

1 BENNINGTON SELECT BOARD  
2 MEETING HELD REMOTELY VIA ZOOM  
3 BENNINGTON, VERMONT 05201  
4 MAY 11, 2020  
5 MINUTES

6 **SELECT BOARD MEMBERS PRESENT BY VIDEOCONFERENCE:** Donald Campbell-Chair; Jeannie  
7 Jenkins-Vice Chair (out at 7:30pm and back in at 7:33pm); Jeanne Conner; Jim Carroll; Bruce  
8 Lee-Clark; and Sarah Perrin.

9 **SELECT BOARD MEMBERS ABSENT:** Bill Scully.

10 **ALSO PRESENT BY VIDEOCONFERENCE:** Stuart Hurd-Town Manager; Daniel Monks-Assistant  
11 Town Manager and Planning Director and Director of the COVID-19 Response; IACP Team-  
12 Curtiss Reed, Jr.-Vermont Partnership for Fairness and Diversity Consultant (out at 7:33pm);  
13 Lynn Mazza; Kathy Gianoski; Mike Bethel; Mike Cutler-CAT-TV; and Nancy H. Lively-Secretary.

14 At 6:05pm, Chair Donald Campbell called the meeting to order and explained that, due  
15 to the COVID-19 Pandemic State of Emergency declared by Governor Scott, and pursuant to  
16 Addendum 6 to Executive Order 01-20, Act 92, this public body is authorized to meet  
17 electronically. There is no physical location to attend this meeting, however, the public may  
18 view it on CAT-TV and call in at 1-646-558-8656 and enter the meeting ID, 89844296495, when  
19 prompted to do so. The call in information will be periodically posted on the screen and the  
20 process for calling in was explained. If technology fails us, the meeting will be continued at a  
21 time and place to be determined and all votes that are not unanimous will be done with a roll  
22 call vote in accordance with the law.

23 **1. CONSENT AGENDA**

24 **A. MINUTES OF APRIL 27, 2020**

25 **B. WARRANTS**

26 **C. SEVEN LIQUOR LICENSES**

27 *Jeanne Conner moved and Bruce Lee-Clark seconded to approve the Consent Agenda*  
28 *as submitted. The motion carried with Bill Scully absent.*

29 **2. REFLECTIONS AND NEXT STEPS ON IACP REPORT**

30 Mr. Campbell stated the following:

31 "Last fall we contracted with IACP to determine whether there was evidence of policies,  
32 procedures, or operational practices within the Police Department that created opportunities

33 for unfair, discriminatory or bias policing activities. This Board and the Town Staff worked with  
34 the Vermont Partnership for Fairness and Diversity with Curtis Reed, who's with us here  
35 tonight, to float a Request for Proposals to be counted on to deliver whatever hard truths they  
36 found. Because IACP is one of the most widely respected and experienced groups that does  
37 this work and they have a reputation for working in difficult situations and telling it like it is, we  
38 eventually accepted their proposal. After extensive community engagement, last month IACP  
39 delivered a report that identifies 25 recommendations to improve the policing environment,  
40 community police relationships, practices to build trust and promote procedural justice, and to  
41 improve policy. Last Monday night, IACP answered questions from the community and the  
42 Board as part of wrapping up delivery of their report. Tonight, before we start the process of  
43 determining, each Board member will have a few minutes to reflect on the IACP report in  
44 whatever way they choose."

45 *Board comments:*

46 Mr. Lee-Clark:

- 47 • The Board should have the questions that were sent to the IACP from the community  
48 that need to be answered by the Board.
- 49 • To take a linear approach to the 25 recommendations doesn't work because the  
50 recommendations are closely tied to each other and to some fundamental  
51 understandings about the success of police work in Bennington.
- 52 • The process by which we take this up should be as inclusive, open, and transparent as  
53 possible to shape the outcome to the positive.
- 54 • Section 2, Recommendations 6-14 that talk about the inclusion of the community in the  
55 process of policing is where we should begin. "The engagement of the whole  
56 community is critically important to the rest of the work."
- 57 • Work on policies is not only how they are created but how they are publicized to the  
58 community.
- 59 • Any policy that is drafted should include the engagement of particular members of the  
60 community.
- 61 • A rewriting of the Mission Statement should include the Select Board and members of  
62 the community.
- 63 • At the very least, the Select Board should review all of the policies and Mission  
64 Statement as they come out.

65 Ms. Conner:

- 66 ➤ The IACP recommendations give the Select Board, the Bennington Police Department  
67 (BPD), and Town Staff the path forward on how to improve the BPD relationship with  
68 the community, as well as, their internal policies, procedures, recordkeeping, etc.

- 69 ➤ Before we create a roadmap of our process, we must take a “deep dive” into the
- 70 recommendations, themselves, to prioritize them, get a sense for how long it will take
- 71 to accomplish each one, and checkoff those that have already been completed.
- 72 ➤ The Mission Statement should be read at the beginning of all meetings gathered for this
- 73 process.
- 74 ➤ Given the magnitude of the process, the IACP will probably advise us to not rush
- 75 through the process. “We must keep our focus on the quality of the end product and
- 76 not how quickly it gets done.”
- 77 ➤ There will be conflicting points of view but we must all participate in a constructive,
- 78 thoughtful way and put what is the best for our Town first.
- 79 ➤ “Meetings, presentations, and discussions need to be held in a public forum where a
- 80 responsible back and forth conversation can occur. This is a time for us to be our best
- 81 selves.”

82 Mr. Carroll:

- 83 ✓ “The root of this entire examination comes down to the fundamental issue of trust.”
- 84 ✓ Some people in the community feel that the Select Board and the BPD have fallen down
- 85 on their jobs, and the best thing that we can do for community inclusion is the
- 86 Community Advisory Board.
- 87 ✓ The Community Advisory Board should include all members of our community where
- 88 everyone, including the marginalized individuals, could have a platform on which to air
- 89 their issues and concerns without fear.
- 90 ✓ Many of us remember the police as our friends, and even though this still does exist, it
- 91 needs to exist for all members of the community.

92 Ms. Perrin:

- 93 ○ “As a community, it is important to have these hard conversations, such as this one.”
- 94 ○ The job of a police officer is a difficult one. There are members of the community who
- 95 have had positive interactions with the police, and there are those who haven’t.
- 96 ○ The recommendations of the IACP are helpful. A Community Advisory Board would be
- 97 a positive for any community and it wasn’t surprising that policies needed to be
- 98 updated and rewritten.
- 99 ○ The Select Board, BPD, and the community need to be receptive to the changes that
- 100 have been recommended.
- 101 ○ Rather than trying to check the box of every recommendation, we should focus on the
- 102 larger ones to make them very meaningful.

103 Ms. Jenkins:

- 104 ❖ Appreciates the work of the IACP. Their expertise and credibility made them the right
- 105 choice for Bennington.

- 106 ❖ To be successful with our community policing model, we will need to broaden  
107 community involvement with a willingness by the community to support success, as  
108 well as, adopting and updating policies, developing a clear complaint process,  
109 rethinking public spaces in the police station, and updating the website, with the  
110 harder goal to have the BPD engage differently with the public.
- 111 ❖ The process will require much engagement between the BPD and the public, and it will  
112 take time for trust to be rebuilt. "Trust is not given, it is earned."
- 113 ❖ The focus on hot spots or areas that require more attention is important and requires  
114 much care. "Transparency in all of our actions is paramount" and we must be as  
115 inclusive as possible.
- 116 ❖ Here are six steps we should begin immediately:  
117 1. The BPD should continue to adopt new policies with reviews and updates to include  
118 the public and the Select Board.  
119 2. The BPD needs to continue to update their website and the physical spaces where  
120 the public enters the building.  
121 3. The BPD should collect the data we need to make good decisions as to where we  
122 should put our resources.  
123 4. Immediately identify training needed to move forward to a community policing  
124 model.  
125 5. Identify a BPD liaison tasked with developing an outreach plan, working with the  
126 community and other agencies, and working with other police officers.  
127 6. Develop quarterly meetings with the community for their input with transparent  
128 communication. This will identify our future needs and next steps which will help us  
129 put together a Representative Community Advisory Group.
- 130 ❖ A Community Oversight Committee would be a final step. This would be an appointed  
131 board of professionals that could advise and provide oversight to the BPD.
- 132 ❖ Strongly supports the BPD. "From the top down, they have shown respect for the  
133 process and a commitment to continuous improvement."

134 Mr. Campbell:

- 135 ⚡ The greatest rewards would come from trust, legitimacy, and procedural justice.
- 136 ⚡ It is imperative, and a priority, to shift from warriors to guardians with the  
137 understanding that police are required to be warriors occasionally.
- 138 ⚡ "Investments in creating an effective guardian culture will lead to enormous long term  
139 community benefits.
- 140 ⚡ To summarize:  
141 1. The Board seems poised to adopt most of what the IACP recommends.  
142 2. The IACP has scaled their recommendations to fit a community of 16,000 people.  
143 3. The BPD is willing and able to move in this direction.

144 Comments from Curtiss Reed, Jr., Vermont Partnership for Fairness and Diversity Consultant:

- 145 • The Board supports all of the recommendations with a consideration to the expense of  
146 a social media presence.
- 147 • Based on experiences in other towns, “the road ahead will be a difficult one, but  
148 rewarding”.
- 149 • The vast majority of police officers enter the profession to be helpful to the community,  
150 however, it is the “culture of the department” that determines if they become  
151 guardians or warriors.
- 152 • Training today is not only different from 30 years ago, it is different from 10 years ago.
- 153 • Having discussions with the community is only half of it - the other half is how involved  
154 are they in being involved with the decision making, and to what extent is the Board  
155 willing to listen to the marginalized populations in the Town.
- 156 • Law enforcement should be an extension of your entire community and it will take time  
157 to develop that trust.
- 158 • Check out other community advisory boards within the state to help develop your  
159 model. Suggestions are in Burlington, Rutland, Brattleboro, and the State Police  
160 Advisory Commission (SPAC) with a definite recommendation to contact SPAC.
- 161 • There is an ongoing need for community engagement that is part of the guardian  
162 model.
- 163 • Recommended that our Civilian Review Board have “thought leaders” that don’t  
164 necessarily fall into the “professional” category that the IACP indicated.
- 165 • Redeveloping relationships is not easy. There may be some “pushback” and it is  
166 important to focus on the consensus of the group(s).
- 167 • The Board is now in the “information gathering phase”, so during this difficult time of  
168 being able to meet as a group, work could be begun by individuals reaching out to other  
169 communities for their input on the effectiveness of their community board models, for  
170 example.
- 171 • Kudos to putting together the RFP and the outreach and openness of the Select Board  
172 with the IACP team.

173 *Public comments/questions:*

174 Lynn Mazza: Mr. Campbell had written Ms. Mazza via e-mail that the Board would go through  
175 an evaluation of the IACP Report, decide which recommendations would best serve our  
176 community, and then work on prioritizing implementation. This is contrary to the policing  
177 model with community involvement. The community, including the marginalized population,  
178 need to be a part of the process “now, from the get go”. Mr. Campbell agrees with Ms. Mazza  
179 and apologized for the shortcuts that he had taken in the e-mail that did not explain the whole  
180 process.

181 Question 1. Where in the timeline is there public discourse about these important decisions?

182 Question 2. How exactly will the community involvement happen and what format will the  
183 meetings be in to best brainstorm ideas?

184 Question 3. She and others have many questions of the IACP and the Select Board. How do we  
185 get the answers to those questions?

186 *Ms. Mazza will e-mail her questions to the Board to respond to, however, below are Board and*  
187 *Mr. Reed comments this evening:*

188 Mr. Campbell: Noted the difficulty in having a brainstorming meeting under the COVID  
189 restrictions.

190 Mr. Lee-Clark: Stated that there could still be non-decision making conversations among  
191 individuals to get a sense of what people are thinking. He also suggested that the meeting  
192 formats could be what the school district uses for developing policy, which are non-decision  
193 making warned meetings with wide ranging conversations among the community and Board  
194 members. School Board decisions do need to be done at Board Meetings.

195 Ms. Conner: Disagreed with having conversations with individuals and strongly believes  
196 that everyone needs to hear what people have to say at the same time. "Sometimes things get  
197 lost in the translation." Ms. Mazza concurred.

198 Mr. Carroll: Also agreed with Ms. Conner and suggested that, with warmer weather  
199 coming, holding a meeting at Willow Park where social distancing is possible may be an option  
200 for us all to gather together.

201 Mr. Reed: When organizing community conversations, first ask a marginalized 'thought  
202 leader' what is the most effective form for the marginalized community to engage their  
203 participation in discussions, and ultimately, the decision making process?

204 \_\_\_\_\_  
205 \_\_\_\_\_

206 Kathy Gianoski: Received an e-mail from Action Alert in Burlington asking her to sign a petition,  
207 asking for a donation, and suggesting that all complaints over the last 5 years be examined by  
208 Act 56 with the following bullet points - The Resignation of Stuart Hurd; The Resignation of the  
209 Chief of Police; and The Select Board Chair (Donald Campbell) Recuse from Any Hiring Going On  
210 and Distorting Facts. Mr. Campbell responded that it is unfortunate that outside influences are  
211 trying to derail what we're doing. "We will lead by our actions."

212 \_\_\_\_\_  
213 \_\_\_\_\_

214 Mike Bethel: Agrees with Ms. Gianoski that the e-mail she received from Action Alert should be  
215 looked into further. "The Town is being set up here.....and I don't want our Town to be  
216 targeted by a bunch of special groups." He also disagrees to the labeling of 'warrior mentality'

217 as he feels that most police forces - including ours - has a 'protective' mentality. To be fair to  
218 everyone, consideration should be given to postponing meetings until they can be conducted in  
219 person. There have only been a few members of the community that have called in via this  
220 format, and all of the Town should have the opportunity to weigh in on this subject. He would  
221 like Mr. Reed's contact information to speak to him one-on-one.

222  
223

---

224 Mr. Hurd added that staff can provide model policies from the State Police, IACP, etc.,  
225 prepare a revised Mission Statement, gather information on the advisory boards, develop a  
226 response on the liaison officer, and present the cost of staffing and trainings to the Board for  
227 consideration. These would not be adopted by staff but presented to the Board and  
228 community for their review.

229 Mr. Reed sees "incredible value" in having community members do the research on the  
230 different advisory boards.

231  
232

---

### 233 3. MANAGER'S REPORT

234 Mr. Hurd reported that the State of Vermont has formalized its draft of the Drinking  
235 Water State Revolving Loan Fund and Bennington is listed as the sole recipient of \$11M for a  
236 lead service line removal project at \$0 cost to the Town. The funds won't be available until July  
237 1<sup>st</sup> and MSK has reached out to residents to contact them as they will be ramping up operations  
238 soon. We will have ample dollars to do Phase I, and possibly, Phase II.

239 The Board expressed their appreciation of the great news with Mr. Carroll summarizing  
240 it all with a "WooHoo".

- 241 • *Mayfest 2020*: Postponed until further notice.
- 242 • *PFOA Construction*: Work continues on this project as it is considered essential work. All  
243 but Contracts 8 and 9 may finish this year barring any unforeseen circumstances.
- 244 • *Household Hazardous Waste Collection Event*: Postponed from May 9th at the MAU  
245 Middle School from 9:00am to 1:00pm until August at the earliest. We are required by  
246 law to have two a year. The second one will be in Sunderland or Dorset in the fall.
- 247 • *WWTF Upgrade*: Substantial completion has not yet been formalized and the final punch  
248 list items may now be addressed given the recent revised guidelines for construction.  
249 The Town is preparing its next sewer budget to include paving of the disturbed blacktop  
250 areas and a new fence along Harrington Road.
- 251 • *Green Up Day*: Currently scheduled for May 30<sup>th</sup> if the State continues to reopen.

### 252 4. UPCOMING AGENDA

253 Do Pre-Work on IACP Recommendations. Have Town Staff get information as stated  
254 and reach out to Mr. Reed as needed.

255 Next Meeting - Deal with whatever is necessary.

256 Take the IACP Inquiry another step, learn what work has been done or is  
257 underway, and begin to see a plan on how we manage public outreach.

258 Answer Lynn Mazza's questions and any questions that were directed to  
259 the IACP that were deferred to the Board to answer.

260 (Other avenues of getting questions to the Board were discussed, i.e.,  
261 social media, the Banner, etc., however, caution was expressed as to the  
262 question/answer format as many questions will require community input  
263 prior to answering.)

264 **5. OTHER BUSINESS**

265 Mr. Carroll: Is still fielding calls for unemployment and PUA benefits so please contact  
266 him through Facebook, his legislative e-mail address, or the Select Board e-mail address. Mr.  
267 Campbell asked if the Governor followed through with his Sunday deadline for UI claims, and  
268 Mr. Carroll stated he really couldn't answer that but "there is no end in sight right now".

269 **6. PUBLIC COMMENT**

270 None.

271 **7. EXECUTIVE SESSION**

272 **A. CONTRACTS**

273 *At 7:50pm, Bruce Lee-Clark moved and Jim Carroll seconded that the meeting was*  
274 *adjourned finding that an Executive Session be held on Contracts as premature public*  
275 *knowledge would place a person involved in the subject matter at a substantial*  
276 *disadvantage. No decisions will be made this evening. The motion carried with Bill Scully*  
277 *absent.*

278

279

280 Respectfully submitted,

281 Nancy H. Lively

282 Secretary

283