

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

BENNINGTON SELECT BOARD

Monday, May 22, 2023

Bennington Fire Facility

Multi-Purpose Room - 3rd Floor

130 River Street

Bennington, Vermont 05201

A G E N D A

4:30 PM

Executive Session

Personnel

6:00 PM

1. Pledge of Allegiance

2. Vision Statement

3. Consent Agenda

6:00 PM - 6:10 PM

A. Minutes of May 8 and May 15, 2023

B. Warrants

C. Rescue Squad Proclamation

D. Licenses

4. Public Comment

6:10 PM - 6:25 PM

5. Roundabout Presentation

6:25 PM - 7:00 PM

6. Benn High Update

7:00 PM - 7:30 PM

7. Implementing the Town Vision

7:30 PM - 7:35 PM

8. Manager's Report

7:35 PM - 7:45 PM

9. Upcoming Agendas

7:45 PM - 7:50 PM

10. Other Business

7:50 PM - 8:00 PM

11. Executive Session

A. Legal Matter

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 **MAY 8, 2023**

5 **MINUTES**

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

8 **SELECT BOARD MEMBERS ABSENT:** Jim Carroll.

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Shannon
10 Barsotti-Community Development Director; Jonah Spivak-Communications Coordinator; Nick
11 Cave-IT Director; Laurie Pinsonneault, Sue Rice, Mike Baker, James Allison-Speed Limit East
12 Road; Sam Restino; Kelly Carroll; Nancy White; 10 citizens; Josh Boucher-CAT-TV; and Nancy H.
13 Lively-Secretary.

14 At 6:00pm, Chair Jeannie Jenkins called the meeting to order and urged anyone having
15 difficulty hearing to move to the front.

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 APRIL 24, 2023**

25 **B. WARRANTS**

26 **C. LICENSES**

27 *Jeanne Conner moved and Gary Corey seconded to approve the Consent Agenda as*
28 *submitted. The motion carried with Jim Carroll absent.*

29 **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: 1. Stated that May 9th is Fentanyl Awareness Day and there will be a candlelight vigil at the Four Corners from 7:30pm-8:30pm. 2. Some people are not able to navigate the website to see the information in the Select Board packet so agenda items should be discussed at future meetings. 3. The Community Development Director had said that it is difficult to open up brick and mortar stores and pop-up shops are an alternative. 4. May 13th is the Fire Department's Open House; May 18th is the Car Show and the BCRC Annual Meeting; and May 23rd is the Appalachian Trail Community Meeting at 6:00pm.

Kelly Carroll: Thanked everyone that has supported the Riverwalk for the last 2 years and the Walloomsac Walk Working Committee has initiated an Unsung Hero Award. We are asking the community to send in nominations for an unsung hero at <https://tinyurl.com/bennhero> or at the next Riverwalk on May 20th at 10:00am starting at People's Park.

Nancy White: Stated that one of the pages on the Benn Hi Lease and Purchase Agreement was removed after it had appeared on the Town's website. Why didn't the Select Board acknowledge that this had happened? How can the \$28M project be legal if the lease isn't? An investigation needs to be done before this project goes forward. *Ms. Jenkins: Advised Ms. White to contact Mr. Hurd with her questions.*

5. STAFF UPDATES

A. IT DIRECTOR - NICK CAVE

Nick Cave, Town of Bennington IT Director, has been with the Town since April 3rd and his first project was to deploy the Police Department computers. These computers were purchased in October 2022 and will be completely on line this week, as well as, "Smart Work" for their conference room. Other present and future projects are working on emergency Town Policies, switching internet carriers from First Light to Consolidated, staff training programs, and identifying all forms of online equipment for Cyber security.

B. LOAN PROGRAMS - SHANNON BARSOTTI

Ms. Barsotti, Community Development Director, did the following presentation:

- Funds for the Loan Program originated from remaining grant funds in the 1970's from Housing and Urban Development (HUD).
- The purpose of the Revolving Loan Fund is
 - ✓ To encourage business and job growth in our community - especially in the Downtown.
 - ✓ To aid in the rehabilitation of our historic Downtown structures.
 - ✓ And, for expansion and construction, as well as, equipment needs for local businesses that were finding it difficult to find necessary funding elsewhere.
- Any for profit or non-profit corporation or partnership located in Bennington may apply.
- It must be a small business by SBA standards - \$6M with net profits of <\$2M.
- Applicants must show a letter of rejection from a traditional bank for what they're trying to do.
- Loans cannot be used for refinancing, real estate acquisition, or operating expenses.
- We currently have loans out for \$1,175,557; funds available to loan is \$574,692; with ~\$84,000 in default which includes those written off due to bankruptcy giving the rate of 7%.
- Some recent recipients of the program are Juniper Lane, Angry Egg, Bennington Community Market, The Dutchman's Tavern, Farm Road Brewing, Little City Cider Company, and the Putnam Block.
- In the last 10 years, businesses have received \$875,000 in loans, 152 jobs have been created, 8 vacant store fronts and buildings have been filled with businesses investing \$1.2M of their own financing.
- With the Putnam Block, an additional \$52M of both private and public funding has been invested in the Downtown.
- The purpose of the Housing Rehabilitation Fund is
 - ✓ To provide housing to low and moderate income individuals, or those earning ~\$50,000.
 - ✓ To encourage landlords to invest in upgrading their properties.
 - ✓ To make energy efficient upgrades, eliminate blight and deterioration, protect and improve the neighborhood environment, and reduce fire and safety hazards.

101 *Board comments/questions answered by Ms. Barsotti and Mr. Hurd:*

102 Mr. Corey: Are these loans also available to residents of Old Bennington and North Bennington?
103 Yes.

104 Mr. Corey: Are there separate pots of money for the two different types of loans? *It is one pot*
105 *of money.*

106 Mr. Woods: Is the 7% in default from the beginning of time? *7%-10% is where we've always*
107 *been. We're very careful about the risk we take.*

108 Mr. Woods: Do you give guidance to applicants that may have been turned down from a bank
109 for extenuating circumstances and were credit qualified otherwise? *We try to work with the*
110 *banks as applicants do have funding from other sources but our loans may serve as gap funding*
111 *for their business.*

112 *Public comments/questions answered by Ms. Barsotti and Mr. Hurd:*

113 Sam Restino: Do we pursue businesses that are not paying back the loans? *Yes, unless they've*
114 *filed bankruptcy.*

115 Nancy White: Do we currently have a policy for these loans? *These are programs, not policies,*
116 *and we have most of the information on the applications which are on the Town website.*

117 **6. POLICY ON REVOLVING LOANS**

118 Mr. Hurd explained that based on a citizen's concern, we have consulted Counsel and
119 have developed a Town Loan Programs Approval Policy that clarifies the process used for more
120 than 40 years. The Townwide Housing Loan Program applications require the approval of the
121 Town Manager and are usually no more than \$25,000 per unit. The Bennington Revolving Loan
122 Program (BRLP) applications require the approval of the Bennington Select Board. The Board
123 will review the loan applications in Executive Session and vote to approve in Open Session.

124 ***Ed Woods moved and Jeanne Conner seconded to adopt the Town Loan Programs***
125 ***Approval Policy as presented.***

126 Mr. Corey asked why the separation of approval processes between the Housing Loan
127 Program and the BRLP loans, and Mr. Hurd answered that Counsel agreed that this was
128 appropriate since the Housing Loan are for no more than \$25,000.

129 Ms. Perrin asked when the last Townwide Housing Loan was, and Ms. Barsotti
130 responded the Manes House in late 2019 or early 2020 for no more than \$25,000.

131 ***The motion carried with Jim Carroll absent.***

132 ***Ed Woods moved and Jeanne Conner seconded to ratify all previous loans. The motion***
133 ***carried with Jim Carroll absent.***

134 **7. TRAFFIC ORDINANCE AMENDMENTS**

135 **A. WINTER PARKING BAN**

136 *Gary Corey moved and Ed Woods seconded to approve the 10 TRAFFIC CONTROL*
137 *ORDINANCE, Article 10-5 Parking, 10-5.03 Angle Parking, Generally amended as follows:*

138 *Remove "Angle" from 10-5.03 and Change "March 31" to "April 15"*

139 *The motion carried with Jim Carroll absent.*

140 **B. SPEED LIMIT - EAST ROAD**

141 Mr. Hurd stated that after checking with the Police Department about accidents on East
142 Road in the last two years, there were two in 2021 and two in 2022, all at the intersection of
143 Houghton Lane and East Road.

144 *Public comments:*

145 Laurie Pinsonnault: Because of the Middle School and the East Road Market reopening there is
146 more vehicle, bicycle, and foot traffic on East Road with no sidewalks north of Duffy Drive. She
147 is not in favor of increasing the speed limit especially with the reduced police force that aren't
148 able to enforce it.

149 Sue Rice: Despite there not being any sidewalks, the shoulders aren't safe to walk on. She is
150 not in favor of increasing the speed limit.

151 Mike Baker: Asked why this was brought up? *Mr. Hurd answered it was from a traffic study*
152 *found that the average speed is 42 mph and the speed limit should reflect what most people are*
153 *travelling on roads that go between communities and not what people desire it to be. This was*
154 *a VTrans proposal that we looked at with the BCRC to look at what the road can logically handle*
155 *and what people will logically drive.* Mr. Baker: If they're driving 7 mph over the limit then we
156 should lower it to 30 mph so they'll drive 37 mph.

157 James Allison: There is a noise pollution issue on East Road that he is blaming for 10% of his
158 high blood pressure problem. He is not in favor of increasing the speed limit.

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

160 Mr. Woods: Not sure why we would do this without a tangible advantage.

161 Mr. Haley: Also doesn't see a tangible advantage and is concerned about the potential increase
162 in traffic with the reopening of the Willow Park Playground. He has received several e-mails
163 that are all against the speed limit increase.

164 Mr. Corey: Was the traffic study requested? *The suggestion came to the Town through BCRC*
165 *and the study was done on East Road and South Stream Road, two community interconnecting*
166 *roads with similar results on both.*

167 Ms. Conner: The lack of sidewalks when we're encouraging people to get out and exercise is the
168 most compelling argument to not increase the speed limit. Safety should always be our
169 priority.

170 *Additional Public Comment:*

171 Sam Restino: Since South Stream Road was brought up, he is not in favor of increasing the
172 speed limit on South Stream Road.

173 ***Sarah Perrin moved and Ed Woods seconded to not amend 10-19 APPENDICIES, 10-***
174 ***19.03 Speed Limits as it pertains to East Road, and to leave the speed limit at 35mph on East***
175 ***Road. The motion carried with Jim Carroll absent.***

176 **8. IMPLEMENTING THE TOWN VISION**

177 Ms. Jenkins updated the presence of a Legal Aid in Bennington as follows:

- 178 ➤ We were introduced to Deputy Director David Kensinger from Burlington.
- 179 ➤ He came to Bennington to help with finding a location for the Legal Aid Office and we
180 had determined that the Blacksmith Building was appropriate.
- 181 ➤ We thought we were all set in November, however, Legal Aid has yet to start any
182 services in Bennington.
- 183 ➤ We have reached out again to Mr. Kensinger realizing that they would like a larger
184 presence in Bennington to include what additional services they could have. He
185 continues to work on how to accomplish this.
- 186 ➤ We have also connected him with the Department of Health, GBICs, and Project
187 Alliance.
- 188 ➤ More to come.

189 Kelly Carroll reminded everyone of the CPARB meeting on May 18th at the Fire Facility at
190 6:00pm and that on June 29th there will be a Community Listening Session at the Fire
191 Facility at 6:00pm.

192 Ms. Jenkins stated that interviews for the Boards and Commissions began this evening
193 and will conclude just prior to the next meeting. Announcements will be made at the
194 first meeting in June.

195 **9. MANAGER'S REPORT**

196 Mr. Hurd did the following report:

197 Willow Park Playground -We have opened the playgrounds for use. We will have contractors
198 on site on May 15th and 16th to resolve some issues but the areas have been certified safe for
199 use.

200 Fireworks Contract Received - Fireworks will take place on July 4th at 9:30pm with a rain date of
201 July 8th. The cost is the same as last year, \$15,300. Our fundraising efforts will begin as well.

202 Additional Comments - The Fire Department Open House is May 13th from 9:00am-1:00pm.

203 **10. UPCOMING AGENDA**

204 May 22, 2023 - Bennington Rescue Squad Presentation

205 May 22, 2023 - EMS Proclamation

206 May 22, 2023 - Benn High Project

207 May 22, 2023 - VTRANS - Three Round Abouts

208 **11. OTHER BUSINESS**

209 Mr. Corey and Mr. Woods: Thanked the people who spoke on the speed limit on East Road
210 noting that their comments mattered.

211 Ms. Conner: Kudos to all that have worked on the Rail Trail all these years and to those that
212 attended the Opening Ceremony.

213 Mr. Haley: Added that a bike rider was so excited about using the Rail Trail that he rode right
214 through the ribbon.

215

216 ***At 7:13pm, Gary Corey moved and Jeanne Conner seconded the adjournment of the***
217 ***meeting. The motion carried with Jim Carroll absent.***

218

219

220

221 Respectfully submitted,

222 Nancy H. Lively

223 Secretary

224

At its regularly scheduled meeting on Monday, May 8, 2023, the Bennington Select Board Amended Article 10 TRAFFIC CONTROL ORDINANCE as follows:

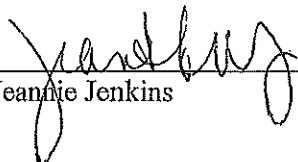
10 TRAFFIC CONTROL ORDINANCE

Article 10-5 Parking

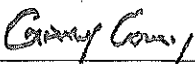
10-5.03 Angle Parking, Generally:

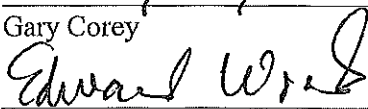
- m. Along and adjacent to the curb or edge of any street or portion thereof between the hours of 2:00 a.m. and 6:00 a.m. during the months beginning November 15 through and including ~~March 31~~ **April 15** of the following year, except when the chief of police authorizes same because of adverse weather conditions.

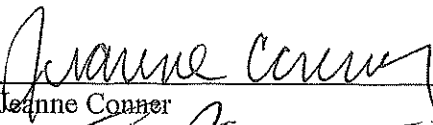
This action is taken by the Select Board of the Town of Bennington on May 8, 2023, and shall be printed in full in the minutes of the Select Board, posted in five (5) conspicuous places within the Town of Bennington and a summary published in the Bennington Banner within fourteen (14) days of its adoption and shall become in full force and affect sixty (60) days after the date of adoption to the right of petition provided by law.



Jeanne Jenkins


James Carroll


Gary Corey


Ed Woods


Jeanne Conner


Tom Haley


Sarah Perrin

SELECT BOARD
MINUTES
May 15, 2023

Present: Jeannie Jenkins, Chair, Tom Haley, V. Chair, Jeanne Conner, Gary Corey, Sarah Perrin and Ed Woods. Also present.: Stuart Hurd, Town Manager, Dan Monks, Assistant Manager.
Absent: Jim Carroll

The meeting was called to order at 5:00 am. The sole purpose of the meeting was an Executive Session to consider a legal matter. On a motion by Jeanne Conner, seconded by Gary Corey, the Board voted unanimously to enter executive session. The Board came out of executive session at 5:48 pm.

There being no other business, the Board voted to adjourn the meeting at 5:49 am.

Respectfully submitted,



Stuart A. Hurd

BENNINGTON SELECT BOARD MEETING
BENNINGTON FIRE FACILITY
130 RIVER STREET
BENNINGTON, VERMONT 05201

MONDAY, MAY 15, 2023

PUBLIC HEARING: KENNEL LICENSE DENIAL

MINUTES

BOARD MEMBERS PRESENT: Jeannie Jenkins – Chair; Tom Haley Vice-Chair; Jim Carroll, Gary Corey, Sarah Perrin, Jeanne Connor, Ed Woods

ABSENT: *None*

ALSO PRESENT: Stuart Hurd, Town Manager; Dan Monks-Zoning Administrator & Asst Town Manager; John Sweet, Nathan Sweet; Linda Bermudez, Recording Secretary; (8) Citizens.

At 6:00 P.M., Jeannie Jenkins – Chair called the meeting to order. She noted this was a quasi-judicial appeal hearing regarding the DENIAL of a Kennel License to Mr. John Sweet. Mr. Sweet currently boards several dogs on Chapel Road side of his property on Jacks Drive.

Ms. Jenkins noted that all those who intend to speak this evening at this appeal hearing need to stand and take the oath to tell the truth. Stu Hurd read the oath known as “*INTERESTED PERSONS – APPEAL RIGHTS – READING OF WITNESS’ OATH*” while several members of the audience stood with their hand raised.

Ms. Jenkins noted the Select Board had received John Sweet’s letter of appeal and asked if he had any additional comments regarding the DENIAL of the Kennel License. Mr. Sweet stepped forward to make a comment. He stated he doesn’t understand why he is being denied. All the dogs are registered. This is the only joy he has. Everyone else up there has dogs.

Ms. Jenkins asked if he knew why the license has been denied. Mr. Sweet said he did understand that it does not meet the required 1,000 feet from another residence’s ruling.

Gary Corey asked how many dogs Mr. Sweet owns. Mr. Sweet stated he owns (8) dogs. But there are (14) total currently on the property because his grandson’s house burned down, and he brought his dogs over. Mr. Sweet then asked why the Town was allowed to take the over \$300 in registration fees from him if he couldn’t have that many dogs. Ms. Jenkins stated she would find that answer out for him.

Sarah Perrin asked what kind of dogs they are. Mr. Sweet said his (8) dogs are all Beagles. They all have their own house and pen. He would spade them but because they are AKC registered and he shows them, he cannot spade them. He then noted that his grandson’s dogs are also Beagles.

Tom Haley asked where he keeps the dogs. Mr. Sweet stated they are kept on Chapel Road.

51 Stuart Hurd wanted to clarify what triggered the need for a Kennel License. He read the
52 ordinance aloud which states that 4 or more dogs kept of the property triggers the need for a
53 license.

54
55 Colleen Gore, residential neighbor, stepped forward to make a statement. She read a list of other
56 residential neighbors' names that she is representing; most of which were in attendance. A
57 collective letter was written and signed by those residents stating their reasons why that Kennel
58 License should be denied. Mr. Hurd followed by reading that letter aloud. Ms. Gore continued
59 by describing the noise and conditions surrounding the care of these dogs. She is very concerned
60 about the welfare of these animals. She has made several recordings of the crying, barking and
61 whining the dogs do each day and into the evening. This is then followed by the yelling of John
62 and Nathan at the dogs. Ms. Gore also felt it was important to note that anytime a complaint is
63 made against either John or Nathan there is retaliation (mostly on Nathan's part). She is fearful
64 of retaliation from Nathan.

65
66 Jim Carroll asked about how he retaliates. Ms. Gore stated she has had garbage thrown at her
67 and Nathan has "perched" her multiple times. She fears what could be next. Ms. Gore asked the
68 Select Board to Please Deny this Kennel License.

69
70 Nathan Sweet stepped forward to testify. He described some of his background and an incident
71 several years ago where he had "too many dogs" and the Town had taken them away. He had
72 gone to court several times back then. He does not abuse dogs. This property is his father's; not
73 his (Nathan) or his son's (Dakota). His father's dogs were all checked by a veterinarian and
74 passed.

75
76 John Sweet spoke up and asked how Ms. Gore could slander his name when she doesn't know
77 those dogs or even what they look like.

78
79 Ms. Jenkins stated all the Board could do is take the information submitted and move into a
80 closed meeting for deliberation (to make the decision). They do not handle accusations of
81 slander.

82
83 Sarah Perrin asked currently the pens do not meet the 1,000 ft rule, but could you move them to
84 make it meet that regulation? John Sweet said he could not.

85
86 Walt Sweet, another neighbor, asked if the Board had received a record of how many times the
87 Police have been called regarding the barking, noise etc. Mr. Hurd stated the Police Chief is out
88 of Town and they were not able to attain that information in time for the meeting this evening.
89 Walt Sweet stated he thinks reviewing that report will be helpful in making this decision. He
90 also suggested speaking with the Animal Control Officer to see how difficult they are to deal
91 with when a complaint is called in. Walt Sweet stated he feels it is unfair and an insult to the
92 Bennington Police Officers to constantly have to call regarding the barking. They have so many
93 more important things to deal with, but if he has to he will start calling again.

94
95 Gary Corey asked Colleen Gore what percentage of neighboring property owners signed the
96 collective letter; was it 50%? Ms. Gore stated it was approximately 80% of the neighboring
97 property owners.

98
99 Geoff Core testified that the barking and whining and yelling is constant. He must have called
100 over three dozen times last summer. It's at a point you cannot enjoy a cookout or anything
101 outside. He is just sick of it. Colleen Gore requested that the Board listen to one (if not more) of
102 the recordings she made before they make a decision.

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Sarah Perrin asked how close the nearest residence is. It was stated earlier by John Sweet, closest residence is approximately 200-300 feet away.

Ms. Jenkins stated she would like to move into Deliberative Session. Everyone who testified will receive a written copy of the decision.

There were no additional questions.

Motion: Jim Carroll motioned to close the meeting and move into Deliberative Session. Gary Corey seconded the motion. The motion passed unanimously.

Respectfully submitted,

Linda E. Bermudez
Secretary



TOWN OF BENNINGTON

PROCLAMATION

EMS Week

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the Bennington Rescue Squad was organized in March of 1963 and is celebrating its 60th Anniversary of service to the community; and

WHEREAS, the members of Bennington Rescue Squad are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services has grown to fill a gap by providing important, out of hospital care; and

WHEREAS, the Bennington Rescue Squad consists of dedicated first responders, emergency medical technicians, advanced emergency medical technicians, paramedics, critical care paramedics, educators, and the trained members of the public; and

WHEREAS, the members of Bennington Rescue Squad engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills.

NOW THEREFORE, the people of Bennington celebrate the Bennington Rescue Squad on its 60th anniversary and are very grateful for its continuous service to the community. Recognizing that, we the Bennington Select Board do hereby proclaim the week of May 21-27, 2023, as EMERGENCY MEDICAL SERVICES WEEK and encourage the community to observe this week and celebrate 60 years of public service by the Bennington Rescue Squad.

Dated at Bennington, Vermont this 22nd day of May 2023
Select Board, Town of Bennington, Vermont

Jeannie Jenkins

James Carroll

Gary Corey

Jeanne Conner

Tom Haley

Sarah Perrin

Ed Woods



TOWN OF BENNINGTON

2023 LICENSE APPLICATIONS

2023 NEW Tobacco Substitute Endorsement

1. 340 North Inc.

2023 1st Class Renewals

1. Oldcastle Theatre Company
2. Pangaea

2023 2nd Class Renewals

1. Aldi
2. Powers Market

2023 3rd Class Renewal

1. Pangaea

2023 Outside Consumption Permit

1. Pangaea

2023 Tobacco Substitute Endorsement

1. Martin's Mini Mart

**The Bennington Select Board hereby approves the above
2023 License Applications
Dated: May 22, 2023**

Jeannie Jenkins, Chair

cc: Town Clerks Office

MANAGER'S REPORT
May 22, 2023

ACTION

BBC Street Closure The BBC has requested to close Pleasant Street from North to School Street on Saturday July 1, 2023 from 9 am until 7 pm for a Pop Up Shop and vendor event ending in a concert at Merchants Park at 5 pm. The BBC will be responsible for the appropriate closure.

Action requested I seek a motion to close Pleasant Street for the times requested on July 1, 2023.

Relocation Adjustment Order In preparation for the bridge replacement project on Main Street near Miller's Toll now scheduled for 2025, VTRANS has asked the Town to execute this Order to begin the relocation of utilities.

Action requested I seek a motion to authorize the Manager to sign the Order.

INFORMATIONAL

Willow Park Playground Update Willow Park playground now fully complete. There remains a few small punch list items but all the major tasks are complete..

County Street Sidewalk and Paving This project will begin very soon. New sidewalk will be constructed along the northerly side of County Street from Benmont Avenue to Depot Street and new pavement added to County Street to complete the project.

River Walk Update This project involves widening the path and adding and improving lighting along its entire length. It will also allow the path to stretch across the Depot Street parking lot to connect to the recently completed rail trail. It may start this June and will carry over into July before completion. Some of the Norway maples will be removed to allow for widening the path. Some of the trees along the path between School and Park Street will also be removed for the lighting.

FOLLOW UP

The Communications Coordinator's Report is attached.

The Police Department Report is attached.

Mgr Report
5.22.23

Stuart Hurd

From: Jenny Dewar <events@betterbennington.com>
Sent: Thursday, May 11, 2023 10:30 AM
To: Stuart Hurd; Jeannie Jenkins; Tom Haley
Cc: Matthew Perry
Subject: Another street closure request

Hi Stu, Jeannie, and Tom,

I just received the fabulous news from Matthew Perry that Alex Torres will return to Downtown Bennington for a concert in Merchants Park on **July 1**. This was such an enormous success last year (we had well over 300 attendees) and we are delighted to sponsor the concert with event management services as we did last year.

This includes the request to close Pleasant Street from North Street to the Parking lot so that Belly's Deli can serve on the street and we can add a few vendors to make it even more exciting. I will move the Pop Up shop to Merchants park for the day so we would like to have the closure from 9am until 7pm. The concert is at 5pm.

Bill can handle the closure so that the highway department need not be called in on a Saturday morning.

Thank you very much for your consideration.

Best Wishes,
Jenny Dewar



Jenny Dewar, Director of Events
The Old Blacksmith Shop
Beautiful Bennington Downtown
215 South Street, Bennington, VT 05201
Mobile: 802-681-5625

Mission Statement: To lead and support public and private efforts that promote and enhance downtown as the vital commercial and cultural heart of the community

Diversity and Inclusion Statement: The BBC is committed to equity, diversity, and inclusion and believes these fundamental principles inform and strengthen the BBC's ability to respond to changing demographics and the needs of all who live in, work in, and/or visit Bennington Downtown

RELOCATION/ADJUSTMENT ORDER

UTILITY COMPANIES: Green Mountain Power Corporation, Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont, LLC., Vermont Telephone Company INC, FirstLight Fiber INC, Consolidated Communications of Vermont Company LLC,

PROJECT NAME AND NUMBER: BENNINGTON BF 1000(20)

PIN NUMBER: 12J606

DIRECTIVE TO IMMEDIATELY MOVE UTILITY LINES WITHIN TOWN HIGHWAY
RIGHTS-OF-WAY OR ELSE FACE RELOCATION OF SUCH LINES
AND RECOUPMENT OF COSTS FOR RELOCATION OF SUCH LINES
AND DELAY CLAIMS FROM PROJECT CONTRACTORS

TO ANY UTILITY COMPANY WITH LINES ABOVE, ON, UNDER OR OTHERWISE WITHIN THE
TOWN HIGHWAY RIGHTS-OF-WAY AND PROJECT LIMITS; AND IN CONFLICT WITH THE ABOVE-
REFERENCED TRANSPORTATION IMPROVEMENT PROJECT

TAKE NOTICE AS FOLLOWS:

WHEREAS, the Vermont Agency of Transportation ("VTrans") and Town of Bennington ("Town") have a scheduled transportation improvement project Bennington BF1000(20) along VT Route 9, Bridge 6, in the Town of Bennington; and

WHEREAS, Examination of the project area shows that existing aerial facilities owned by Green Mountain Power, Comcast, Vermont Telephone Company, FirstLight Fiber, Consolidated Communications. are in conflict with the Project plans; and

WHEREAS, Examination of the project area shows that existing underground facilities owned by Consolidated Communications are in conflict with the project plans; and

WHEREAS, VTrans has provided affected utility companies advance notice of the intended work, has sought and considered input from the affected utility companies, and has coordinated with the affected utility companies regarding their need to complete timely relocations as soon as practical; and

WHEREAS, The Town of Bennington and VTrans desires to avoid delays, inconvenience or damage sustained by the selected contractor due to interference from said utilities, appurtenances, or the operation of moving them; and

WHEREAS, If the utilities are not moved in a timely manner, it will likely result in inconvenience to the traveling public, and unnecessarily increased costs for the Project and the State of Vermont; and

WHEREAS, Vermont Statutes Annotated, Title 19, Section 1111(a)(3) (as amended by Sec. 18 of Act No. 38 of 2017), provides, in relevant part:

When the Agency or a municipality issues a utility relocation or adjustment order in accordance with law in connection with highway maintenance or construction activities, and a utility fails to move or adjust its line or other facility within the time specified in the order, that utility shall be liable to the State or to the municipality for damages that the State or the municipality is required to pay a contractor for delay caused by the failure.

and

WHEREAS, Vermont Statutes Annotated, Title 30, Section 2504, provides, in relevant part:

If a line of wires is erected or maintained upon, under or across a street or highway, contrary to the direction of the Transportation Board or the selectmen, or is not changed when directed by them, they may remove such line, and recover the expense thereof from the person or corporation using the same in an action on this statute.

and

WHEREAS, the Vermont Statutes Annotated, Title 19, Section 10(14), provides that "with respect to state highways, [VTrans shall] have the same powers that selectmen have with respect to town highways"

NOW THEREFORE, THE TOWN OF BENNINGTON SELECTBOARD HEREBY DIRECTS:

IF PROVISION AND ASSURANCE IS NOT IMMEDIATELY MADE TO THE FULL SATISFACTION OF THE VERMONT AGENCY OF TRANSPORTATION THAT SUCH UTILITIES WILL BE PROMPTLY RELOCATED AT A TIME AND IN A MANNER THAT WILL NOT DELAY OR OTHERWISE IMPEDE THE PROJECT, THEN:

AS OF 11:59 P.M. ON SEPTEMBER 30, 2024, SUCH UTILITY LINES MAY BE REMOVED FROM THE PROJECT AREA WITHOUT REGARD TO INTERRUPTIONS IN THE OPERATIONS OF SUCH UTILITY LINES WHICH MAY THEREBY RESULT; AND

THAT THE INDICATED DATE IS THAT WHICH THE LAST UTILITY IS REQUIRED TO HAVE ITS MOVE COMPLETE; AND

THAT ALL UTILITIES SHALL COORDINATE THEIR SCHEDULES SO AS TO ACCOMMODATE THIS DATE; AND

THE COST OF REMOVING SUCH LINES WILL BE SOUGHT AND RECOUPED FROM THE OWNERS OF SUCH LINES; AND

THE COST OF ANY DELAY CLAIMS FILED BY THE PROJECT CONTRACTOR WILL BE SOUGHT AND RECOUPED FROM THE OWNERS OF SUCH LINES.

THE UTILITY COMPANIES SHALL COMPLY WITH THE FOLLOWING INTERIM RELOCATION COMPLETION DATES:

GREEN MOUNTAIN POWER	DECEMBER 1, 2023
COMCAST COMMUNICATIONS	FEBRUARY 1, 2024
VERMONT TELEPHONE COMPANY	APRIL 1, 2024
FIRSTLIGHT FIBER	JUNE 1, 2024
CONSOLIDATED COMMUNICATIONS	SEPTEMBER 30, 2024

COPIES OF THIS ORDER WILL BE PROVIDED TO ALL UTILITY COMPANIES WITHIN THE PROJECT LIMITS. COPIES OF THIS ORDER ALSO WILL BE PROVIDED, UPON REQUEST, TO:

Anthony Z. Roisman, Chair
Vermont Public Utility Commission
112 State Street
Montpelier, VT 05620-2701

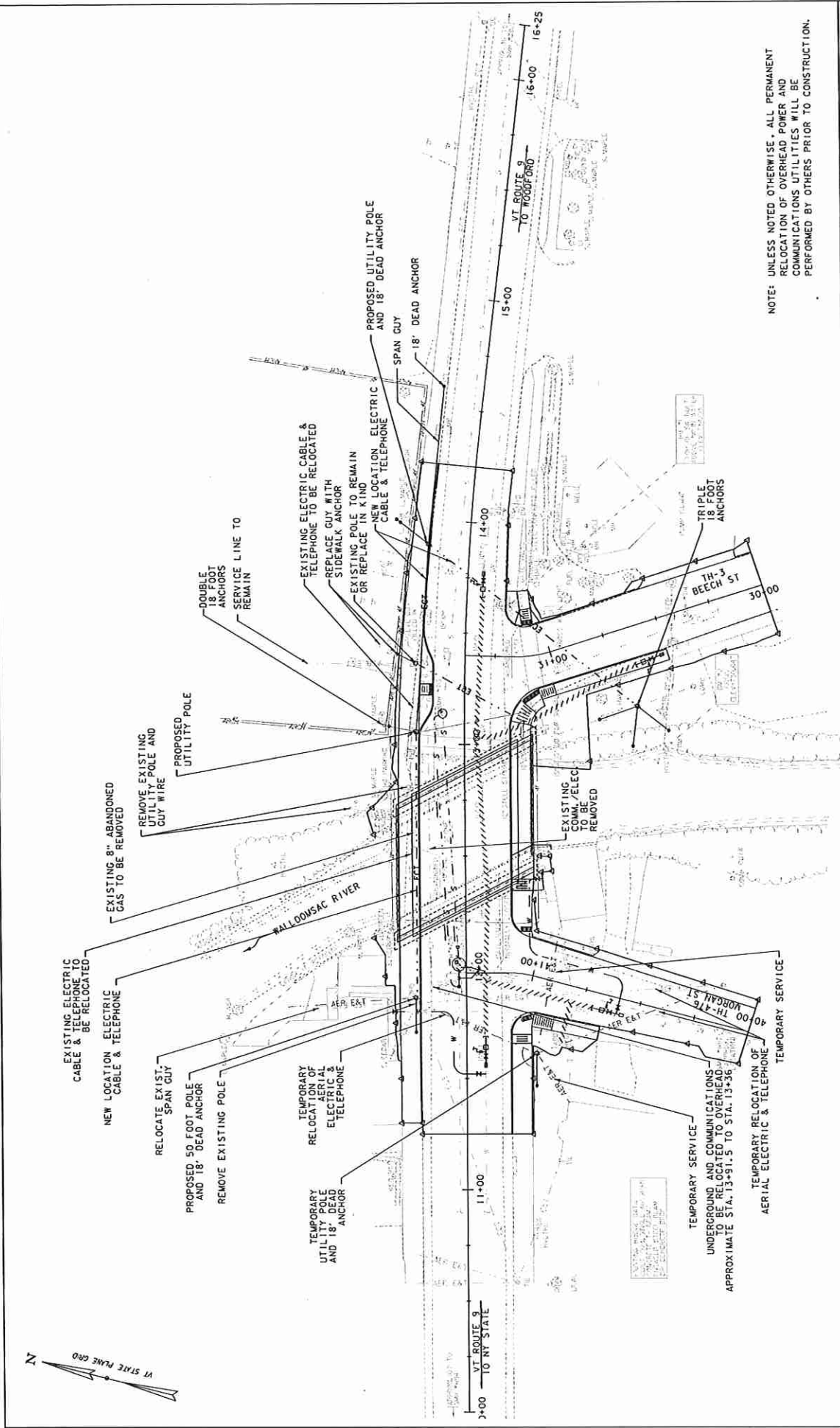
June E. Tierney, Commissioner
Jim Porter, Director of Public Advocacy
112 State Street, Drawer 20
Montpelier, VT 05620-2601

IN WITNESS WHEREOF, this relocation order is hereby executed on this day, for the TOWN OF Bennington,
by its Town Manager.

IN WITNESS WHEREOF:

TOWN OF BENNINGTON:

Town Manager



NOTE: UNLESS NOTED OTHERWISE, ALL PERMANENT RELOCATION OF OVERHEAD POWER AND COMMUNICATIONS UTILITIES WILL BE PERFORMED BY OTHERS PRIOR TO CONSTRUCTION.

PROJECT NAME:	BENNINGTON
PROJECT NUMBER:	BF 1000(20)
FILE NAME:	22105000-UTL1007
PLOT DATE:	9/20/2022
DRAWN BY:	J. BURKE
PROJECT LEADER:	T. KNIGHT
DESIGNED BY:	T. KNIGHT
PERM. POWER & COMM. UTILITY PLAN	CHECKED BY: T. KNIGHT
	SHEET 21 OF 76

0 20 40
SCALE IN FEET



Town of Bennington

Communications Coordinator Report – May 22, 2023

A Busy Month!

I had to hit the ground running this April with planning for two events, a major public meeting on Benn High, Willow Park playgrounds, and then of course the unexpected things that always come up... this month the unfortunate new vandalism at Village Cemetery.

Public Outreach

A main focus for this past month has been the public presentation on the Benn High redevelopment project. This was an opportunity for town officials to bring the community up to speed on where we are at on this project. A detailed presentation was given at the Select Board on April 24th. The slide deck from that presentation, a recording of the event, and all new floor plans have been added to the town's web page about the redevelopment. This page includes every document related to the project, timelines, recordings of prior meetings, and a public comment form to allow folks to share their thoughts and concerns. We continue to also have extra meetings at the Senior Center to address concerns and hear input from the users of that facility as we have promised them we would do.

250th Planning

The work for planning for our 250th never ends! This month I've been coordinating with 250th planners from NY, MA, CT, and RI for an in person meeting at Fort Ticonderoga to see how we can do a multi-state collaboration in 2025 for the kickoff to the anniversaries with our very own Ethan Allen and the Green Mountain Boys. The hope is that by working together to tell this story that is woven between NY and the New England states in a way that will maximize exposure and

interest for all the respective states. Vermont is the smallest in terms of resources in this group, but we are taking a leadership role in the planning which gives us a strong voice at the table.

Community Events

On May 6, the Town joined with partners from the Bike Hub, the Bennington Garden Club, ACT's Youth Appreciation Month, and the Bennington Police Department to put on a combined event. The event combined honoring the official opening of the new Bennington Rail Trail, the annual police department Bike Rodeo, and Green Up Day. The well attended event included a ribbon cutting ceremony, free bike helmets and food, a fun bike safety course, a raffle to win one of four bikes, free ice cream, and lots of other giveaways.

I was also involved in helping plan for and promote the Bennington Volunteer Fire Department Open House that happened on May 13. This family friendly event was geared towards letting the public know about volunteer firefighting, what they do, and encouraging folks to join. It was also about giving tours and having fun checking out trucks and fire fighter gear. One hope is to get more kids interested and involved. A "junior firefighter" program has existed in the past and we'd like to see that come back.

Willow Park

Regular updates on Willow Park playgrounds have been a regular part of my work for over a year now... but the end is in sight! The playgrounds had a soft opening the end of April, much to the delight of hundreds of kids who have already been enjoying the new playground equipment. There will be a few days when the

new playgrounds will need to be closed in order to finish up some remaining punch list items. The goal is to have this work done on days when the playgrounds are typically less busy.

Village Cemetery

Last fall we had the shock of 200+ gravestones overturned at the Village Cemetery. Out of the bad came some good... namely the extraordinary effort by dozens of volunteers to reset the stones. At that time, we noted numerous stones that were actually broken and we had planned then to do that work this May. Sadly, just as I was starting to plan that May restoration work, the cemetery was vandalized again. This time the damage was much less, and the people responsible were caught right away.

The volunteer day to work on fixing stones is on Saturday, May 27. We will be on site from 8

am to noon restoring and cleaning grave stones. If you are interested in helping with this work, please contact me at jspivak@benningtonvt.org.


Organizational Outreach

This past month I've worked with the Bennington Housing Solutions group, GBCS, SVSU, the Vermont Old Cemeteries Association, the Village Trustees of Old Bennington, and the state, federal, and local 250th organizations in addition to the regional 250th group I mentioned earlier.

By The Numbers

This past month I interacted with thirteen citizens and I had three public records requests come through my office.

Facebook Post of the Month:



Boost post

The fences came down at the Willow Park playgrounds yesterday! On Tuesda...

April 27, 2023 at 8:21 AM

ID: 2647070362110331

Interactions

448 reactions

116 comments

72 shares

Performance

Reach

Total

12,837

Worst

Best

This post reached more Accounts Center accounts than 100% of your 50 most recent Facebook posts and stories.

Reach12,837

Reactions, comments and shares

Total

636

Worst

Best

This post received more reactions, comments and shares than 100% of your 50 most recent Facebook posts and stories.

Reactions448

Comments116

Shares72

Results

Total

--

Link clicks

--

Perhaps not surprisingly, our post this month about the opening of the Willow Park playgrounds was our biggest post in terms of reach. While we will be closing it for a few days in the near future to finish final details, we are very glad to have this community resource back in use for the warm weather!

Office of Community Development • Town of Bennington • 205 South Street • www.benningtonvt.org • 802-445-1335

Bennington Police Department
Public Safety

Report to the Bennington Select Board

May 2023

Members from the Bennington Police Department/Bennington Police Association participated in the grand opening of the Rail Trail. Immediately after the grand opening, BPD members hosted a bicycle rodeo for area youths, instructing them on bicycle safety. We provided and fitted approximately 100 bicycle helmets. We fired up our grill, cooking hot dogs for attendees. Treats were handed out from the Copsicle trailer and cookies provided by the Abbey Group. We also raffled off five bicycles that were donated by Walmart and the Bennington Police Association. Vermont State Employees Credit Union also donated monies to the association for this event and members of VSECU assisted with the bicycle rodeo. Bennington Rescue personnel participated in the bicycle rodeo with their bicycle unit.

We completed our Fiscal Year 2024 Vermont State Highway Safety Office grant applications. We applied for three grants, Occupant Protection, DUI and Distractive Driving. Grant awards allow us to provide additional highway safety patrols focusing on enforcement and education.

We are preparing for the 2023 Buckle-Up campaign, formally Click IT or Ticket. This campaign begins on May 22, 2023 and operates through June 4, 2023. The focus of this highway safety campaign is occupant protection on the use of seatbelts and aggressive driving. Bennington residents will see an increased police presence during the campaign dates from Bennington Police and other law enforcement agencies.

We continue working with IT Director Nicholas Cave on many police IT projects. All of our new computers have been deployed with new features to assist the staff with their work. We are very excited about our Prometheans smart board that has been installed in our conference room. This smart board will allow us to use it for many applications to include training and command staff meetings. Several more IT projects are in the queue, large and small.

Chief Doucette and Lt. Grande attending FBI-LEEDA's 31st Executive Education Conference in Orlando, Florida. Educational training sessions were presented by executives from all over the country. Some of the training topics were Community Violence Prevention and Response, Agency Cyber Attacks, Reputation Management Tenets for Law Enforcement Leaders, Empowering Leadership, Use of Force, Critical Incident Management, and Recruitment and Retention.

Cpl. Diotte, Officer Jones and Officer Madigan attended a career fair at Hudson Valley Community College. Officers discussed career opportunities with students with the Bennington Police Department. The recruitment team spoke to many students with several students taking applications with them.

We held applicant interviews last week and continue our efforts on identifying potential candidates for the position of police officer.

We continue to be busy and officers have responded to 465 calls for service since the beginning of May. There have been several in-depth/extensive investigations within the last couple of weeks which required a lot of investigative hours and resources.