

M E E T I N G N O T I C E
BENNINGTON SELECT BOARD
Monday, October 24, 2022
Bennington Fire Facility
Multi-Purpose Room - 3rd Floor
130 River Street
Bennington, Vermont 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 October 10, 2022
 - B. Warrants
 - C. Liquor License
4. Public Comment 6:05 PM - 6:20 PM
5. Benn Hi Redevelopment Project 6:20 PM - 7:00 PM
6. Implementing the Town Vision 7:00 PM - 7:10 PM
7. Manager's Report 7:10 PM - 7:20 PM
8. Upcoming Agendas 7:20 PM - 7:25 PM
9. Other Business 7:25 PM - 7:40 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 MEETING**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **OCTOBER 10, 2022**

5 **MINUTES**

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

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

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Shannon
10 Barsotti-Community Development Director; Jonah Spivak-Communications Coordinator; Paul
11 Dansereau-Director of Facilities; Paul Doucette-Police Chief and Cam Grande-Police Lieutenant;
12 Sam Restino; Clark Adams; Kelly Carroll; Jenny Dewar-Better Bennington Corporation; Lauren
13 Barsotti; Ned Perkins; Robert Ebert; 10 citizens; Josh Boucher-CAT-TV; and Nancy H. Lively-
14 Secretary.

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

16 **1. PLEDGE OF ALLEGIANCE**

17 The Pledge of Allegiance was recited.

18 **2. VISION STATEMENT**

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

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

23 **3. CONSENT AGENDA**

24 **A. MINUTES OF SEPTEMBER 26, 2022**

25 **B. WARRANTS**

26 *Bruce Lee-Clark moved and Tom Haley seconded to approve the Minutes of September*
27 *26, 2022 as presented. The motion carried with Jeanne Conner, Sarah Perrin, and Gary Corey*
28 *abstaining.*

29 *Bruce Lee-Clark moved and Tom Haley seconded to approve the Warrants as*
30 *presented. The motion carried unanimously.*

31 **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.

Sam Restino: Urges all citizens to become involved and vote. Voters may also be confused because the absentee ballots don't get signed, we now have only District 2 and 5, and any questions can be directed to Mr. Restino's Facebook page.

Jenny Dewar, BBC and Lauren Barsotti: Noted all of the activities that will be taking place at Harvest Fest on October 15, 2022 from 10:00am-5:00pm including 4 stages of entertainment, pumpkins carving and painting, face painting, hair braiding, medieval combat demo, food trucks, outdoor serving, competitions, and many games.

Kelly Carroll: Shared information on two events taking place on October 22, 2022:

Riverwalk starting at People's Park at 10:00am ending at the Splash Pad with an opportunity to meet the local candidates.

American Legion Riders are hosting Chicken Shoot Bingo starting at 1:00pm. Tickets are \$25/each to support the Veteran's Fund.

5. BENNINGTON POLICE UPDATE

Police Chief Paul Doucette and Lt. Cam Grande did the following presentation:

- During the month of October, socks may be dropped off at the Police Department to celebrate Sock-tober. Socks will be donated to the Veteran's Home and the Bennington Coalition for the Homeless. Last year we raised 900 pairs and hope to do better this year.

We also have purchased many “treats” for our Copsicles to hand out including toothbrushes along with the candy and other candy substituted options.

- Since January we have had 17 firearm related incidents in Bennington. We are working diligently with our federal partners and surrounding agencies to curb this violence. “Scary stuff involving drugs and guns.”
- We are speaking with Commissioner Morrison from the Vermont Department of Health and Safety and Senator Sears to introduce some legislation in the upcoming session around firearms, violence, and juveniles.
- We have seen an influx of youth, 15-19, involved in the firearm/drug arena.
- Our communication center is now fully staffed with 2.5 FTE’s plus another part timer to start soon.
- We have dispatched 16,000 total calls for service during the first 9 months of the year for the Bennington Police Department (BPD), Bennington Rescue Squad, Pownal Rescue and Fire, North Bennington, Bennington, and Bennington Rural Fire Departments.
- We are down 8 police officers and are now recruiting from Castleton in the wake of the Southern Vermont College closing.
- We gave received a large grant from the Vermont Crime Victims Services to work with a Human Trafficking Case Manager at the BPD as of today. Human trafficking does revolve around the “drug tree” and she will be shared with other agencies that may need her services. The hope is that she will provide the direction to help those in need to get their lives headed in a better direction.
- We are continuing to work with and stay current with what is going on at Turning Point and SVHC.
- We have met and had an enjoyable visit with the seniors at the Senior Center who look forward to the police coming. They have the same speeding/barking dogs concerns that everyone else has.
- We have spent 9 hours with CPARB getting them to understand the workings of the police department. “They are a great group.”
- National Drug Take Back Day is October 29th so be sure to bring any unused/unwanted prescriptions to the BPD in the drop boxes.
- We will be working with United Counseling on their Superhero road race in November and we will be defending last year’s Kick Ball Championship trophy on Friday.
- From October 16th thru December 3rd, the male officers will be growing beards and the female officers will be wearing headbands to raise funds for the SVHC Cancer Center.
- We would like another police dog and will discuss this further at budget time and in regard to having a fundraiser, as well.

Board questions/comments answered by Chief Doucette:

Ms. Conner: Do you know what the long term trajectory is for a teen that is in trouble now if they could be retained longer? *We’re seeing an influx of teens coming from Massachusetts and*

104 *New York, so even though it's hard to put them into the criminal justice system, when they're*
105 *fully aware of the crimes that they are committing, we have to get them into programming*
106 *either here or back in their home states.*

107 Ms. Conner: What is the ultimate goal of disrupting the drug trafficking? *The goal is to disrupt*
108 *what they're doing in our community so that they do not return here. Unfortunately, there's a*
109 *demand, so therefore, there's a supply. This is why it is so important to get the HUB/SPOKE*
110 *program to get people into treatment so the demand stops.*

111 Ms. Conner: Retired teachers and nurses are coming back to fill the vacancies in their
112 professions. Is this an option for the police? *We have made calls to try and do this but it is*
113 *unlikely it will be successful. The response is "no way, no how". Our efforts are better spent*
114 *recruiting younger people.*

115 Mr. Lee-Clark: How soon will you be able to give information to the Town on the new Human
116 Trafficking Case Management position? *The Case Management position will work side-by-side*
117 *with law enforcement so that she can start helping the victims immediately instead of having to*
118 *wait for the paperwork process to occur. There will be money available through the grant for up*
119 *to 2 years for the services that they need. Hopefully, she will be able to attend the January*
120 *board meeting with us.*

121 *Public questions/comments answered by Chief Doucette:*

122 Sam Restino: Is concerned that the fentanyl that looks like candy is in Bennington. *We haven't*
123 *seen any here but understand that it has made it up to Connecticut and agree that it is just a*
124 *matter of time before it gets here. Parents must be cognizant of what their children have in*
125 *their trick or treat bags.*

126 Sam Restino: How do you feel about the threat of recreational marijuana in Bennington? *51% of*
127 *Vermonters feel that marijuana should be legal and I am required to enforce the laws regardless*
128 *of my personal opinion. People from Vermont can easily violate federal law and buy marijuana*
129 *in the "hundreds of dispensaries" in Massachusetts and bring it back to Vermont. Our task is to*
130 *be sure those using it are not under age and to keep people safe.*

131 Ned Perkins: Thank you to the police. Do we have police presence in the schools? *We do have*
132 *officers there a couple days a week but don't have enough officers to be there every day.*

133 Ned Perkins: Do you have surveillance cameras in the high crime areas and do we use shot
134 locators? *We don't use shot locators but are using technology the best that we can. We still*
135 *ring door bells and recommend that everyone have the 'ring door bells' system in place. To*
136 *make follow up easier every officer should hand out contact information to those that they*
137 *speak with.*

138 Clark Adams: The Town would benefit by hearing the successes from officials throughout the
139 State - real facetime with the public - and not just the bad things that are happening. *Because*

the good outcomes may take so long to result from the bad, they often don't get publicized. What is more current is more exciting. We have been discussing with the Select Board the possibility of starting a Citizen Police Academy in Bennington that would have two levels - a Bachelors Level program and a Masters Level program that would bring in our Federal partners to explain what their role is in Bennington. This would give the citizens the whole picture of how we relate to our partners.

Robert Ebert: As a member of CPARB, thanked Chief Doucette and Lt. Grande for the 9 hours of training that they have given the group even after having already worked a 12 hour day.

6. ADA TRANSITION PLAN

Paul Dansereau, Director of Facilities, did the following presentation:

- In 1995, the Town of Bennington adopted an American with Disabilities Act (ADA) Self-Evaluation & Transition Plan. Since that time, all recommendations have either been completed or no longer used.
- In June 2022, the Town with the assistance of the Vermont Center for Independent Living (VCIL), did a self-audit of a majority of the Town facilities that resulted in the Updated ADA Transition Plan.
- The ADA Plan will be reviewed annually and updated and re-adopted every five years to ensure it remains relevant as programs, activities, and facilities change.

Board questions/comments answered by Mr. Dansereau:

Mr. Lee-Clark: Suggested adding in bold type "To Be Reviewed and Re-Adopted October 2027" at the bottom of the PURPOSE page.

Ms. Conner: Verified that it was stated about requesting an accessible accommodation for events, and it was on Page 5 of the Plan.

Mr. Haley: This is a great example of an advocacy agency and the Town working together to benefit the community as a whole.

Public questions/comments answered by Mr. Dansereau:

Sam Restino: Urged anyone that is hesitant to vote because of ADA issues to call the Town Clerk or Town Office.

Sarah Perrin moved and Bruce Lee-Clark seconded to adopt the Town of Bennington Americans with Disabilities Plan Update amended as follows:

Add, "To Be Reviewed and Re-Adopted October 2027" to the bottom of Page 1, PURPOSE.

Page 5, Line 2, Change "Boards of Commissions" to "Boards and Commissions"

Mr. Lee-Clark noted that the sound in the Multi-Purpose Room - 3rd Floor of the Bennington Fire Facility is an issue and we need to do whatever it takes to make it workable so people can hear the discussion and the dialogue.

Ms. Jenkins can't wait to get a push button on the door downstairs at the Fire Facility.

The motion carried unanimously.

Ms. Conner added that on the Walk and Roll it was discussed that VCIL would help shop owners make their business ADA accessible so we will be making shop owners aware of this.

7. IMPLEMENTING THE TOWN VISION

No additional comments.

8. MANAGER'S REPORT

Mr. Hurd did the following report:

Benmont Avenue/County Street Sewer Line Replacement - Casella is in Town getting ready for the project and has indicated confidence in completion of the Benmont section before winter.

Franklin Lane Pedestrian Improvement Project - Buildings on either side are served by gas so extra care has been taken while replacing the subbase. Once this is finished, the pavers are going in today and the project should move along faster.

COVID Test Kits - The 2200 test kits have all been distributed and we have reached out to the Department of Health to see if we can obtain more kits. If and when received, we will again make them available at various municipal buildings.

Tax Sales - We are down to 11 properties that may go to sale on October 31st. Our goal is to clear the delinquency or get a signed payment plan in place.

Mr. Hurd added that there will not be a ribbon cutting at Willow Park in two weeks.

Mr. Lee-Clark asked if we have the ability to compare the values of the permits year-to-year for economic development purposes in addition to the number of them that we get now? Mr. Hurd answered that he would need to confer with Mr. Monks to see if our software has that capability. Mr. Monks added that these permits contain self-reported information so the only way to see the value of the end results would be from the Grand List. Mr. Lee-Clark and Ms. Jenkins agreed that it would be nice to see the dollars, as well as, that this was a "to be pondered" request.

9. UPCOMING AGENDA

October 19, 2022 - Special Meeting on Benn High at 5:30pm at the Fire Facility

October 24, 2022 - Lake Paran Presentation

205 **10. OTHER BUSINESS**

206 Mr. Haley: Plugged Harvest Fest on October 15th and will be there carving pumpkins.

207 Ms. Conner: Plugged the Apple Cider Doughnuts at the Apple Barn - congratulations to Sarah
208 Albright.

209 Ms. Perrin: Wished her husband a Happy Birthday and thanked him for his help the past couple
210 of days.

211 Mr. Lee-Clark: Thanked the Department of Public Works for their striping job on Washington
212 Avenue and his neighbor for his library and bench. And, requested that people slow down
213 when driving.

214 Mr. Carroll: Noted the passing of Marie Legacy and her contributions to the youth in the
215 community.

216 **11. EXECUTIVE SESSION**

217 **A. REAL ESTATE**

218 *At 7:40pm, Bruce Lee-Clark moved and Gary Corey seconded that the meeting was*
219 *adjourned finding that an Executive Session be held on Real Estate as premature public*
220 *knowledge would place a person involved in the subject matter at a substantial*
221 *disadvantage. There will be no actions taken on these items when going back into Open*
222 *Session. The motion carried unanimously.*

223

224

225 Respectfully submitted,

226 Nancy H. Lively

227 Secretary

228

TOWN OF BENNINGTON

2022 LIQUOR LICENSE RENEWAL APPLICATIONS

2022 3rd Class Renewals

1. Miller's Toll

**The Bennington Select Board hereby approves the above
2022 Liquor License Renewal Applications
Dated: October 24, 2022**

Jeannette Jenkins, Chair

MANAGER'S REPORT
October 24, 2022

ACTION

Nothing at this time.

INFORMATIONAL

The Willow Park Playground Update from [Director of Facilities](#) is attached.

FOLLOW UP

The Communication Coordinator's Report is attached.

October 19, 2022

Town of Bennington Willow Park Play Structure Project Update 10/19/2022

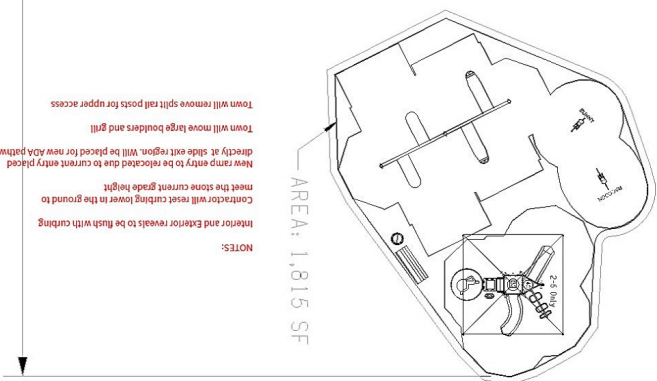
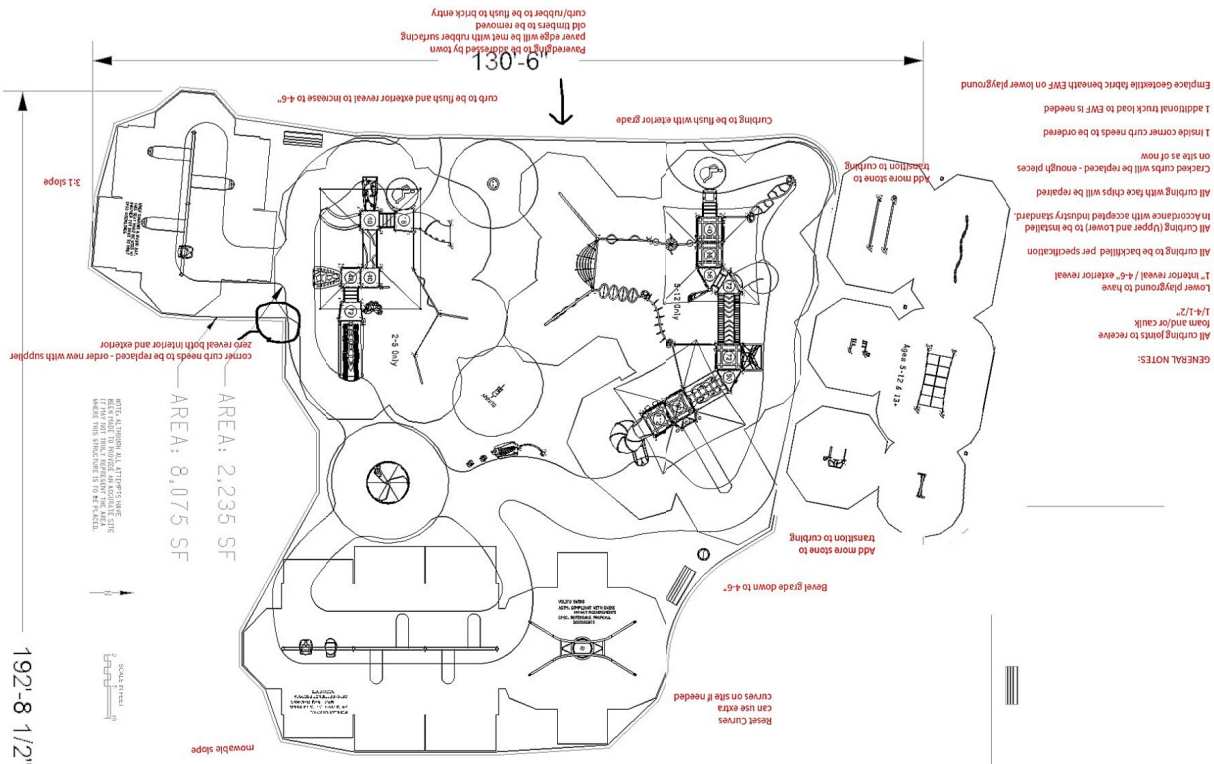
Prepared by: Paul T. Dansereau

1. **Purpose:** Provide the Town of Bennington Select Board an update of the Willow Park Play Structure Project.
2. This morning (Wed 10/19) I spoke with Samantha McAdams (Project Manager Play by Design) and confirmed:
 - a. Line items requirements previously identified during the 10/7/2022 on site meeting conducted by Town of Bennington, Play By Design, and M.R. DIRT Operations Manager (new contractor to complete pre-cast curbing and site punchlist items). Attached the plans subsequently prepared by Play by Design project manager (see attached)
 - b. Play by Design, Burke Playground Equipment, and M.R. DIRT are scheduled to conduct a 1:00 pm meeting today (Wed 10/19) to conduct final coordination. It is fully expected M.R. DIRT to mobilize prior to 10/24/2022 to start the work. After this meeting Samantha plans to provide an additional update.
 - c. Scope of Work Requirement highlights have not changed from previous update and includes:
 - i. Identify sections of curbing required to be replaced and/or repaired prior to re-installation
 - ii. Reset Upper and Lower Playground precast curbing to industry standard specification -- sub-base preparation, grades, reveals, setting curbing sections in concrete at the base once they are aligned/level, and transition details between curb and donor bricks.
 - iii. Replace the one corner section that is incorrect.
 - iv. Complete site work once curbing is emplaced which included – final grading, fill and topsoil required
 - v. Install Geotextile material beneath large playground wood chips per specification
 - vi. Agreed on plan to re-locate upper playground entrance to mitigate entry point with play structure exit points
 - vii. Estimate 2 to 3 weeks of work is required to complete curbing and site work.
 - viii. Once curbing and site work completed then approximately 1 week to complete playground equipment punch list items.
 - ix. Weather dependent poured in place rubber would be installed as soon as possible after punch list items are complete. Poured in place rubber requires sustained temperatures above 40 degrees Fahrenheit to effectively install and cure.
3. The total project cost is \$ 499,261.00
 - a. \$ 385,557.00 has been paid to date to Play By Design for: Design, Playground Equipment & Materials, and Playground Equipment installation performed to date.

- b. \$ 113,704 funds have not been paid to date and final payments will not be issued until all identified punch list items are completed, approved by Play by Design Project Manager, and accepted by the Town of Bennington.
- 4. It is unfortunate that the initial project installation subcontractor did not complete pre-cast curbing to an industry accepted standard and has delayed the project. The delay in resuming work was necessary to ensure all issues were thoroughly identified, plans are completed to address the issues, and the required work shall be executed to designs and specifications.
- 5. Play by Design and Burke Playground Equipment are committed to ensure the playground is completed to ensure the Town of Bennington is provided a quality, fully compliant, and long lasting playground.
- 6. Additional updates will follow as they become available.

Enclosure: Willow Park Playground Project Punchlist Markups 10 07 2022

M:\Building & Zoning\Paul\Building & Grounds\Willow Park Play Structure\Executive Summary and References 12012021\Willow Park Play Structure & Park Upgrade RFP Recommendation (03072022).doc



ADA ACCESSIBILITY GUIDELINE (ADAAG CONFORMANCE)

NUMBER OF PLAY EVENTS:	75
NUMBER OF ELEVATED PLAY EVENTS:	28
NUMBER OF ELEVATED PLAY EVENTS ACCESSIBLE BY RAMP:	PROVIDED: 0
NUMBER OF ELEVATED PLAY EVENTS ACCESSIBLE BY TRANSFER SYSTEM:	PROVIDED: 22
NUMBER OF ELEVATED PLAY EVENTS ACCESSIBLE BY RAMP OR TRANSFER SYSTEM:	PROVIDED: 47
NUMBER OF GROUND LEVEL PLAY EVENTS:	PROVIDED: 15
NUMBER OF TYPES OF GROUND LEVEL PLAY EVENTS:	RECD: 5
	RECD: 7
	RECD: 9
	RECD: 7
	RECD: 5

WARNING!

ACCESSIBLE SAFETY SURFACING MATERIAL IS REQUIRED BENEATH AND AROUND THIS EQUIPMENT.
FOR SLIDE FALL ZONE SURFACING AREA SEE CPSC's Handbook for Public Playground Safety.
PLATFORM HEIGHTS ARE IN INCHES ABOVE RESILIENT MATERIAL.

INFORMATION MINIMUM FALL ZONE SURFACED WITH RESILIENT MATERIAL AREA 9151 SQ.FT. PERIMETER 1418 FT.	STRUCTURE SIZE 130' 6" x 192' 9" STRUCTURE IS DESIGNED FOR CHILDREN AGES: <input type="checkbox"/> 6-23 MONTH OLDS <input checked="" type="checkbox"/> 2-5 YEAR OLDS <input checked="" type="checkbox"/> 5-12 YEAR OLDS <input checked="" type="checkbox"/> 13 + YEAR OLDS	The play components identified in this plan are IPEMA certified. The use and layout of these components conform to the requirements of ASTM F1487. To verify product certification, visit www.ipema.org	The space requirements shown here are to ASTM standards. Requirements for other standards may be different.	The use and layout of play components identified in this plan conform to the CPSC guidelines. U.S. CPSC recommends the separation of age groups in playground layouts.
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Town of Bennington

Communications Coordinator Report — October 24, 2022

Fall Is Here!

This year has been particularly beautiful! After a number of years of lack-luster foliage, it's good to have such a glorious display.

Willow Park Playgrounds:

Work on the new playgrounds was interrupted in late September when a number of issues were identified by the playground engineer and playground certification team. The most visible issue was problems with the curbing, but they also included placement of Geotextile material installation, and a punch list of items regarding the new equipment.

Most of the issues are minor, but the curbing is a big project. A complete review of the curbing issue include sub base preparation, grades, reveals, and transition details between the playground and the donor bricks in the lower playground and a new entrance location for the upper playground.

The town has received confirmation that work on the new curbing will begin between October 17 and October 24. Once the work begins it will take 2-3 weeks to complete the curbing and possibly another week to finish the other punch list items. These final steps must be completed before the rubber surfacing for the playgrounds can be poured and the playgrounds completed.

The "poured in place" rubber surface requires sustained temperatures above 40° F to effectively install and cure, so we are in a race against time to see if it can be completed before low temperatures push this final step to springtime.

The \$500,000 cost of the new playgrounds have been entirely funded through ARPA monies. The Town is committed to ensuring that the project is completed as quickly as possible but in accordance to all specifications and requirements. We greatly appreciate the patience of the community as we work towards finishing this important community resource!

Citizen Outreach:

I met with citizens thirteen times over the last month on a variety of issues, ideas, and concerns. There were three public record requests to my office.

Community Outreach

This past month I met with BCCH, GBCS, and participated in discussions with the Continuum of Care around community planning. I also worked with CAT TV and the Bennington Fire Department to produce a video about the 25th anniversary of the of the new Fire House on River Street as well as sharing information about the new ladder truck. I also worked with CAT TV on new audio clips available at the Bennington Battlefield that are accessible using QR codes located on interpretive signage located throughout the battlefield area. I've also worked with our Town Clerk to do a couple of social media outreaches about elections and election participation. These will continue at least weekly up to election day.

250th Anniversary Planning:

The steering committee for the newly formed Bennington 250th Anniversary Committee met in September and a number of task forces have been suggested to move forward in the areas of event planning, fund raising, education, and more. Those recommendations will be discussed at the full Bennington 250th committee meeting this coming Thursday. An official press release introducing the committee to the public at large will be put out the last week in October. A website is planned to help keep people informed and engaged. On the regional level, I organized a meeting with 29 people from the states of NY, CT, MA, VT, and RI to discuss regional collaboration between the states for the anniversaries. A media outreach team emerged from that effort to help share and amplify work done by the states around the 250th effort. People interested in being involved with the 250th Anniversary committee can contact me.

BennHi Redevelopment

A primary focus of my time over the last month has been working with Town staff on sharing information for the proposed ARPA funded BennHi redevelopment. We have created an informational page on the town website: <https://benningtonvt.org/benn-hi-redevelopment/> This web page has a detailed narrative of the proposal as well as all documents and reports related to the project that are currently available. It's a big complicated project and we expect the community to have many questions! A public meeting will have been held on October 19 by the time my report comes out.

Website Development

The new town website is in it's "beta" version. Town staff have attended three training sessions on how to use and update the new website. Work now continues on adding in all the new photography and approximately 750-1000 documents that were not migrated by the vendor to the new site. Additional work includes insuring ADA compliance on all the pages and adding in new images. We hope to have this completed in the next few weeks and then we will have a focus group review the site for user-friendliness, and implementing any navigational changes as a result as a final step before going live.

Facebook POST OF THE MONTH:

Sometimes the biggest news is not the best news.

Our post with the biggest reach this past month was not surprisingly about the delay in the completion of the playgrounds at Willow Park.

The playgrounds have consistently been an item of great interest to the community ever since January when planning for the renewal began in earnest.

I discuss the delay in detail in my report, but I want to note that while the delay is regrettable... it is an example of the town doing its "due diligence" and holding vendors accountable for all work.

We take how we spend money very seriously and while a delay was the last thing we wanted, it is our responsibility to ensure that we get the full value for our investments into the community.

