

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

BENNINGTON SELECT BOARD

Monday, July 11, 2022

Bennington Fire Facility

Multi-Purpose Room - 3rd Floor

130 River Street

Bennington, VT 05201

A G E N D A

6:00 PM

1. Pledge of Allegiance
2. Vision Statement
3. Consent Agenda 6:00 PM - 6:05 PM
 - A. Minutes of June 22 & 27, 2022
 - B. Warrants
4. Public Comment 6:05 PM - 6:20 PM
5. Y Summer Camp Update 6:20 PM - 6:30 PM
6. Opioid Response Team/Hub and Spoke Overview 6:30 PM - 6:50 PM
7. Bennington Police Department Public Safety Update 6:50 PM - 7:15 PM
8. Emergency Health Order, 105-107 Spring Street 7:15 PM - 7:25 PM
9. Implementing the Town Vision 7:25 PM - 7:30 PM
10. Set Tax Rates, Set Water/Sewer Rates 7:30 PM - 7:45 PM
11. Manager's Report 7:45 PM - 7:50 PM
12. Upcoming Agenda 7:50 PM - 7:55 PM
13. Other Business 7:55 PM - 8:00 PM

We endeavor to host inclusive, accessible events that enable all individuals to engage and participate fully. To request an accommodation or for inquiries about accessibility, please contact Paul Dansereau, Facilities Director:
pdansereau@benningtonvt.org or call 802-447-9715.

1 **BENNINGTON SELECT BOARD WATER AND SEWER BUDGETS WORK SESSION**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **JUNE 22, 2022**

5 **MINUTES**

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

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

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; R.J. Joly-
10 Public Works Director; Larry Gates-Assistant Public Works Director; Jon D'Amour-Chief
11 Operator Wastewater Facility; Melissa Currier-Finance Director; Michele Johnson-Human
12 Resource and Contracts Administrator; Jim Vires-CAT-TV; and Nancy H. Lively-Secretary.

13 At 5:00pm, Chair Jeannie Jenkins called the meeting to order.

14 **1. WATER/SEWER FUND BUDGETS**

15 Mr. Hurd stated that the rate increases proposed for FY23 are 5% in the Water Fund and
16 10.5% in the Sewer Fund for a combined increase of 8.3%. We have worked hard to keep the
17 increases this low with inflation at 8.6%. Also, we had set a straight line increase in the Sewer
18 Fund of 10.5% four years ago to prepare for the bond payments and depreciation relating to
19 the upgrade project. This is the 4th year, and we have maintained that increase by committing
20 \$118,868 from the Sewer Fund Balance.

21 Everything is more expensive and the delivery of materials is often delayed. Our
22 insurance costs are up slightly because we have increased our property values but our workers
23 compensation is down because our modifier (measurement of injuries to lost time) is at .85% or
24 lower than the average of 1%.

25 *Board questions/comments answered by R.J. Joly, Larry Gates, and Melissa Currier:*

- 26 • Some of our supply issues are related to COVID due to workers being out and
27 inventory being used up. We have had parts on order for 6 months that are now
28 scheduled for July.
- 29 • 41-5900.720 - Includes real estate tax on lands that we own. Woodford land
30 encompasses the water filtration plant; some of Woodford and all of Stamford are
31 related to the Sucker Pond area; and some of Woodford and all of Pownal are
32 woodlots that we are logging. That income goes into the Capital Facilities Reserve
33 and we have made \$48,000 from the Woodford lot so far. The taxes for all three is
34 \$6.009.

- We have a forest management plan in place for indefinite sustainability.
- In FY21, why is the actual Pension Expense in the Water Fund \$58,362 over budget and the actual Pension Expense in the Sewer Fund \$59,895 over budget? Ms. Carrier will look into and answer later.
- The disposal of wipes costs ~\$5,000/year from the separator but more with service calls. Can we communicate to the public how they can help reduce this cost on the water/sewer bills by only flushing toilet paper down the toilet? We can't on the self-sealing bills but we can put something on the website.
- 41-5910.760 - Electric use estimated to increase due to an addition of one new pump station on Chapel Road. Can we consider using solar panels? Some time ago we were told that metal buildings aren't designed to carry the weight of solar panels, however, we will look into this again.
- We have high levels of biochemical oxygen demand (BOD) from the amount of organics that are generated from farms, distilleries, restaurants, etc. The amount of BOD coming into the plant is not controlled but we have a permit limit on the amount of effluent that leaves the plant and we nearly surpassed that in May. Staying in compliance is the issue.
- Pretreatment of BOD coming into the plant may be required and there may be funding for businesses to do this.
- Sand filters are on order that will mitigate the effluent problem but those are not in this budget.
- 42-5480.210 - The high carbon wood ash to improve our composting for \$10,000 will make it go back to bio-solid and reusable.
- The compost goes to Houghton Lane at the Transfer Station and we make our own top soil annually.
- The FY21 Water Fund Budget was \$3.2M and the actual was \$2.5M. Why do we budget for a \$.7M higher amount? The budget amount includes both transfers to reserve for capital asset purchases and is reflected in the rates, whereas, the total amount of the purchased items go to our balance sheet with only the one year of depreciation showing as an expense. The will reoccur every year, and even though rates can be decreased to the public, it is not recommended as these reserves will pay for planned and unplanned projects, now (i.e., Ben Mont Avenue sewer line), and in the future.
- In the long run, the reserves will end up saving us money.
- Kudos to staff for taking the approach to build our reserves.

Bruce Lee-Clark moved and Jim Carroll seconded to adopt the FY2023 Water and Sewer Budgets as presented. The motion carried with Sarah Perrin absent.

At 5:50pm, Jim Carroll moved and Bruce Lee-Clark seconded the adjournment of the meeting. The motion carried with Sarah Perrin absent.

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77 Respectfully submitted,

78 Nancy H. Lively

79 Secretary

1 **BENNINGTON SELECT BOARD MEETING**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **JUNE 27, 2022**

5 **MINUTES**

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

8 **SELECT BOARD MEMBERS ABSENT:** None.

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Shannon
10 Barsotti-Community Development Director; Michael Wajda and Ken Milman-Appalachian
11 TrailFest; Linda Donigan and Lynne Fonteneau-McCann-Bennington Free Library; Jenny Dewar,
12 Susan Plaisance, and Bill Clark-Better Bennington Corporation; Tordis Isselhardt; Nancy White; 5
13 citizens; Jim Vires-CAT-TV; and Nancy H. Lively-Secretary.

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

15 **1. PLEDGE OF ALLEGIANCE**

16 The Pledge of Allegiance was recited.

17 **2. VISION STATEMENT**

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

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

22 **3. CONSENT AGENDA**

23 **A. MINUTES OF JUNE 13, 2022**

24 **B. WARRANTS**

25 *Bruce Lee-Clark moved and Tom Haley seconded to approve the Consent Agenda with*
26 *the June 13, 2022 Minutes amended as follows:*

27 *Lines 218-220, Change "Ms. Perrin was disappointed that Bob Walker wasn't*
28 *appointed to the CPARB Board as she felt that his years of service in the Police Department*
29 *would have brought balance to the board." to "Ms. Perrin was disappointed that the*
30 *individual that came with federal law enforcement experience wasn't appointed to the CPARB*

Board as she felt that would have brought balance and experience to the background of the Board.”

The motion carried unanimously.

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.

Linda Donigan-Bennington Free Library (BFL): Oceans of Possibilities is the BFL summer reading programs and events that began on June 13th. We have:

- Distributed summer reading information to 2,000 students in 12 public and private schools ranging from kindergarten to middle school.
- 250 packets of information were distributed to families in early childhood programs.
- We have 16,000 books and publications available including bi-lingual books in Dari, Spanish, and English.
- There is a day of the week for each age group of children, as well as, activities for adults and families including a street dance in August.
- We are fully open to the public 6 days/week, have online services 24/7, and collaborate with many local agencies.
- We can be contacted in many social media areas, our website, and by phone.

Nancy White: Objected to the fact that she wasn't able to speak on the Skate Park agenda item because the Board had already voted prior to her asking to speak. *Ms. Jenkins: Explained that she didn't see Ms. White in the back row prior to taking a vote. She also said that this was only*

65 *the beginning of the Skate Park conversation and that there would be other opportunities for*
66 *the public to speak to it. In addition, she asked Ms. White to ask her questions now but Ms.*
67 *White didn't ask any.*

68 Jenny Dewar-Better Bennington Corporation (BBC):

- 69 ○ Thursday Night Live this week is the Convergence Trio
- 70 ○ Midnight Madness has been changed from July 14th to July 21st 7:00pm-11:00pm
- 71 ○ The Town wide Tag Sale is July 24th for the Downtown and July 23rd and July 24th for the
- 72 home sales. Applications are on the BBC website.

73 Jenny Dewar and Susan Plaisance noted all of the services that Bill Clark does on a daily basis
74 for the BBC and the Town of Bennington recognizing that with a plaque that they presented to
75 him. Mr. Clark was very appreciative of the gesture.

76 **5. APPALACHIAN TRAILFEST**

77 Michael Wajda and Ken Milman did the following presentation:

- 78 ➤ The trail head is where the Long Trail ends and the Appalachian Trail begins with
- 79 the Long Trail having preceded the Appalachian Trail (AT).
- 80 ➤ Making Bennington an Appalachian Trail Community has brought an awareness
- 81 of the Trail, education about hiking and safety, the health of outdoor recreation,
- 82 the history, and economic development.
- 83 ➤ All contributors/businesses can put an ad on the Appalachian Trail Conservancy
- 84 website.
- 85 ➤ AT communities are required to do an event each year. Last summer it was a pot
- 86 luck dinner with the Green Mountain Club and this year we are putting on
- 87 TrailFest on July 30th 12:00pm-3:00pm at the Bennington Rec Center.
- 88 ➤ Students from Southwest Tech did all of the designing and work on the logo,
- 89 signage, and advertising.
- 90 ➤ There will be live music, free food, and activities - Leave No Trace, 100'
- 91 Challenge, Trail Trivia, Bear Hanging Demo, and Backpacking Gear Demo, with
- 92 tables for the US Forest Service, US Fish and Wildlife, BATS, Bennington
- 93 Museum, Lake Paran, Green Mountain Club, Operation Copsicle Truck, and
- 94 Vermont Products with Bringing You VT.
- 95 ➤ Prizes and giveaways will be given for various things from various places
- 96 including a donation of 20 pair of Darn Tough socks.

97 *Board questions/comments:*

98 Mr. Lee-Clark: Clarified that the Bear Hanging Demo is how to hang your food so as not to
99 attract bears.

Ms. Conner: Suggested contacting the Bennington Free Library for them to put together information for the event.

6. IMPLEMENTING THE TOWN VISION

Ms. Conner stated that the Juneteenth event on June 18th was cold but great and there will be a Walk n' Roll on the morning of June 29th touring the Town facilities for ADA improvements.

Mr. Haley thanked those that organized the successful Pride Celebration on June 26th. A good time was had by all.

Mr. Lee-Clark noted a ceremony to mark the memory of an enslaved woman when slavery was over, Margaret (Peg) Bowen, was held in front of the former Catamount Tavern on June 25th. The ceremony can be seen on CAT-TV and will be on the schedule for this Thursday or Friday. Ms. Isselhardt added the significance of having her full name when other communities have had only an individual's first name.

7. TOWN LOAN PROGRAMS PRESENTATION

Ms. Barsotti did the following presentation:

- ❖ The Revolving Town Loan Program is not funded by the taxpayers and began with a grant from Vermont Housing Development in the mid-1970's that had been reserved for Economic Development.
- ❖ The original grant served as seed money and, since then, the fund has been replenished by the payment of the loans.
- ❖ Town staff approve the loans. The Select Board is informed of the decision and can request additional information if they want.
- ❖ Loans are given to businesses to start or expand their businesses primarily in the Downtown that have limited access to traditional financing.
- ❖ The loans can be used for interior/exterior property improvements, machinery/equipment, and furnishings/fixtures.
- ❖ The loans cannot be used for refinancing or operating capital.
- ❖ Loan amounts average ~\$35,000 with higher amounts given if warranted and funds are available.
- ❖ Interest rates are not to exceed 7% with most much lower. Applications are on the Town's website.
- ❖ Loan repayment has never been an issue.
- ❖ One requirement is to develop a business plan and Nancy Shuttleworth from the Vermont Small Business Development Center works with us on that.
- ❖ Other requirements are collateral, tax return, letter of rejection from the bank as to why they can't finance the entire project, credit score, estimates for the work to be completed, and confirmation that they don't owe anything to the Town.

- ❖ Loans are also available for housing to encourage landlords to invest in their property and property owners to rehabilitate and make energy efficiency upgrades.
- ❖ The properties must be in the Town of Bennington and are to serve those with 80% or less of the median income, which is \$47,000 in Bennington County, have sufficient collateral and no outstanding balances with the Town.
- ❖ Loan amounts are up to \$25,000 for single family homes or per rental unit with the same interest rates as the small business loans.
- ❖ Since 2017 the Town has given out \$1.1M in loans. We will let the Board know the number of businesses this entails at a later date.
- ❖ Current available balance to loan is ~\$500,000 per Mr. Hurd. We will let the Board know the exact balance at a later date.

Board questions/comments:

Mr. Carroll: What are some new businesses that have gotten loans? *Farm Road Brewery, Angry Egg 2, Putnam Block, and the Little City Cidery.*

Ms. Conner: To clarify, the bank rejection letter is because banks have their limitations and not because the project or applicant aren't worthy. *That is correct. The Town loans are often to fill gap funding.*

Mr. Corey: If \$35,000 is the average, what are the higher amounts? *The Putnam Block was for \$350,000 and that was a special circumstance.*

Public questions/comments:

Nancy White: How much is the account worth and feels that those getting \$100,000+ should present their project to the public. *\$1.5M-\$2M and these are private loans.*

8. MANAGER'S REPORT

Mr. Hurd did the following report:

Willow Park Playgrounds - The playgrounds' full design will be unveiled in an event scheduled in July just before the old playground structures are removed.

Morgan Spring - Fencing and landscaping are nearly completed and our first truck came in on June 22nd. We are able to take 2 trucks at a time and representatives were in Town on June 23rd to view the site. They are servicing 3 different bottling plants.

Former CTC 254 Benmont Avenue - We are investigating our options for demolition and have an estimate of \$120,000 to demolish and clean the site. The former principal in the corporation has been unresponsive so court action will be required. The corporation is defunct and our current counsel has a conflict so we are working on it. There are two buildings - one is being rented out and the other is the one that burned and needs to be demolished. We hired an environmental consultant to do testing on the contents and the results are that there isn't

172 anything of a concern in the building. We will be seeking a letter from the State saying that, if
173 there are any environmental issues in the future, the Town is not held liable. A lot of decisions
174 need to take place and it is a long process.

175 WWTF BOD Sampling - We will be taking samples of the discharge from dairy manufacturers,
176 distilleries, breweries, and maybe others, to see if they are discharging an extremely high
177 Biochemical Oxygen Demand (BOD). Pre-treatment of the waste may be required. Some pre-
178 treatments may be inexpensive, however, if the costs warrant it, these businesses would be
179 eligible for the Town's Loan Program.

180 ✓ The State of Vermont received just over \$2M for the Opioid settlements to
181 distribute among the towns in the State. Bennington's portion is ~\$8,000 that
182 will go into a reserve account.

183
184 ✓ An anonymous person has requested copies of all subpoenas from California
185 attorneys in regard to criminal activity by the Town of Bennington, the
186 Bennington Police Department, and members of the Select Board. This person
187 has been informed that there were none as this was based on a bogus Facebook
188 post.

189 **9. UPCOMING AGENDA**

190 July 11, 2022 - Bennington Police Department Presentation on Violence

191 July 11, 2022 (the Board's preference) or July 25, 2022 - Opioid Task Force Update

192 **10. OTHER BUSINESS**

193 Mr. Corey: Happy 4th of July.

194 Mr. Haley: The flowers around Town are beautiful.

195 Mr. Carroll: Noted an individual that has difficulty walking commented on the placement of the
196 handicap parking at the Rec Center and the lack of railings on the walkways.

197 Ms. Conner: Verified that there will be fireworks on July 4th at dusk - around 9:30pm - and will
198 be larger than usual thanks to Price Chopper and Casella bringing it from \$13,000 to \$14,000.

199 Ms. Conner: Recognized the quality of the musicians on the Thursday Night events and urged
200 everyone to attend.

201 Ms. Conner: The series Dope Sick is an excellent education on the opioid crisis.

202 Ms. Perrin: Encouraged people to be mindful of the noise of fireworks too close to town and
203 the Declaration of Independence will be read at the Monument. Check the Banner and Town
204 Office for more information.

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207 ***At 7:19pm, Bruce Lee-Clark moved and Sarah Perrin seconded the adjournment of the***
208 ***meeting. The motion carried unanimously.***

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211 Respectfully submitted,

212 Nancy H. Lively

213 Secretary



TOWN OF BENNINGTON

TO: Town of Bennington Select Board

FROM: Paul T. Dansereau, Deputy Health Officer

SUBJECT: 105/107 Spring Street Emergency Health Order

DATE: 7/7/2022

1. Purpose: Provide the Town of Bennington Select Board an update regarding the 105/107 Spring Street Emergency Health Order prepared on 6/24/2022 and request the Select Board motion to affirm, modify, or terminate the Emergency Health Order.
2. Background:
 - a. On 6/24/2022 an Emergency Health Order was prepared and sent via certified mail to the owner of record regarding the public health hazard at 105/107 Spring Street (see encl). Specifically:
 - i. Garbage, trash, and debris are piled up on the front yard, front porch, side yards, and rear yards that is attracting as well as providing harborage for rats and other rodents. . . the front yard, front porch, side yards, and rear yards must be cleared of all garbage, trash, and debris.
 - ii. The front porch roof is collapsing...immediately post warning signs and deter access to the front porch.
 - b. On 6/27/2022 the Emergency Health Order was delivered to the mailing address for Wilmington Savings Fund Society FSB, the owner of record.
 - c. The owner of record has not contacted our office, nor has made any attempts to correct the violations.
3. Requested Action: Request the Town of Bennington Select Board make a motion to affirm the Emergency Health Order.

Encl: 105-107 Spring Street Emergency Health Order 6/24/2022



TOWN OF BENNINGTON

TO: Wilmington Savings Fund Society FSB, 1600 South Douglas Road, Anaheim
California, 92806

FROM: Paul T. Dansereau, Deputy Health Officer, 205 South Street, Bennington,
Vermont, 05201

EMERGENCY HEALTH ORDER

I, Paul T. Dansereau, Town of Bennington Deputy Health Officer have inspected the Property located at a 105/107 Spring Street in Bennington, Vermont, 05201. A Notice of Violation was issued for the property on February 1, 2022. The Notice of Violation is attached hereto, and recent inspections of the property demonstrate property conditions have continued to deteriorate (see attached photos) and following findings:

With respect to the exterior of the Property:

1. Garbage, trash, and debris are piled up on the front yard, front porch, side yards, and rear yards that is attracting as well as providing harborage for rats and other rodents. . . the front yard, front porch, side yards, and rear yards must be cleared of all garbage, trash, and debris.
2. The front porch roof is collapsing...immediately post warning signs and deter access to the front porch.

Based on these findings, I have determined that an Emergency Order is necessary to prevent, remove, or destroy an imminent and substantial public health hazard and to mitigate an imminent or significant public health risk. Pursuant to my authority under 18 V.S.A. §§ 126, 127, you are Ordered to mitigate the above-cited conditions in order to prevent, remove, and destroy the public health hazard and mitigate the significant public health risk. This Emergency Health Order is effective immediately.

STATEMENT OF PROCEDURAL RIGHTS:

You have the right to a hearing before the Selectboard within five business days of the issuance of this order, to rebut the allegations set forth in this Order. A Notice of Hearing is enclosed herewith. You have the right to appeal a decision of the Selectboard following a hearing to the State Board of Health within 30 days of the act, decision, or order of the Selectboard. The appeal hearing before the State Board of Health shall be subject to the provisions of 3 V.S.A. Ch. 25, the Administrative Procedure Act, as applied to contested cases. The State Board of Health will

hear your appeal de novo, that is, it will consider your case anew, and all persons and parties of interest, as determined by Board rule, may appear and be heard. A decision on your appeal will be made within 30 days following the conclusion of the hearing.

Failure to comply with the provisions of the Health Order issued by the Bennington Board of Health or the Health Order of the Health Officer may subject you to further legal action, including civil enforcement of the order in the Superior Court and criminal penalties.



Paul T. Dansereau, Deputy Health Officer

Dated: 06/24/2022

Encl: 105-107 Spring Street Notice of Violation 02012022

Encl: 105-107 Spring Street Photos



TOWN OF BENNINGTON

February 1, 2022

Via Certified Mail - Return Receipt Requested & 1st Class Mail

Wilmington Savings Fund Society FSB
1600 South Douglass Rd
Anaheim, CA 92806

Re: 105-107 Spring Street – Zoning Violation # 22V-003
.....

The following conditions were recently observed at 105-107 Spring Street

- 1) Trash, junk, and debris
- 2) Unregistered / uninspected/ inoperable vehicle(s)

These conditions are a violation of the following sections of the Land Use and Development Regulations (LUDR) and Town of Bennington Housing, Building and Life Safe:

Bennington Land Use and Development Regulations (LUDR)

Section 3.13 Storage of Junk Automobiles, Scrap, Waste & Hazardous Materials

(A) No junk motor vehicle may be stored on any lot for a period in excess of thirty (30) days, except within a building, or in an approved salvage yard.

(B) No scrap or waste material not originating on the premises may be stored or disposed of on any lot, except at a state certified solid waste disposal or transfer facility.

(C) No scrap or waste material originating on the premises may be stored on any lot unless within a building, except that thirty (30) days shall be allowed for the removal of scrap or waste material resulting from a construction operation, or from fire, flood or similar emergency. Outdoor storage shall not be permitted in excess of thirty days except with the issuance of a temporary zoning permit by the Administrative Officer for a period not to exceed thirty days. Further

extensions may be granted by the Development Review Board subject to review under Article 5.

A Junk Motor Vehicle is defined as: A discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof, or a motor vehicle, which is allowed to remain unregistered and/or uninspected for a period of thirty (30) days from the date of discovery by administrative officer. This definition specifically excludes one on-premise utility vehicle per lot.

As the owner of the property at 105-107 Spring Street, Bennington, Vermont, Parcel ID # 50-53-28, you are hereby given notice pursuant of 24 V.S.A. Sec. 4451 of the forgoing zoning violations on your property.

You have seven days after receipt of this notice to bring the property into compliance with the LUDR. If you do not do so, you will be subject to fines of up to \$200.00 per day per violation.

You may appeal this notice of violation to the Bennington Development Review Board. To file an appeal, you must file a notice in writing within fifteen days with Permitting, Planning and Code Enforcement Director, Dan Monks or with Bridget Gallant, at 205 South Street, Bennington. The notice should include your name and address, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief you seek, and the alleged grounds why the requested relief is believed proper under the circumstances. These requirements are set out in 24 V.S.A. Sec. 4465 and in the sections that follow.

If you repeat the violation described in this letter within the next year, you will not be entitled to any notice period and an enforcement action may be taken immediately upon discovery of the violation.

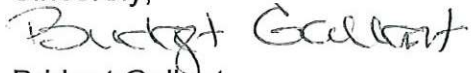
If you do not appeal this notice of violation to the Bennington Development Review Board within seven days, you may be unable to contest my determination in any proceeding or enforcement action.

Please note that, pursuant to 24 V.S.A. Section 4449(c), all Notices of Violations of the LUDR must be recorded in the Land Records. If the violation is cured and upon payment of any and all accrued fines and a \$30.00 Filing Fee a memorandum indicating that the violation has been cured will be filed in the Land Records. In addition to an enforcement action, if the violation is not cured you will have trouble selling or refinancing your property because financial institutions and prospective purchasers will be on notice of the violation.

Thank you for your prompt attention to curing these violations. If you have questions, please feel free to call me at 802-442-1037 during regular business hours, 7:30 AM to 4:30 PM. Please note that any changes in the terms of the

compliance schedule is only effective if made by the Permitting, Planning and Code Enforcement Office in writing.

Sincerely,

A handwritten signature in black ink, appearing to read "Bridget Gallant". The signature is written in a cursive, flowing style.

Bridget Gallant
Code Enforcement
Town of Bennington

M:\Building & Zoning\Bridget\NOV - Zoning\2022\105-107 Spring St (inoperable vehicle, junk and debris) 52-53-28.doc





MEMORANDUM

To: Select Board

From: Stuart A. Hurd, Town Manager

Re: Tax Rates for FY 23
Water/Sewer rates FY23

Date: July 5, 2022

Following completion of the Grand List by the Board of Listers and completion of the first level of appeals, we are prepared to recommend the following tax rates for the coming year.

For the General Fund: \$0.8183 an increase of \$0.0321

For the Highway Fund: \$0.4202, an increase of \$0.0192

For the Fire Fund: \$0.0964, an increase of \$0.0131

Total \$1.3349, an increase of \$0.0644

The General Fund rate is assessed on all properties in Bennington including the Villages of Old Bennington and North Bennington.

The Highway Fund rate is assessed on all properties excluding the Villages of Old Bennington and North Bennington.

The Fire Fund rate is assessed on all properties within the former Village of Bennington and Village of Old Bennington excluding the Village of North Bennington and the properties within the Bennington Rural Fire District No. 1.

When calculated as a percent increase, the rate increase equals a 5.07% increase. I seek a motion to approve the tax rates as presented.

And for those who may wish to know, the Downtown Improvement District rate, shown as DIC on the attached calculation sheet is set at \$0.2606, an increase of \$0.0213. This is automatically set when the Select Board approves the BBC budget, and the Grand List for the District is established.

Water/Sewer Rates

Following approval of the budgets on June 22, 2022, we recommend the attached rates for the Water/Sewer Funds. I seek a motion to approve the water/sewer rates as presented.

TOWN OF BENNINGTON
FISCAL YEAR JULY 1, 2022-JUNE 30, 2023
TAX RATE REQUIRED TO RAISE TAX DOLLARS

(Voter Approved Agencies (\$131,850) are included adding about \$0.01 to the tax rate)

TYPE CODE	TAX RATE DESCRIPTION	TAX DOLLARS RAISED	GRAND LIST VALUE	TAX RATE		
0	GENERAL	8,404,110.00	10,269,676.25	0.8183	FY22	CHG
	BENNINGTON LOCAL AGREEMENT-SCHOOL				0.7862	0.0321
1	HIGHWAY	3,882,450.00	9,239,281.25	0.4202	0.4010	0.0192
2	FIRE - INSIDE	395,230.00	4,099,594.00	0.0964	0.0833	0.0131
3	FIRE - RURAL				1.2705	0.0644
4	OLD BENN VILLAGE					
6	D.I.C	90,378.60	346,805.81	0.2606	0.2393	0.0213
	LATE HS-131 PENALTY			*Forecast		
8	SCHOOL - HOMESTEAD					
9	SCHOOL - NON-RESIDENTIAL					
TOTAL		12,772,168.60				

*The DIC rate is informational only. The custom programming set up to manage our DIC calculation is only run during the tax billing process and therefore a final DIC rate cannot be set at this time. This forecasted rate is based on last year's DIC grand list value +/- any material changes as reported by the Chief Assessor.

FY2023

WATER & SEWER RATE CALCULATION

RATE PROPOSAL WATER & SEWER

Board approval: xx/xx/xx

WATER				
NUMBER OF UNITS	PROPOSED QUARTERLY RATES		FY22 Rates	DOLLARS GENERATED
	FLAT:	153.25	145.95	5% Increase
	PER 1,000 GALLONS:	5.68	5.41	5% Increase
	METER SURCHARGE	92.12	87.73	5% Increase

2874	N/A	613.00	Per Person Yrly Increase 29.20	1,761,762
1197	181,192,028	5.68 368.48	0.27 17.56	1,029,171 441,071
				<u>\$ 3,232,003</u>
				\$ 3,232,670
				\$ (667)

SEWER				
NUMBER OF UNITS	PROPOSED QUARTERLY RATES		FY22 Rates	DOLLARS GENERATED
	FLAT:	144.63	130.89	10.5% Increase
	PER 1,000 GALLONS	5.02	4.54	10.5% Increase
	METER SURCHARGE	89.88	81.34	10.5% Increase

2598	N/A	578.53	Per Person Yrly Increase 54.97	1,503,031
1244	191,320,028	5.02 359.52	0.48 34.16	959,795 447,246
				<u>\$ 2,910,072</u>
				\$ 3,028,940
				\$ (118,868)

ANNUALIZED FLAT RATE

UNITS X PER 1,000 GALLONS
ANNUAL TOTAL SURCHARGE

TOTAL DOLLARS GENERATED

BUDGETED EXPENDITURES NET OF
OTHER REVENUES

SURPLUS OVER BUDGET

Planned From Fund Balance

FLAT:	\$115	THE ANNUAL IMPACT OF INCREASING EACH RATE BY A PENNY WOULD INCREASE REVENUE BY THE AMOUNTS SHOWN FOR ← WATER AND SEWER →	FLAT:	\$104
PER 1,000 GALLONS:	\$1,812		PER 1,000 GALLONS:	\$1,913
METER SURCHARGE	\$12		METER SURCHARGE	\$12

(118,868)

MANAGER'S REPORT
July 11, 2022

ACTION

Nothing at this time.

INFORMATIONAL

TIF Extension VEPC has now approved Bennington's TIF extension. This will be most helpful as we move through the Benn Hi renovation and reformation and into projects beyond.

Letters to Households Regarding Lead Testing Many residents have received a letter from MSK Engineering regarding lead testing for lead service lines serving the home. The testing is free. Should lead water service lines be found, the replacement of the lines is also free. No one should hesitate to contact MSK Engineering to get the testing done.

Land Records in the Cloud The Town Clerk tells me our land records are now in the cloud. Check it out:

<https://recordhub.cottsystems.com/BenningtonVT/Portal/SearchSites/Home?OrganizationId=244>

Primary Ballots are available at the Town Clerks Office Please contact the Town Clerk's Office at 802-442-1043 if you wish to vote in the Primary. Early voting is now available.

FOLLOW UP

The Community Development and Permitting/Planning Reports are attached.

The Police Department Report: The Chief and LT. will be presenting on July 11.

Recreation:

a. YMCA program planning:

The Bennington Community Center (Rec Center) has a busy pool schedule with lap swimming, water exercise classes, swimming classes and family swim. New exercise equipment is available in the weight room, and a strength and conditioning room has opened in the basement. The Y is started their summer camp programs, Camp Green Mountain, on June 13 and more information is available at www.BFYMCA.org/benningtoncamp. There is also a new program, Family Rec Games, with yard games at the Community Center green on Mondays from 5:30-7 pm. The pool, adult fitness, and youth program schedules are updated regularly on the Bennington Recreation center Facebook page.

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. Jonah Spivak redesigned the Town's recreation page to highlight more outdoor recreation opportunities and partners. I hired a local photographer to take photos of outdoor recreation sites. GVH studio is completing the wayfinding signs and they will be installed this summer/fall.

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 planning a "Trail Fest" event at the Bennington Community Center on July 30 from noon-3 p.m. for both locals and AT hikers.

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. The new fencing is installed at the green space and the YMCA staff are using the space for youth and family programming. Another Animating Infrastructure grant will support art installations along the fence, such as creative benches and gates, collaborating with local artists and designers through the Vermont Arts Exchange. We are also working with a local landscape designer for ideas on landscaping the area.

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.

g. Willow Park play structure upgrade:

I am on the working group with Paul Dansereau, Mark Sawyer, and Jonah Spivak. We reviewed the proposals that responded to the RFP and selected Play by Design to lead the project. Play By Design gave a public presentation at the MAUHS auditorium about the playground redesign. Signage of the redesign will stay up at Willow Park so that the community will see what is being planned for the new playgrounds later this summer.

Vermont Begins Here:

Eight Oh Two Marketing is continuing the digital marketing campaign to promote Bennington. We are running Facebook ads to promote summer travel to Bennington. The VBH blog post for July promoted outdoor recreation-hiking, biking, swimming and golf-in the Bennington area

Local Food Security:

I meet monthly with 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. They have formed a nonprofit, the Bennington Community Market, and the market will be located at 239 Main Street. The market received a town loan for \$200,000 to begin construction on a commercial kitchen at the market space and was awarded a \$35,000 grant from the Citizens for Greater Bennington. They have a website- <https://www.benningtonmarket.com> and have launched a social media campaign and fundraising campaign.

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 submit paperwork required for each grant agreement and subgrant agreement along with progress reports. Shires Housing has received VCDP funding 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 is complete and will be installed in the green space at the back entrance to the Putnam block. I also submitted another historic preservation grant in partnership with Bennington 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:

Contractors will begin improvements to Franklin Lane this summer to improve pedestrian safety by adding pavers to slow traffic and additional lighting. This project is funded with a \$50,000 Downtown Transportation Fund grant.

Benn Hi Redevelopment Team:

I am on the team with other town staff Dan Monks, Mark Sawyer, and Paul Dansereau and we are meeting weekly to plan the redevelopment. Paul created RFPs for a design professional and a construction manager for the project, and the town has hired Goldstone Architecture and Engelberth Construction. I organized meetings with Jeff Goldstone and our partners at the Senior Center, Meals on Wheels, and the Berkshire Family YMCA for their input on program design and a follow up meeting to review the conceptual plans for the community spaces at Benn Hi. We will schedule a meeting with participants at the Senior Center to also review the conceptual plans. We are also working with Shires Housing as they plan for the housing development in the old classrooms of the school.

Walloomsac Riverwalk Pathway:

The town received a \$200,000 Downtown Transportation Fund grant for the redevelopment of the Walloomsac Riverwalk Pathway, which will include widening the path to allow for both pedestrians and cyclists, connecting it to the new rail trail, and adding new lighting and other amenities.

Town website redesign project team:

I met with Jonah Spivak to review the proposals submitted for the Town's website redesign and interviewed final candidates. The web developer Revize was awarded the contract for the Town's website and is beginning the redesign.

Downtown summer events:

I joined the Better Bennington Corporation's promotion committee to assist with downtown events at the Thomson stage this summer. The BBC will manage a summer music series called "Thursday Night Live" using the stage and splash pad park. The BBC launched a crowdfunding campaign for the series and exceeded their goal of \$5,000, which will be matched with a \$10,000 Better Places grant from the Vermont Department of Housing and Community Development.

Vermont Council on Rural Development

VCRD asked me to join their board as a local government representative and I attended their board retreat in Wolcott on June 22.

Community Outreach:

In the past month, I have met with the Berkshire Family YMCA management team, the owner of Benn High, the Bennington Senior Center, Meals on Wheels, Shires Housing, Eight Oh Two Marketing, Historic Preservation Commission, Bennington Community Market, Bennington College, Vermont Arts Exchange, Vermont Council on Rural Development, MSK Engineering, Goldstone Architecture, Better Bennington Corporation, Fidium Fiber/Consolidated Communications, new owners of the Bennington Center for the Arts, and AT Community Committee.

**Summary of Building Permits Issued
June 2022**

Construction Type	Month to date	Month to Date Volume	Year to date	Year to Date Volume
	Permit Totals		Permit Totals	
Single Family Dwelling	1	\$450,000.00	2	\$750,000.00
Duplex	0	\$0.00	0	\$0.00
Mobile Homes	2	\$121,100.00	2	\$121,100.00
Apartments	0	\$0.00	0	\$0.00
Apartment Renovations	0	\$0.00	5	\$242,900.00
Condominiums	0	\$0.00	0	\$0.00
Residential Renovations	0	\$0.00	12	\$763,400.00
Residential Additions	0	\$0.00	3	\$198,800.00
Commercial Construction	1	\$1,730,000.00	2	\$1,930,000.00
Commercial Renovations	2	\$120,700.00	11	\$2,285,508.00
Industrial Construction	0	\$0.00	1	\$608,898.00
Industrial Renovations	0	\$0.00	1	\$0.00
Garages	2	\$25,400.00	7	\$156,900.00
Sheds	4	\$14,400.00	9	\$46,379.00
Decks	1	\$3,000.00	7	\$80,450.00
Institutions	0	\$0.00	0	\$0.00
Signs	3	\$4,890.00	17	\$60,026.00
Use & Zoning	0	\$0.00	7	\$20,183,000.00
Subdivision	0	\$0.00	2	\$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	5	\$77,050.00
Tents	1	\$700.00	3	\$1,850.00
Handicap Access/Ramps	0	\$0.00	0	\$0.00
Concreate Slabs	0	\$0.00	0	\$0.00
Cell Towers/Communications	0	\$0.00	0	\$0.00
Solar Installations	1	\$234,859.00	6	\$321,060.25
Camps	0	\$0.00	0	\$0.00
Withdrawn	0	\$0.00	2	\$0.00
Demolition	2	\$0.00	15	\$0.00
Fire Supression	0	\$0.00	1	\$0.00
Sprinkler System	0	\$0.00	3	\$0.00
Exhaust Hood	0	\$0.00	0	\$0.00
Fire Alarm	1	\$0.00	6	\$0.00
Total	21	\$2,705,049.00	130	\$27,827,321.25

Summary of Building Permits Issued
June 2022

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

Month	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
January	6	12	11	5	8	15	10	5	6	5	11	15
February	7	7	6	7	15	8	5	7	5	8	9	10
March	6	31	13	12	10	14	19	11	13	9	19	22
April	34	31	18	22	27	14	15	15	23	11	29	33
May	27	27	38	20	23	19	27	23	24	19	23	29
June	34	32	20	19	21	19	10	14	12	25	16	21
July	20	24	33	29	47	16	29	30	28	12	16	
August	14	30	21	29	20	18	25	25	16	27	16	
September	15	21	32	27	22	21	21	23	26	9	14	
October	19	38	30	21	28	9	19	20	20	17	29	
November	22	10	16	11	12	8	16	11	8	15	19	
December	17	18	18	7	10	5	8	11	11	5	10	
Total	221	281	256	209	243	166	204	195	192	162	211	

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 06/01/2022 and 06/30/2022

<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>
36512200	22-061	BLS BENNINGTON OUTLOT LLC Lauer-Manguso & Associates Architects 216 NORTHSIDE DR Construct New Commercial Building (3,099 sq-ft)-	Building C.O. Pending	Granted 06/16/2022	1,394.55 1,730,000.00
08014002	22-068	BEAL SUSAN D Susan Beal & David Pearson 1601 MONUMENT AV Construct A New Single Family Dwelling (1,800 sq-ft)	Building C.O. Pending	Granted 06/21/2022	310.00 450,000.00
24502900	22-072	AVS PROPERTIES INC Power Guru LLC 1267 HARWOOD HILL RD Install Rooftop Solar (5,454 sq-ft)	Building C.O. Pending	Granted 06/08/2022	818.10 234,859.00
40500800	22-073	DICKSON JAMES L & CATHERINE M James & Catherine Dickson 1616 WALLOOMSAC RD Construct A 24x30 Carport	Building C.O. Pending	Granted 06/09/2022	112.00 25,000.00
59502003	22-074	GARDEN HOMES VT LP Thomas O'Brian 350 GORE RD PK Construct A 14x70 Manufactured Home & A 8x8	Building C.O. Pending	Granted 06/08/2022	193.40 51,050.00
45014154	22-075	GARDEN HOMES VT LTD PARTNERSHIP Thomas O'Brian 75 BELL ST Construct A 28x48 Manufactured Home & A 8x8	Building C.O. Pending	Granted 06/13/2022	248.00 70,050.00
50563100	22-076	CONE REALTY CORP Barrier Free Elevators Inc 439 MAIN ST Install A Wheelchair Lift (12 Sq-Ft)	Building C.O. Pending	Granted 06/21/2022	50.00 45,700.00
51540500	22-077	TOWN OF BENNINGTON United Counseling Service 655 GAGE ST Install A 20x40 Temporary Tent (06/06/22-06/15/22)	Building C.O. Not required	Granted 06/10/2022	50.00 700.00
60503200	22-078	COUSINS PAUL G & MARIA F Paul & Maria Cousins 107 SOUTHSIRE DR SO Construct A 10x30 Porch	Building C.O. Pending	Granted 06/13/2022	65.00 3,000.00

Town of Bennington Planning and Zoning

Detailed Permit Report

<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	22-080	BLS BENNINGTON LIMITED Bill St. Pierre 214 NORTHSIDE DR Interior Renovations (1,712 Sq-Ft) For Nail Salon	Building C.O. Pending	Granted 06/21/2022	50.00 75,000.00
51540500	22-082	TOWN OF BENNINGTON Town Of Bennington 655 GAGE ST Construct A 10x12 Storage Shed	Building C.O. Pending	Granted 06/27/2022	0.00 2,500.00
24504100	22-083	KOLAR EILEEN Eileen Kolar 241 HOUGHTON LN Construct An 18x18 Lean-to Off Existing Barn	Building C.O. Pending	Granted 06/23/2022	52.40 3,000.00
58521903	22-085	USETED KRISTIN S Joseph & Kristin Useted 253 GORE RD Construct A 10x20 Fabric Garage	Building C.O. Pending	Granted 06/24/2022	35.00 400.00
57520900	22-086	MEARS MARTIN F Martin Mears 173 S BRANCH ST Rebuild Utility Shed	Building C.O. Pending	Granted 06/22/2022	25.00 2,000.00
58520516	22-087	SWEET DOUGLAS G Austin Burnell 16 SWEETS MHP NO Construct A 12x16 Shed	Building C.O. Pending	Granted 06/27/2022	70.00 6,900.00

Town of Bennington Planning and Zoning
Detailed Permit Report

Permit types included: Local/Custom
Approval status included: Granted
Occupancy status included: Any status
Decision dates included: Between 06/01/2022 and 06/30/2022

<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>
11013301	2022	LEWIS GARY L & KATHERINE L Gary & Katherine Lewis 1974 US RT 7 SO Removal Of A 2-Story House And Porch	Local/Custom C.O. Not required	Granted 06/23/2022	25.00
57515200	2022	TARQUINO JAEL P & ESTHER Jael & Esther Tarquino 2 BELVEDERE ST Removal of a Broken Shed	Local/Custom C.O. Not required	Granted 06/28/2022	25.00

Town of Bennington Planning and Zoning
Detailed Permit Report

Permit types included: Fire Alarm
Approval status included: Granted
Occupancy status included: Any status
Decision dates included: Between 06/01/2022 and 06/30/2022

<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>
43513000	F22-010	NORTHEASTERN BAPTIST COLLEGE INC Myers Electric CONVENT AV Install Sprinkler Monitoring Panel w/Emergency Forces	Fire Alarm C.O. Pending Notification in Multiple Buildings	Granted	06/02/2022 208.00

Town of Bennington Planning and Zoning

Detailed Permit Report

Permit types included: Sign

Approval status included: Granted

Occupancy status included: Any status

Decision dates included: Between 06/01/2022 and 06/30/2022

<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>
50563100	S22-014	CONE REALTY CORP Hosam Namer 437 MAIN ST New Business - Adding 2 new signs - Exotic Clouds	Sign C.O. Not required	Granted 06/02/2022	60.00 500.00
40500190	S22-015	STATE OF VERMONT Action Sign Co LLC 1563 WALLOOMSAC RD Replacement Sign for Airport - "T" and Titan	Sign C.O. Not required	Granted 06/02/2022	63.75 2,485.00
50571100	S22-017	BENNINGTON COUNTY INDUSTRIAL Al Claussen 343 MAIN ST New Putnam Block Sign (showing where tenants are	Sign C.O. Not required	Granted 06/09/2022	40.00 1,905.35