

1 **BENNINGTON SELECT BOARD MEETING**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **OCTOBER 23, 2023**

5 **MINUTES**

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

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

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Shannon
10 Barsotti-Community Development Director; Adam Sancic-Agency of Human Services; Bill Karis
11 and Bruce Lee-Clark-Energy Committee; Representative Mary Morrissey; Sam Restino; Martha
12 Mackey; Donald Washum; Ned Perkins; Clark Adams; Margae Diamond; Nancy White; Police
13 Officer joined meeting at 6:40pm; 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 Mr. Haley 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 OCTOBER 9, 2023**

25 **B. WARRANTS**

26 *Jim Carroll moved and Jeanne Conner seconded to approve the Minutes of October 9,*
27 *2023 amended as follows:*

28 *Page 1, Line 10, Page 4, Line 140, and Page 5, Line 168 Change “Sofia” to*
29 *“Sofie”*

30 *Page 3, Line 76 Change “the Benn High petition” to “the petition on the sale of*
31 *124 Pleasant Street building”*

32 **Page 7, Line 218 Change “unanimously.” to “with Sarah Perrin abstaining.”**

33 **The motion carried unanimously.**

34 **4. PUBLIC COMMENT**

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

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

49 _____
50 Sam Restino: 1. Can we do something, like turn it into parking, at 300 School Street? 2. Calling
51 for a Code Blue advisory because the temperature will drop to 30° tonight. 3. The Farmer’s
52 Market is back in Bennington at the First Baptist Church. 4. The renovations at the Southwest
53 Vermont Medical Center are impressive and were done without closing the hospital. 5. Paving
54 is taking place on Harwood Hill. 6. Harvestfest was great. 7. There will be a meeting at the Fire
55 Facility at 6:00pm on October 25th, taxes are due November 10th, and the parking ban begins on
56 November 15th. He will begin a “Repair Café” in downtown Bennington for small household
57 repairs that people will bring in.

58 Representative Mary Morrissey: 1. The worker at the scale house at the landfill said that there
59 was confusion on what the charges are now concerning brush and asked for a clarification. *Mr.*
60 *Hurd: Clarified that there is no charge for leaves or grass clippings or two 30 gallon bags of*
61 *brush.* 2. Attended a Project Alliance meeting at Bennington College and was “and I hate to say,
62 disappointed” that the Town Manager or any police were not in attendance. Also, would like a
63 Public Hearing on the Autumn Inn project as the neighborhood is concerned. *Ms. Jenkins: Did*
64 *attend this meeting and the Autumn Inn project is a private project and we cannot hold a Public*
65 *Hearing on a private project. Project Alliance is taking the lead on this.*

66 Nancy White: Other towns in the region were told to take part in our town survey. *Ms. Jenkins:*
67 *This is the 3rd time we've done the survey and the survey asks you what town you're from. We*
68 *have set it up this way because Bennington is the largest town in the county and hosts several*
69 *social service organizations. Mr. Woods: We know what towns data is coming from including*
70 *what data is coming from Bennington.*

71 Donald Washum: Thought that Public Comment was the only time that anything could be
72 discussed. *Ms. Jenkins: Explained that Public Comment was for things that were not on the*
73 *Agenda and the public has the opportunity to speak on any agenda item at the time that it*
74 *comes up.*

75 Ned Perkins: Wondered why there were 3 line items in the Warrants on the Benn High project
76 when the taxpayers were not paying for this. *Ms. Jenkins: We did approve some of the ARPA*
77 *funds to be expended on the Benn High project for pre-development and all expenditures flow*
78 *through the Warrants regardless of where the funding has come from. Contact Mr. Hurd*
79 *tomorrow for guidance as to where the pre-development amount was decided.*

80 Jack Hurley: *Was not allowed to speak because he refused to follow the rules.*

81 **5. AGENCY OF HUMAN SERVICES (AHS) HOUSING CRISIS**

82 Adam Sancic from the Agency of Human Services (AHS) did the following presentation:

- 83 • The June Cohort are households that will be approved through the end of March 2024
84 and are in compliance with Act 81 that they are actively engaging in a community
85 partner or provider for any barriers they may have to transition from temporary housing
86 to permanent housing.
- 87 • The numbers for those currently in motels in Bennington County are -
88 ✓ A total of 124 households - 89 in June Cohort and 35 in emergency housing (28
89 or 84 days in general assistance).
90 ✓ Of the 124 households, 76 households are in the Town of Bennington that
91 includes 83 adults and 32 children, and the remaining 48 households are
92 throughout the county.
93 ✓ There are various criteria's that would qualify them for the 84 days of emergency
94 housing - a fire, a child, etc.
- 95 • Through Act 81, AHS has hired 2 staff to engage with the households - with the guidance
96 of Margae Diamond - to be sure that they are receiving all of the needed support
97 possible.
- 98 • We also need to be sure that they are screened for 'coordinated entry' which prioritizes
99 housing supports for families in need, such as Section 8 vouchers and public housing.
- 100 • Bennington County has 60% of the population currently screened and we are
101 outreaching to the other 40% who are not.

- 102 • We also have emergency cold exceptions where we can house individuals when it is
103 23°F or lower with a certain degree of humidity. This usually starts around November
104 15th, but obviously, it is weather driven.
- 105 • We have been dealing with motels that are not providing basic needs - that being what
106 a motel would provide for anyone that is staying there - for the last couple of years and
107 the Director of Economic Services is contacting these motels directly. There are motels
108 that are doing as they should.
- 109 • Rutland City and Town have been doing their own inspections of motels over the last 5
110 or 6 months, and other towns are looking into this since the AHS can only do so much
111 throughout the State. This has substantially improved the motels accountability.
- 112 • Ms. Jenkins read a statement from Jonah Spivak saying:
113 ✓ The Town of Bennington handles all complaints for the State for health and
114 safety concerns in the Town of Bennington. In North Bennington and Old
115 Bennington, we handle the health concerns.
- 116 • Current funding can be found on the Vermont Housing Budget Report.

117 *Board comments and questions answered by Mr. Sancic:*

118 Mr. Woods: Because we need the motel rooms, there are no consequences to the motel owner
119 if they don't provide the basic needs, correct? *Capacity is an issue and having outreach*
120 *employees in the motels does help, however, it is the "rock and hard place" scenario.*

121 Mr. Woods: Motels are not designed for people to live there and there is no way to be able to
122 clean or do maintenance if someone is always there. Perhaps arranging for everyone to leave
123 for certain hours once a week would be helpful. *This isn't in the current contracts.* Perhaps it
124 should be going forward.

125 *Public comments and questions answered by Mr. Sancic:*

126 Representative Mary Morrissey: The State cannot fund putting people in deplorable conditions
127 and were going to send a letter so stating that and perhaps a guideline to the towns as to their
128 role. Have you received that? *Not yet but that doesn't mean that it isn't happening.* Ms.
129 *Jenkins: If the towns are to assume the responsibility then there would be a funding stream*
130 *attached to that, as well.*

131 Clark Adams: Is the AHS a government program? *It's the State of Vermont.* Was under the
132 impression that the Autumn Inn project involved local government and State entities. Ms.
133 *Jenkins: It involves Project Alliance, which is a coalition of social service organizations, the Town,*
134 *legislators, police department, health department, etc., with everyone coming to the table with*
135 *different perspectives. However, Hale Resources is putting together the Autumn Inn project. It*
136 *is not a Town project and we're at the table to address any permitting issues, or other issues*
137 *from our perspective, that Hale Resources may need but we are not the developer.* Mr. Monks:

138 *Any development would either go through the Development Review Board or building inspector*
139 *for approval, not the Select Board.*

140 Sam Restino: Stated that Code Blue is 32°F with wind chill. Do people have to wait until
141 November 15th for emergency code exceptions? *There are also other programs in place to*
142 *address the cold.*

143 Ned Perkins: Noted that there were people on his church steps that they wanted to give
144 direction to where they could be helped. Who would that be? *That would be Margae Diamond*
145 *at Turning Point and is part of the Outreach project. Ms. Diamond: Added that there are several*
146 *agencies that are part of the Outreach project, but some of the problem is that some people*
147 *that we're trying to help refuse to engage with us primarily due to lack of trust. It takes time to*
148 *build that trust.*

149 Martha Mackey: Explain who makes up the 35 in emergency housing. *These individuals came*
150 *along after the cohort so they were given general assistance for either 28 or 84 days. It is age*
151 *dependent, with a disability, with children 6 or under, etc.*

152 Martha Mackey: Explain the cold exceptions. *We would prioritize the congregate shelters before*
153 *motels as there are more services in the shelters. How do we reach out so people know where*
154 *to go? The Outreach program, other social service programs, and all of the community partners*
155 *are aware of how to advise the homeless.*

156 Nancy White: Clarified that the law enforcement involved with Project Alliance is the
157 Bennington Police Department and not the Sheriff's Department. Will the Autumn Inn project
158 go through zoning? *Mr. Woods: Yes, it will go through normal zoning channels. Mr. Hurd:*
159 *Project Alliance has that the folks involved has to commit a portion of their income to housing*
160 *and be engaged with agencies that can help them. Most of those people are Bennington*
161 *residents or live in this region who are in Bennington and unhoused or have addiction problems.*

162 Nancy White: If something happens at a shelter, who is accountable? *Ms. Jenkins: The police*
163 *are called. Mr. Hurd: And the person causing the problem is accountable.*

164 Jack Hurley: Would not give his name and was escorted out of the meeting by the police officer.

165 **6. ENERGY COMMITTEE UPDATE**

166 Bill Karis, Chair of the Energy Committee, and Bruce Lee-Clark did the following
167 presentation:

- 168 ○ Much of our work centers around community outreach.
- 169 ○ We applied for and were rewarded a Municipal Energy Resilience Program Mini
- 170 Grant for \$4,000 dedicated to community outreach energy efficiencies programs
- 171 and have until December 31, 2026 to spend the funds.

- 172 ○ We participated in Healthy Kids Day where they partnered with Window
173 Dressers to distribute these weatherization programs from BROCC,
174 NeighborWorks, and Efficiency Vermont.
175 ○ We co-sponsored the Earth Day Panel on energy and climate change and are
176 planning to broaden our reach with events and education going forward with the
177 grant funding.
178 ○ Discussion has also taken place to convert Morgan Springs into a geothermal
179 heat pump opportunity given the spring's proximity to the Rec Center. We have
180 had a non-committal acknowledgement from the Agency at this time.

181 Ms. Jenkins commented that this is a strong energy committee.

182 *Public comments/questions answered by Mr. Karis and Mr. Lee-Clark:*

183 Sam Restino: Is there any initiative to help people convert from fossil fuels to renewable fuels?
184 *There is support from Efficiency Vermont with rebates and incentives to make that transition,*
185 *money coming through the Inflation Reduction Act, and money to upgrade your electric*
186 *infrastructure. The Energy Committee will get this information out to people as soon as it is*
187 *available.*

188 Sam Restino: We need to get more car chargers in Town. *It's the "chicken and the egg" as to*
189 *whether we need more chargers or more EV's. We have data that shows usage of the chargers*
190 *has almost doubled.*

191 Nancy White: Are there other towns that provide charging stations that are free to those using
192 them? *There are a number of municipally owned charging stations in other towns that do not*
193 *charge those that are using them. Many municipalities have realized that the payback to install*
194 *credit card readers at each station isn't worth the cost of installing them and many businesses*
195 *that have charging stations agree. Some businesses will allow a certain amount of time free*
196 *and will then charge for time over that.*

197 **7. SCHEDULE VOTE ON PETITION**

198 Mr. Hurd explained that the reason for the petition was to challenge the Town's
199 authority to sell the property at 124 Pleasant Street. The question the voters will be deciding
200 will probably read "Shall the Town of Bennington convey, or sell, the property at 124 Pleasant
201 Street?" or the language that the statute provides. The vote can occur at a special meeting or
202 at the annual Town Meeting, and it is his recommendation to have it at the Town Meeting so as
203 to get a better turnout and not to incur an additional cost of \$6,000.

204 ***Jim Carroll moved and Ed Woods seconded to schedule the vote on the petition***
205 ***challenging the Town's authority to sell the property at 124 Pleasant Street on the Annual***
206 ***Town Meeting ballot.***

207 Mr. Woods verified that the vote will have no bearing on the Benn High project going
208 forward, and Mr. Hurd concurred. The \$400,000 value of the building, although a significant
209 amount of money, is less so on a \$28M project. We are working with the developers to address
210 that shortfall with a solution to occur relatively quickly.

211 Ms. Jenkins added that the building will be empty because the Senior Center and Meals
212 on Wheels will be located at the renovated Benn High building and we will no longer have a use
213 for the building.

214 Ms. Perrin agrees with the vote taking place on the Annual Town Meeting ballot.

215 Sam Restino wanted to be sure that the language of the question would be worded so it
216 is clear to the voters what they're voting on, and Ms. Jenkins stated that it will be a yes or no
217 vote.

218 Nancy White asked where will the question be on the ballot, and Mr. Hurd answered
219 that it will be the first question following the Town ballot and prior to the agency questions.
220 And, she asked if there would be the discussions that those who signed the petition asked for,
221 and Mr. Hurd responded that the discussion will take place at the floor meeting.

222 ***The motion carried unanimously.***

223 **8. PLANNING GRANT TOWN PLAN**

224 Mr. Monks reported the following:

- 225 ■ Bennington County Regional Commission (BCRC) is working with the Town
226 Planning commission on Phase 1 of a comprehensive update that will include a
227 concerted effort to address diversity, equity, and inclusion issues.
- 228 ■ Phase 1 includes the development and implementation of an outreach plan and
229 the development of a thematic outline on which to base the comprehensive
230 town plan update.
- 231 ■ Phase 1 will be ongoing for about a year.
- 232 ■ BCRC staff are now preparing an Application for a State of Vermont Municipal
233 Planning Grant to hire consultants to aid the Bennington Planning Commission in
234 Phase 2 of the comprehensive update of Bennington's Town Plan.
- 235 ■ Phase 2 will include drafting a proposed comprehensive update to the Town Plan
236 based on the work completed in Phase 1 and a public outreach effort to gather
237 feedback on the proposed updated town plan.
- 238 ■ The requested grant amount is \$26,500. The required matching funds of \$3,550
239 will be split between the next two fiscal years.

240 ***Jim Carroll moved and Gary Corey seconded to adopt the Resolution approving the***
241 ***Municipal Planning Grant Application in the amount of \$26,500.***

242 Nancy White: Has this gone out to bid? Mr. Monks said yes.

243 Nancy White: When will the woman who will be in charge of this be introduced? Mr.
244 Monks answered the BCRC and Abundant Sun are putting together, and will be doing, an
245 outreach plan that is expected to be approved by the Planning Commission in November.

246 Nancy White: The Planning Commission meetings should be televised on CAT-TV. Mr.
247 Monks responded that that is a budgetary decision and any decisions by the Planning
248 Commission are updated at a Select Board meeting that is televised.

249 Clark Adams: Is there something the Town is or isn't doing based on their Vision
250 Statement that reflects the need for this DEI study? Mr. Monks stated that it isn't a DEI study, it
251 is an update of our Town Plan which is the primary document that drives land use decisions,
252 development decisions, housing decisions, etc. It is a comprehensive public policy document.
253 Ms. Jenkins added that when we came together as a community and put together the Town
254 Vision we are now making sure our Town Plan is in line with the Vision that we have moving
255 forward.

256 Clark Adams: Is the 14th Amendment part of your working papers for the document? We
257 need to think of ourselves as people and not "this and that". Mr. Monks noted that by looking
258 at DEI issues we are making sure that benefits are expanded to include everybody, which is the
259 14th Amendment.

260 ***The motion carried unanimously.***

261 **9. REVOLVING LOAN PROPOSAL - 748 MAIN STREET**

262 Ms. Barsotti explained the following:

- 263 ➤ The Town received a Bennington Revolving Loan Fund application from 748 Main
264 Street LLC (Valerie and Eric Meichtry) to fund renovations to the Bradford Common
265 building at 748 Main Street.
- 266 ➤ Loan amount = \$35,000; fixed rate of 50% of prime interest rate plus 2 points, but not
267 to exceed 7%; 10 years at 6.25% interest rate.
- 268 ➤ Scope of work = improvements to tenant space (electrical work, framing and drywall),
269 and external concrete repair and paint.
- 270 ➤ Collateral = Second position on commercial real estate valued at \$372,500.
- 271 ➤ Contingencies = All appropriate permits must be obtained and insurance required by
272 BRLP policies must be obtained.
- 273 ➤ The applicant meets all other requirements pertaining to the loan application.

274 ***Ed Woods moved and Jim Carroll seconded to approve the Bennington Revolving Loan***
275 ***to 748 Main Street (Valerie and Eric Meichtry) for \$35,000 as described above. The motion***
276 ***carried unanimously.***

277 **10. MANAGER'S REPORT**

278 Mr. Hurd did the following report:

279 The budget schedule has been set and those agencies that are in the budget -
280 Bennington Free Library, Rescue Squad, and North Bennington Recreation-Lake Paran - will be
281 asked to submit their information to the Town by December 1st. All other agencies that appear
282 on the ballot need to submit their information by December 8th. Letters will be going out to all
283 agencies - different letters to those in the budget from those that are not - within 2 days and
284 will be submitted to the Board by December 18th.

285 Biannual Citizen Survey Now Ready - And available on the Town's website:
286 <https://benningtonvt.org/community/survey/index.php> with hard copies available in the Town
287 Office.

288 South Stream Road Speed Issues - The School Zone has been created, is clearly established and
289 signed. We'll continue to monitor to see its effect but so far the average speed has been 25
290 mph within the school zone and 35 mph outside of.

291 River Walk Update - We're now on the last block between School and Park Streets.

292 Benmont Avenue Burned Structure - We have reached out to DEC Deputy Commissioner John
293 Smeltzer to get an understanding of the State's view of this particular property and how it may
294 assist the Town in addressing the terrible conditions with no response at this time. The building
295 is abandoned and we want to remove it.

296 **11. UPCOMING AGENDAS**

297 November 13, 2023 - YMCA Update

298 November 13, 2023 - Health Dashboard Project

299 December 11, 2023 - Bennington Police Department

300 **12. OTHER BUSINESS**

301 None.

302 **13. EXECUTIVE SESSION**

303 **A. PERSONNEL**

304 *At 8:03pm, Sarah Perrin moved and Gary Corey seconded that the meeting was*
305 *adjourned finding that an Executive Session be held on Personnel as premature public*
306 *knowledge would place a person involved in the subject matter at a substantial*
307 *disadvantage. No action will be taken when going back into Open Session. The motion*
308 *carried unanimously.*

309

310

311 Respectfully submitted,

312 Nancy H. Lively

313 Secretary