

1 **BENNINGTON SELECT BOARD**

2 **MEETING HELD REMOTELY VIA ZOOM**

3 **BENNINGTON, VERMONT 05201**

4 **MAY 25, 2020**

5 **MINUTES**

6 **SELECT BOARD MEMBERS PRESENT BY VIDEOCONFERENCE:** Donald Campbell-Chair; Jeannie Jenkins-
7 Vice Chair; Jeanne Conner (out @ 6:57pm and in @ 6:59pm, out @ 7:15pm and in @ 7:17pm); Jim
8 Carroll; Bruce Lee-Clark; and Sarah Perrin.

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

10 **ALSO PRESENT BY VIDEOCONFERENCE:** Stuart Hurd-Town Manager; Daniel Monks-Assistant Town
11 Manager and Planning Director and Director of the COVID-19 Response; Shannon Barsotti-Community
12 Development Director; Mike Cutler-CAT-TV; and Nancy H. Lively-Secretary.

13 **PUBLIC CALL INS:** Lora Block; Judy Murphy; Sam Restino; Leslie Jacobson; Lynn Mazza; and Nancy White.

14 At 6:02pm, Chair Donald Campbell called the meeting to order and explained that, due to the
15 COVID-19 Pandemic State of Emergency declared by Governor Scott, and pursuant to Addendum 6 to
16 Executive Order 01-20, Act 92, this public body is authorized to meet electronically. There is no physical
17 location to attend this meeting, however, the public may view it on CAT-TV and call in at 1-646-558-8656
18 and enter the meeting ID, 81813572146, when prompted to do so. The call in information will be
19 periodically posted on the screen and the process for calling in was explained. If technology fails us, the
20 meeting will be continued at a time and place to be determined and all votes that are not unanimous
21 will be done with a roll call vote in accordance with the law.

22 **1. CONSENT AGENDA**

23 **A. MINUTES OF MAY 4, 2020 AND MAY 11, 2020**

24 **B. WARRANTS**

25 **C. SEVEN LIQUOR LICENSES**

26 *Bruce Lee-Clark moved and Jeannie Jenkins seconded to approve the Consent Agenda and the*
27 *Minutes of April 27, 2020 amended as follows:*

28 *Minutes of May 4, 2020 - Line 12, Change "Casanova; Mia" to "Casanova; Mike Cutler-CAT-TV;*
29 *and Nancy H. Lively.*

30 *Minutes of May 4, 2020 - Line 14, Delete "Mike Cutler-CAT-TV; and Nancy H. Lively-Secretary."*

31 *Minutes of May 4, 2020 - Line 13, Add "PUBLIC CALL INS: Mia Schultz; Tom Dee; Mary Gerisch;*
32 *Leslie Jacobson; Sean Pratt; Rachel Parcell; Lynn Mazza; Mike Bethel; and Nancy White."*

33 *Minutes of May 11, 2020 - Line 13, Delete "Lynn Mazza; Kathy Gianoski; Mike Bethel"*

34 *Minutes of May 11, 2020 - Line 14, Add "PUBLIC CALL INS: Lynn Mazza; Kathy Chichanowski;*
35 *Mike Bethel."*

36 *Minutes of May 11, 2020 - Line 167, Change "of being" to "of not being"*

37 *Minutes of May 11, 2020 - Line 206, Change "Kathy Gianoski" to "Kathy Chichanowski"*

38 *Minutes of May 11, 2020 - Line 240, Change "WooHoo" to "Woo-Hoo"*

39 *Minutes of April 27, 2020 - Line 12, Delete "Barbara Lasoff; Sam Restino; Mike Bethel; Nancy*
40 *White"*

41 *Minutes of April 27, 2020 - Line 13, Add "PUBLIC CALL INS: Barbara Lasoff; Sam Restino; Mike*
42 *Bethel; Nancy White."*

43 *The motion carried with Bill Scully absent.*

44 **2. IACP REPORT FOLLOW-UP**

45 Mr. Campbell stated the following:

- 46 • It was the consensus of the Board to have Curtiss Reed, Jr., with his decades of experience in this
47 area, work with us as a consultant on the mapping process. Mr. Monks will pursue getting a
48 proposal from Mr. Reed, and in the interim, Mr. Reed has suggested the following 4-part
49 program -
 - 50 ➤ Facilitate professional development and coaching for the Select Board, Town Manager,
51 and Assistant Town Manager in the areas of values, clarification, core operational values,
52 resistance to change theory, equitable business practices, mitigation through the negative
53 effects of bias, and the practice of cultural humility so that we are all on the same page.
 - 54 ➤ Work with the Select Board and the community to map a very visible process so that
55 everyone knows what we're doing, when we're doing it, and how people can plug into
56 that process.
 - 57 ➤ Work on the revamp of the Police Department Mission and this must be a community
58 involved process.
 - 59 ➤ Structural process and tools for a team of 3-5 community members to research the
60 various forms of civilian review boards or commissions to compliment law enforcement
61 oversight. This research should be completed before deciding what types of oversights
62 should take place in the Town.
- 63 • It was the consensus of the Board to form a Work Team for the Community Policing Effort made
64 up of Ms. Conner, Mr. Lee-Clark, and Chaired by Ms. Jenkins. They will serve as an organizational
65 group outside of Board Meetings to do research, look at policies, work with our consultant to set
66 up community meeting times, etc. and then report back to the Board. They will not be making
67 any decisions.

68
69 Mr. Hurd added:

- 70 ✓ The Bennington Police Department's (BPD) Investigation Policy was reviewed by Attorney
71 Woolmington and he determined that we are in compliance with the requirements of Act 56.
72 The Town Manager currently serves as the civilian oversight, however, this has not been
73 formally established. With a civilian oversight committee so prevalent in the upcoming process,
74 formal designation will be addressed in the future.

75 ✓ When the State's citation and ticket writing system was presented, no municipality received any
76 training on how to collect data for this new process. Since the IACP were here, we have since
77 received training and are now collecting the data properly which will be on the website soon.

78 The following questions were asked by the public and answered by the IACP:

- 79 ❖ Why were only half, and not all, of the police officers interviewed?
80 ▪ Scheduling and availability did not allow for all officers to be interviewed in person,
81 however, they could make comments via a survey and schedule a meeting if they
82 wished.
- 83 ❖ Where can we find out more about COMSTAT?
84 ▪ COMSTAT was started by the NY State Police Department and is a well-documented
85 performance and accountability model. There are several different resources on the
86 topic and examples.
- 87 ❖ There were flaws on the online survey that didn't allow expression of intimidation or
88 profiling.
89 ▪ Direct contact to the IACP was provided where people could have expressed
90 themselves without fear of intimidation.
- 91 ❖ "This lack of agreed upon mission and values creates an opportunity for a subculture to
92 guide the organization rather than the policies and operating procedures." Is this statement
93 a hypothetical or did you actually observe a subculture in the BPD? If so, what was the
94 nature of the subculture, or is this a reference to the warrior vs. guardian culture?
95 ▪ The statement was based on team member's years of experience in law
96 enforcement, and in conducting management and operational assessments. It's also
97 a reference to some of the practices that the Team observed which suggested a
98 tendency to a culture of enforcement.
- 99 ❖ How do the public look out 6 months on the data collection?
100 ▪ All the data will be available through Crime Research Group at www.crgvt.org.
- 101 ❖ How can the public get access to the resources that have been given to the Town?
102 ▪ Model policies are available to IACP members at the IACP Policy Center, as well as,
103 other valuable information, such as, best practices, etc.
- 104 ❖ Officers expressed interest in community policing - with what organizations?
105 ▪ Not answered.

106 The following questions were asked by the public and answered by the Select Board:

- 107 ➤ Did the public receive the full IACP Report?
108 ○ Yes.
- 109 ➤ What will be included in the public record and how will it be published?
110 ○ Everything will be public record except perhaps the gathering of some information such
111 as sample documents.
- 112 ➤ Will any resignations be requested due to violations of Act 56 or insufficient data collection?
113 ○ No answer due to the confidentiality maintained by the IACP by all participants.

114 *Mr. Campbell stated that the IACP Report Follow-Up will be an agenda item on every meeting in*
115 *the future with the Work Team for the Community Policing Effort leading the discussion.*

116 3. COVID UPDATE

117 Mr. Hurd, Ms. Barsotti, and Mr. Monks reported the following:

- 118 • We have brought back all of our public works employees except for those that have concerns
119 about working at this time due to situations at home.
- 120 • We are essentially at full staff for outdoor work and have scattered staff at the town offices until
121 the Governor "opens the door".
- 122 • We are allowing appraisers, attorneys, etc. in the building by appointment only and they are
123 required to wear a mask.
- 124 • Barbers and hair salons are reopening on May 29th.
- 125 • Ms. Barsotti is staying updated with our regional partners and have had some face-to-face
126 masked meetings due to a couple of loans.
- 127 • The Governor has announced his \$400M Economic Relief Package by using the federal funds
128 from the CARES Act to hopefully happen within the next couple of weeks. Disbursement will be
129 \$300M now with \$250M of that in grants to food and lodging, retail, and agriculture, as well as,
130 loans; \$50M for housing; \$5M for technical guides, employee assistance and mental health; and
131 \$5M for marketing support. \$90M will come later for recovery. More information to come as it
132 is available.
- 133 • The Select Board will not be meeting in person soon and will consult with the hospital for
134 protocol guidance before we do.

135 **4. RESOLUTION RE: FACE COVERINGS**

136 Mr. Hurd stated that the Resolution is based on the one that Brattleboro and Burlington have
137 passed that require employees to "wear face coverings over their nose and mouth when in the presence
138 of others. In the case of retail cashiers, a translucent shield or "sneeze guard" is acceptable in lieu of a
139 mask."

140 Mr. Campbell read a letter of support for the Resolution from Dr. Trey Dobson, Chief Medical
141 Officer at SVHC.

142 *Public comments/questions:*

143 Lora Block: Supports the Resolution but should be amended to include the outdoors.

144 Judy Murphy: Supports the Resolution but should be amended to include the outdoors.

145 Sam Restino: Supports the Resolution to help the economy go forward.

146 Leslie Jacobson: Supports the Resolution but should be amended to include the outdoors.

147 *Board comments/questions:*

148 Mr. Hurd noted that the parks are owned by the Town so the Town can enforce the requirement
149 of wearing a face mask. That is why parks were not included in the Resolution. However, the Town
150 cannot enforce wearing a mask in privately owned establishments.

151 Mr. Lee-Clark feels the start date of the Resolution should be May 28, 2020, and not June 1,
152 2020.

153 *Sarah Perrin moved and Jeannie Jenkins seconded to accept the Town of Bennington, Select*
154 *Board Resolution, COVID-19 EMERGENCY ORDER, WEARING FACE COVERINGS REQUIRED, as amended*
155 *to change the start date from June 1, 2020 to May 28, 2020.*

156 Mr. Lee-Clark added that he is generally not in favor of unenforceable resolutions, but this is “the
157 exception to the rule”.

158 Mr. Campbell reiterated that the Town cannot enforce this Resolution - “this is about community
159 expectations”.

160 Mr. Carroll stated that “the #1 rule of government is to protect its people, and this Resolution
161 advances that”. A Dr. Campbell noted on television that a mask reduces transmission of the disease by
162 80% and doing so is a respectful courtesy to others.

163 Ms. Conner wants to change Line 5 from “outside of the home” to “outside of the home in the
164 presence of others”. Mr. Lee-Clark and Ms. Jenkins noted that this is part of a “WHEREAS” with the
165 “NOW, THEREFORE” being what the Board is voting on.

166 Ms. Jenkins stated that the businesses that she spoke with in the Downtown were in favor of the
167 Resolution and that it may reinforce their requirement of mandating wearing a mask in their stores. The
168 BBC is helping store owners with signage and how to respond to their customers.

169 *The motion carried with Bill Scully absent.*

170 **5. BOARDS & COMMISSIONS APPOINTMENTS**

171 Ms. Jenkins stated that the Energy Committee has had 4 or 5 people - mostly from surrounding
172 communities - regularly attending the meetings. They are willing to serve as an advisory group to the
173 Committee and their expertise would be, and has been, beneficial. They would not have voting rights.

174 *Bruce Lee-Clark moved and Jeannie Jenkins seconded to approve the following appointments to*
175 *Boards and Commissions:*

176 <u>BOARD OR COMMISSION</u>	<u>NAME</u>	<u>TERM EXPIRES</u>
177 <i>Development Review Board</i>	<i>Charles Kokoras</i>	<i>5/23</i>
178	<i>Ron Alderman</i>	<i>5/23</i>
179	<i>Bill Barney</i>	<i>5/23</i>
180 <i>Historic Preservation Commission</i>	<i>Joseph Hall</i>	<i>5/23</i>
181	<i>Jeffrey Goldstone</i>	<i>5/23</i>
182	<i>Kelly Clarke</i>	<i>5/23</i>
183 <i>Housing Authority</i>	<i>Paul Walden</i>	<i>5/25</i>
184	<i>Christopher Oldham</i>	<i>5/23</i>
185 <i>Energy Committee</i>	<i>All Existing Members</i>	<i>6/22</i>
186 <i>Board of Listers</i>	<i>Peter Green</i>	<i>5/22</i>

187	<i>Carol Holm</i>	<i>5/22</i>
188	<i>Planning Commission</i>	<i>Robert Ebert</i>
189	<i>Regional Commission</i>	<i>Daniel W. Monks</i>
		<i>5/22</i>

190 *The motion carried with Bill Scully absent.*

191 **6. REC CENTER ASBESTOS REMOVAL**

192 Mr. Hurd explained that the ceiling in the basement area of the Rec Center has asbestos as a fire
 193 retardant along and around many of the beams. We have had an Asbestos Management Plan in place
 194 for years where the asbestos may become a problem. When UCS planned to add to the Rec Center, it
 195 became necessary under the fire codes to sprinkle the entire Rec Center including the UCS addition.
 196 This project would have created many opportunities to disturb the asbestos.

197 Working with Goldstone Architects, we developed an RFP process to look at the partial removal
 198 and full removal. The low bid for full removal came in at \$79,000 by Catamount Environmental. After
 199 discussions with UCS, we collectively decided to share the cost in a 50/50 split.

200 Mr. Hurd is recommending we take on the management of this removal project to move on it
 201 while the Center remains closed. We have Capital Reserve funds available to cover our portion of the
 202 cost, and UCS will reimburse us its 50%.

203 *Bruce Lee-Clark moved and Jim Carroll seconded to authorize the Town Manager to sign a*
 204 *contract with Catamount Environmental in the amount of \$79,000.00 for removal of asbestos at the*
 205 *Bennington Recreation Center to be shared 50/50 with United Counseling Service, and to supervise the*
 206 *finishing of that contract. The motion carried with Bill Scully absent.*

207 **7. MANAGER'S REPORT**

208 Mr. Hurd reminded everyone that the interest payments for delinquent water and sewer bills
 209 have been waived for 2020 and no shut-off notices will be sent. To all those who have trouble paying
 210 their water and sewer, as well as, the upcoming real estate tax bills, we will work with you to find a time
 211 frame wherein you can resolve any outstanding balance.

- 212 ✓ *July 4th Fireworks:* Postponed/Cancelled. The Battle Day Committee is considering a small display
 213 to help commemorate Battle Day and the Town may be able to help with that on August 15th - if
 214 it is allowed.
- 215 ✓ *PFOA Construction:* Work continues on this project as it is considered essential work. All but
 216 Contracts 8 and 9 may finish this year or early next year.
- 217 ✓ *WWTF Upgrade:* Several punch list items remain and substantial completion has now been
 218 formalized. The Town is preparing its next sewer budget to include paving of the disturbed
 219 blacktop areas and a new fence along Harrington Road.
- 220 ✓ *Green Up Day:* Will take place on May 30th and Bennington Subaru is playing a large role in
 221 sponsoring it again this year. If interested in participating, please call the Town Office at 442-
 222 1037 to make arrangements for bag pick-up and to let us know where you will be working so we
 223 can pick up the filled bags after. Also, contact Bennington Subaru as they may have other events
 224 going on that day, as well.

225 **8. UPCOMING AGENDA**

226 June 8, 2020 Meeting - Standing Item - COVID Update
227 June 8, 2020 Meeting - Standing Item - Community Policing
228 June 8, 2020 Meeting - Water and Sewer Fund Budgets; BBC Work Plan and Budget
229 June 8, 2020 Meeting - Homeless Discussion - Continuum of Care
230 At A Future Meeting - The Effects of Lost Income on Upcoming Budget(s); Use and Sale of
231 Bennington's Water

232 **10. PUBLIC COMMENT**

233 Lynn Mazza: What are the next steps for the public in regards to Community Policing? Mr. Campbell
234 answered that we are going to get a proposal from Curtiss Reed, work with Mr. Reed if the proposal is
235 acceptable, get the Board and Town Staff on the same page, and map, with public opinion, to ultimately
236 address all of the IACP's recommendations but to first focus on the BPD Mission Statement and
237 establishing a community oversight committee.

238 Lynn Mazza: Can the public have the same trainings available as the Select Board? Mr. Campbell stated
239 that Mr. Reed's recommendation is for the Select Board and Town Staff at this time.

240 Nancy White: Will the Town Office be open to the public? Mr. Hurd answered that the Town Office will
241 be open by appointment only but not to the general public.

242 Nancy White: Will citizens also be able to see the information that the Energy Committee's Non-
243 Resident Advisory Board gets? Ms. Jenkins responded that the Agenda and Minutes from each Energy
244 Committee Meeting are posted on the Town's website.

245 **9. OTHER BUSINESS**

246 Mr. Campbell: Needs to dedicate more time to his job and has asked the other members of the Board
247 for help with the following, to potentially report on, in Other Business:

248 Ms. Jenkins - Chair the Work Team on Community Policing and manage the Energy Committee.

249 Mr. Carroll - Legislative Liaison and Options Tax possibilities, Battle Day, and the 250th
250 Celebration.

251 Mr. Lee-Clark - Work Team on Community Policing and Policy rewrites.

252 Ms. Conner - Work Team on Community Policing, Rec Center, the libraries, and school issues.

253 Ms. Perrin - Liaison with the fire departments, rescue squad, and hospital, Opioid Task Force.

254 Ms. Conner: Would like to draft a Letter of Thanks to the Vermont National Guard for the fly over this
255 past week.

256 Ms. Conner: Asked Mr. Monks if he had made any progress on scheduling the Select Board/School Board
257 meetings, and he answered that he will send a Zoom invite to everyone for a time that will work for all in
258 June.

259 Mr. Carroll: Reiterated that the Governor's \$400M bill will help the hospitality businesses and that his
260 Committee is taking up a bill to extend unemployment benefits. Also, anyone having issues with

261 unemployment, please call Mr. Carroll at 733-2061. He has helped several people and extends that
262 invitation.

263 *At 8:26pm, it was moved and seconded to adjourn the meeting. The motion carried with Bill*
264 *Scully absent.*

265

266 Respectfully submitted,

267 Nancy H. Lively

268 Secretary

269