Reimagining the Rec Center Green" and common themes were creating a play zone for kids, more landscaping, a shade structure and incorporating local history and photos into the artwork that is created. Matthew Perry of the Vermont Arts Exchange will lead

the artist recruitment and planning for the art installations. Mark Sawyer hired Dwyers Four Seasons to install the new fence along Gage Street and was completed just in time for youth soccer on the green. Installations at the Rec Center green will be completed next spring.

f. Trolley line path:

I am on the advisory committee for the Trolley Line path scoping study that is led by Cat Bryars and Mark Anders of BCRC. This study examines the feasibility of converting the abandoned electric trolley car bed in Southwestern Vermont into a 14-mile shared-use path for pedestrians and cyclists traveling between Bennington and Pownal, VT and Williamstown, MA.

Economic Development Committee:

I'm part of the town committee that has formed to discuss economic development priorities and work with consultants White and Burke.

Vermont Begins Here:

Eight Oh Two Marketing is continuing the digital marketing campaign to promote Bennington. We are running Facebook ads to promote fall travel to Bennington. VBH blog posts for October promoted upcoming events at Bennington Performing Arts Center and fall foliage activities.

Local Food Security:

I continue to meet with the Bennington Mellon Advisory (food security) group, as well as the planning group for the Southern Vermont Regional Food Network, which promotes a stronger regional network for sustainable local agriculture.

The downtown market advisory group developed out of the SVRFN and is focused on a downtown market that supports local farms and food producers and supplies fresh produce to downtown Bennington. This advisory group is forming a nonprofit called the Four Corners Community Market and developing a business plan and assessing available downtown space for the food market.

Community Development Block Grants:

The Berkshire Family YMCA, UCS Head Start, and Sunrise Family Resource Center received VCDP grants to support Covid-19 related expenses and HVAC upgrades. The Town also received a VCDP grant for \$500,000 to support the Shire Housing Bennington Family Housing project at 300 Pleasant Street. I am working on paperwork required for each grant agreement and subgrant agreement along with progress reports. Shires Housing submitted a VCDP application for two recovery housing projects and Hale Resources received additional funding for the affordable housing development at 219 Pleasant Street.

Historic Preservation Grants:

I am working with GVH Studio on a history/recreation/arts and culture panels for a new downtown kiosk funded with an historic preservation (CLG program) grant. The kiosk will be completed and installed by November 15. I also submitted another historic preservation grant in partnership with Bennington

Community Development Report: October 6, 2021

Shannon Barsotti

College to put the college campus on the National Register of Historic Places, and we were awarded this \$5,000 grant.

Franklin Lane Improvement Project:

Dan and I have been meeting with MSK Engineering and BCRC to discuss final improvements to Franklin Lane. Scheduling contractors during the busy summer season has been a challenge and it looks like the work will need to start next spring. This project is funded with a \$50,000 Downtown Transportation Fund grant.

Municipal Planning Grant:

Bennington received a VT Department of Housing and Community Development Municipal Planning Grant to develop a re-use plan for the recently closed Energizer battery factory. The MPG award of \$22,000 will be combined with a \$20,000 state Brownfields grant to also do an environmental assessment of the property. BCRC will help the Town manage the project, conduct public outreach, and complete elements of the site and area assessment. I am on the reuse planning steering committee and the committee reviewed the proposals submitted by consultants for the Energizer Reuse Study and chose Camoin Associates, Inc. to lead the study. A public meeting to discuss the Energizer Reuse Study was held on July 21 and BCRC has collected community ideas for reuse of the property through an online survey. Camoin presented the final report on the Energizer Reuse Plan to the steering committee on September 22.

Designated Downtown:

I submitted an amendment application to Bennington's Designated Downtown to the state's Downtown Board, with an amended map provided by BCRC, along with a narrative and photos that I provided. The state approved the amendment to extend the Designated Downtown along the east side of Main Street to Pleasant Street. This will include Benn High within the downtown district and will provide benefits to the extended area such as historic tax credits and state grant funding. Benn High's application for historic tax credits was awarded by the state.

Communications Coordinator Hiring Committee:

I participated in the hiring committee to interview candidates for the Town's new Communication Coordinator position. The committee unanimously chose Jonah Spivak for the position and Jonah and I moved into a shared office when he began working on September 20.

BBC Executive Director Hiring Committee:

I am also a member of the hiring committee for the Better Bennington Corporation's new Executive Director position. The BBC is hoping to have the new director start in November.

In the past month, I have met with the Berkshire Family YMCA management team, the owner of Benn High LLC, Eight Oh Two Marketing, Historic Preservation Commission, Four Corners Community Market, Town Economic Development committee, Better Bennington Corporation, Shires Housing, Vermont Arts Exchange, BCRC, Habitat for Humanity, GBICS, AARP placemaking group, Lieutenant Gov. Molly Gray, and the Energizer Reuse Plan steering committee.

Town of Bennington Planning and Zoning

Detailed Permit Report

Permit types included: Building

Approval status included: Granted

Occupancy status included: Any status

Decision dates included: Between 09/01/2021 and 09/30/2021

<i>Parcel number Land Record Book and Pages</i>	<i>Permit number</i>	<i>Owner's name Applicant's name Location</i>	<i>Permit type Cert. of Occ.</i>	<i>Decision</i>	<i>Fee paid Cost of project</i>
64500600	21-088	QUALITY HOME BUYERS LLC Quality Home Developments, LLC 1213 GORE RD Construction of a 1400 SF Single Family Home	Building C.O. Pending	Granted 09/27/2021	625.00 275,000.00
45014118	21-124	KRAWCZYK MEGAN E Jeff Krawczyk 183 ABBOTT ST 12x15 Roof over existing deck	Building C.O. Pending	Granted 09/08/2021	37.00 500.00
50570601	21-126	BENNINGTON COUNTY INDUSTRIAL Jessica Robichaud 101 SOUTH ST Interior Building Renovation For Full Service Salon	Building C.O. Pending	Granted 09/14/2021	246.40 15,000.00
45014125	21-127	BURDICK ANDREA M & MICHAEL Mike Burdick 105 ABBOTT ST Adding 10x12 roof over existing deck	Building C.O. Pending	Granted 09/13/2021	35.00 5,000.00
56513300	21-128	UNITED COUNSELING SERVICES Bruce Carpenter 329 SOUTH ST Remove rotten deck and rebuild what they currently	Building C.O. Pending	Granted 09/14/2021	50.00 16,950.00
50552800	21-129	ASTRUM LLC Michael Harte 544 MAIN ST Renovating first floor into 3 apartments	Building C.O. Pending	Granted 09/16/2021	270.00 6,000.00
51545700	21-130	MEARS LINDA M Matthew Mears 103 COOLIDGE AV 8x12 Prefabricated Shed	Building C.O. Pending	Granted 09/16/2021	35.00 3,642.00
22500401	21-131	BENNINGTON COLLEGE CORP Rain or Shine Tent Co Inc 1 COLLEGE RD Installation of one 50x80 Eureka tent and one 40x80 Century tent on Common Lawn (9/24/21-9/26/21)	Building C.O. Pending	Granted 09/16/2021	50.00 50.00
51540500	21-136	TOWN OF BENNINGTON Bruce Carpenter 655 GAGE ST Install Roof Hatch	Building C.O. Pending	Granted 09/23/2021	50.00 3,557.70

09/29/2021

12:02 pm

Town of Bennington Planning and Zoning
Detailed Permit Report

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<i>Parcel number Land Record Book and Pages</i>	<i>Permit number</i>	<i>Owner's name Applicant's name Location</i>	<i>Permit type Cert. of Occ.</i>	<i>Decision Cost of project</i>	<i>Fee paid Cost of project</i>
50561700 Book .	21-137	WOLTMAN NANCY Steve Hall 465 MAIN ST Interior Renovation for Restaurant	Building C.O. Pending	Granted 09/24/2021	906.00 76,000.00
43504401	21-138	GRIFFIN FAMILY QUALIFIED DOMESTIC David Griffin 180 COUNTRY CLUB DR Addition to South Banquet Room (enclose 2 golf	Building C.O. Pending	Granted 09/27/2021	872.40 15,000.00
04014800	21-140	BENNETT STEPHEN A & CHERYL Stephen Bennett 1088 MURPHY RD New 10x18 Deck	Building C.O. Pending	Granted 09/28/2021	28.00 600.00

09/29/2021

11:53 am

Town of Bennington Planning and Zoning
Detailed Permit Report

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Permit types included: Sign

Approval status included: Granted

Occupancy status included: Any status

Decision dates included: Between 09/01/2021 and 09/30/2021

<i>Parcel number Land Record Book and Pages</i>	<i>Permit number</i>	<i>Owner's name Applicant's name Location</i>	<i>Permit type Cert. of Occ.</i>	<i>Decision</i>	<i>Fee paid Cost of project</i>
36512302	S21-012	BLS BENNINGTON LIMITED Saxton Sign Corp 214 NORTHSIDE DR New Supercuts Sign	Sign C.O. Not required	Granted 09/08/2021	40.00 4,798.00
24501501	S21-013	KRAWCZYK ALAN R & RUTH E Raoul Mallalieu 1152 HARWOOD HILL RD Covered Bridge Antiques LLC	Sign C.O. Not required	Granted 09/20/2021	160.00 275.00

**12-Years At a Glance
Permit Totals Only**

Month	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
January	2	6	12	11	5	8	15	10	5	6	5	11
February	7	7	7	6	7	15	8	5	7	5	8	9
March	11	6	31	13	12	10	14	19	11	13	9	19
April	32	34	31	18	22	27	14	15	15	23	11	29
May	31	27	27	38	20	23	19	27	23	24	19	23
June	32	34	32	20	19	21	19	10	14	12	25	16
July	23	20	24	33	29	47	16	29	30	28	12	16
August	26	14	30	21	29	20	18	25	25	16	27	16
September	32	15	21	32	27	22	21	21	23	26	9	14
October	22	19	38	30	21	28	9	19	20	20	17	
November	12	22	10	16	11	12	8	16	11	8	15	
December	7	17	18	18	7	10	5	8	11	11	5	
Total	237	221	281	256	209	243	166	204	195	192	162	

**Summary of Building Permits Issued
August 2021**

Construction Type	Month to date	Month to Date Volume	Year to date	Year to Date Volume
	Permit Totals		Permit Totals	
Single Family Dwelling	1	\$275,000.00	3	\$975,000.00
Duplex	0	\$0.00	0	\$0.00
Mobile Homes	0	\$0.00	2	\$103,700.00
Apartments	0	\$0.00	1	\$3,200,000.00
Apartment Renovations	1	\$6,000.00	12	\$2,656,500.00
Condominiums	0	\$0.00	0	\$0.00
Residential Renovations	0	\$0.00	5	\$580,000.00
Residential Additions	0	\$0.00	2	\$140,000.00
Commercial Construction	0	\$0.00	0	\$0.00
Commercial Renovations	4	\$109,557.70	21	\$1,818,946.70
Industrial Construction	0	\$0.00	0	\$0.00
Industrial Renovations	0	\$0.00	1	\$109,000.00
Garages	0	\$0.00	6	\$171,000.00
Sheds	1	\$3,642.00	16	\$62,897.00
Decks/ Porch	4	\$23,050.00	27	\$227,750.00
Institutions	0	\$0.00	6	\$964,900.00
Signs	2	\$5,073.00	13	\$25,300.00
Use & Zoning	0	\$0.00	12	\$24,918,055.00
Subdivision	0	\$0.00	6	\$0.00
Home Occupation	0	\$0.00	1	\$0.00
Propane Tank/Storage Tank	0	\$0.00	0	\$0.00
Boilers/Furnaces/RTU's, A/C	0	\$0.00	0	\$0.00
Tents	1	\$50.00	6	\$1,425.00
Handicap Access/Ramps	0	\$0.00	1	\$4,327.00
Concreate Slabs	0	\$0.00	0	\$0.00
Cell Towers/Communications	0	\$0.00	0	\$0.00
Solar Installations	0	\$0.00	4	\$490,251.00
Camps	0	\$0.00	0	\$0.00
Withdrawn	0	\$0.00	2	\$90,100.00
Demolition	0	\$0.00	6	\$0.00
Total	14	\$422,372.70	153	\$36,539,151.70