

1 **BENNINGTON SELECT BOARD**

2 **MEETING HELD REMOTELY VIA ZOOM**

3 **BENNINGTON, VERMONT 05201**

4 **AUGUST 10, 2020**

5 **MINUTES**

6 **SELECT BOARD MEMBERS PRESENT BY VIDEOCONFERENCE:** Donald Campbell-Chair; Jeannie Jenkins-
7 Vice Chair; Jeanne Conner; Jim Carroll; Bruce Lee-Clark; and Sarah Perrin.

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

9 **ALSO PRESENT BY VIDEOCONFERENCE:** Stuart Hurd-Town Manager; Daniel Monks-Assistant Town
10 Manager and Planning Director and Director of the COVID-19 Response; Randy Anselmo-Director of
11 Health Services, Oceana Wilson-Acting Dean and Head of COVID Task Force, Natalie Basil-Dean of
12 Students, Brian Murphy-CFO, Laura Walker-President, Charlie Nadler-Bennington College; Dr. Trey
13 Dobson-SVHC Medical Director; Curtiss Reed, Jr.-Vermont Partnership for Fairness and Diversity; Mike
14 Cutler-CAT-TV; and Nancy H. Lively-Secretary.

15 **PUBLIC CALL INS:** Representative Mary Morrissey; Jonah Spivak; Peter Geannelis; Monique Geannelis;
16 Donny Wassick; Jackie Kelly; Matt Maroney; Nancy White; Mike Bethel; and Shawn Pratt.

17 At 6:05pm, Chair Donald Campbell called the meeting to order and explained that, due to the
18 COVID-19 Pandemic State of Emergency declared by Governor Scott, and pursuant to Addendum 6 to
19 Executive Order 01-20, Act 92, this public body is authorized to meet electronically. There is no physical
20 location to attend this meeting, however, the public may view it on CAT-TV and call in at 1-646-558-8656
21 and enter the meeting ID, 85654984549, when prompted to do so. The call in information will be
22 periodically posted on the screen and the process for calling in was explained. If technology fails us, the
23 meeting will be continued at a time and place to be determined and all votes that are not unanimous
24 will be done with a roll call vote in accordance with the law.

25 *At 6:07pm, Bruce Lee-Clark moved and Jeannie Jenkins seconded that the meeting was*
26 *adjourned finding that an Executive Session be held on a Legal Matter as premature public knowledge*
27 *would place a person involved in the subject matter at a substantial disadvantage. There will be no*
28 *actions taken on these items when going back into Open Session. The motion carried unanimously.*

29 *At 6:12pm, Bruce Lee-Clark moved and Sarah Perrin seconded to go into Open Session. The*
30 *motion carried unanimously.*

31 **1. CONSENT AGENDA**

32 **A. MINUTES OF JULY 22, 2020 and JULY 27, 2020**

33 **B. WARRANTS**

34 *Bruce Lee Clark moved and Jeanne Conner seconded to approve the Consent Agenda with the*
35 *Minutes of July 27, 2020 amended as follows:*

36 *Line 14 and 144, Change "Petruca" to "Pietrucha"*

37 *Line 228, Change "Jason Lee" to "Jeson Li"*

38 *Line 123, Change "right" to "write"*

39 *Line 163, Change "races" to "people of color"*

40 *The motion carried unanimously.*

41 *Jeanne Conner moved and Sarah Perrin seconded to amend the Agenda as follows:*

42 *Add "Agenda Item #4. Bennington Battle Day Celebration Update"*

43 *Move "Agenda Item #4. Curtiss Reed - Community Policing Update" to "Agenda Item #5." etc.*
44 *for all consecutive Agenda items.*

45 *The motion carried unanimously.*

46 **2. PUBLIC COMMENT**

47 Peter Geannelis: Wants to have the Town buy the SVC property to make it into a community recreation
48 and historic area, and also noted that there are a group of people who would consider purchasing it if
49 the Town cannot. He cited his, and his mothers, contributions to the community and would like to be
50 involved on any committee that may be developed for this purpose. Mr. Campbell thanked Mr.
51 Geannelis for his community work and stated that because there is currently an existing contract in
52 place, our attorney has told us that we are limited as to how we can comment on this property.

53 Monique Geannelis: Read most of a letter written by Becky Amos in support of the community
54 purchasing the SVC property.

55 Donny Wassick: Spoke in support of the community purchasing the SVC property noting that it would
56 make Bennington a destination point.

57 Jackie Kelly: Reiterated support for the community purchasing the SVC property and that there are 120
58 people who have expressed interest in doing whatever the Town needs to make this happen.

59 Representative Mary Morrissey: Spoke in support of the community purchasing the SVC property and
60 noted the other towns in Vermont who have successfully done something similar in their revitalization
61 projects.

62 Nancy White: Stated that she has been asking the Town to look at the SVC property since January and
63 was told that the Town had started to do so but there was a private party interested in it. She reiterated
64 that this property would make Bennington a destination point.

65 Nancy White: Asked when meetings would again be at the Firehouse, and Mr. Campbell said that is still
66 being worked on but there were a lot of "deficiencies" with it at the August 5th meeting.

67 Mike Bethel: The All Black Lives Matter mural should be honoring All Lives in our community.

68 Matt Maroney: The people at SVC are "throwing it in our face" because the Judge ruled in their favor
69 and "it's getting ridiculous up here". Mr. Monks stated that the only power we have is the power that
70 the Judge grants us so we will be filing another contempt order tomorrow and hope the Judge realizes
71 that this is a real issue to the neighbors of the college. We need people to continue to file complaints to

72 show that this is still going on and we will bring in more neighbors to testify. Mr. Carroll reiterated that
73 the complaints “are our only ammunition” and gave the Police Department’s number of 442-1030.

74 3. BENNINGTON COLLEGE REOPENING PLAN

75 Bennington College President, Laura Walker, introduced herself and members of her staff in
76 attendance. Oceana Wilson did the following presentation:

- 77 • The goal was for the safety and health of staff, students, and surrounding community.
- 78 • We are in adherence with the State of Vermont ‘Return to Campus’ guidelines and all faculty
79 and students have signed the document outlining the environment.
- 80 • All faculty and students will be tested, and then tested again in 7 days. Asymptomatic, or
81 surveillance, testing will be done throughout the term with daily temperature checks, as well.
- 82 • The status of cases will be reported on our website.
- 83 • We anticipate ~520 students this fall.
- 84 • The students that need to quarantine will be arriving August 19th thru August 21st and will
85 quarantine in individual houses. Students that can quarantine at home will arrive on August
86 31st, be tested and then tested again in 7 days.
- 87 • Symptomatic students will isolate in separate facilities until they are cleared by health officials,
88 and those that can will isolate at home.
- 89 • There will be limited student shuttle service to the community and the walking trails that have
90 been closed to local walkers will be reopened. Campus buildings, however, will not be opened
91 to the public.
- 92 • To accommodate the new thresholds, we can reduce hours, limit travel, change our operating
93 procedures, etc.
- 94 • We also have developed remote courses called Bennington Plus for all levels of learning
95 available to everyone but especially high school juniors and seniors.

96 *Board questions/comments:*

97 Mr. Lee-Clark: The Department of Health has said that testing supplies will become more limited in the
98 fall, what is your plan for acquiring them and for the testing process? Mr. Anselmo answered that the
99 limited availability of testing supplies is real, and we are contracted with a lab to do our tests. We do
100 have other options “on the back burner”.

101 Ms. Conner: How are you managing large gatherings? Ms. Basil responded that the students are aware
102 of the limitations with most gatherings to take place outdoors as much as possible.

103 Mr. Campbell: Can the college keep up with the cost of all of the testing? Mr. Murphy stated that there
104 are savings in other areas to offset that.

105 Mr. Campbell: If the campus is closed to visitors, will there be a different way to access the campus by
106 vehicle? Ms. Wilson noted that we welcome walkers and bikers on the trails, however, to access the
107 campus people must remain in their vehicles.

108 Mr. Campbell thanked everyone for coming and welcomed President Walker to Bennington.

109 4. BENNINGTON BATTLE DAY CELEBRATION UPDATE

110 Jonah Spivak did the following presentation:

- The large Bennington Battle Day celebration in 1927 came to fruition by two of the founders of Bennington College when over 100,000 people came to Bennington for the celebration.
- There were 17 people on the committee to put together a celebration in 2020 during a pandemic.
- We had hoped for a ceremony at the Monument, however, there will be a ceremony at the Vermont Veterans Home instead.
- CAT-TV played a video featuring 'Colonial Man'.
- On August 15th there will be a 100th anniversary of Women's Suffrage, a presentation at the Carriage House in conjunction with the Old First Church and the Bennington Battle Monument, a Revolutionary Walking Tour of Old Bennington starting at 3:30pm, and at 9:30pm there will be an all aerial fireworks display launched from an undisclosed location to be viewed from your homes or cars. Willow Park will be locked down. And, there will be a Virtual Reverse Parade broadcast from WBTV courtesy of Lynn Sweet.
- Thanks to the Town, Police Department, and especially, the Fire Department for their help with this celebration.

5. CURTISS REED - COMMUNITY POLICING UPDATE

Curtiss Reed, from Vermont Partnerships for Fairness and Diversity, did the following presentation:

- ❖ "You can't dig a new well by digging an old well deeper."
- ❖ Bennington has opted for 'the new well approach' to create better trust among the Town government, Police Department, and the residents.
- ❖ On July 14th and 15th we did a training with the Select Board, Town Manager, Asst. Town Manager, Police Chief, and Police Lieutenant with the best take away being the quality of the different approach by the Lieutenant in doing traffic stops.
- ❖ On July 13th we began interviewing 15 candidates for the 3 Community Oversight Team spots and the 3 Community Policing Team spots.
- ❖ Those selected were Alana Hart, Joe Holt, and Katie Berger for the Community Oversight Team and Jeson Li, Kara Lusa, and Robert Ebert for the Community Policing Team. They have just turned in their bibliographies online - Community Oversight had 46 references and Community Policing had 26.
- ❖ The Police Chiefs in Brattleboro, Rutland, and Burlington were interviewed with those interviews yet to be turned in.
- ❖ The bibliographies gathered by the two Teams will be uploaded on August 17th and will put Bennington in a new light showing the rest of the State that Bennington has begun its "new well" process.
- ❖ On August 5th the Community Policing Meeting was held and technology "was not our best friend that evening".
- ❖ The Vision Statement for the Town and the Mission Statement for the Police Department received spontaneous applause. "Community wisdom was apparent in both of these statements."
- ❖ There will be a Task Force with 3 members - 1 will be Dan Monks, 1 will be Bruce Lee-Clark, and 1 will be from the Police Department - to review all of the policies as recommended by the IACP with community members involved on those policies that most affect them.

- ❖ The policy process will take 6-8 weeks, by which time, we should know from the Legislature and Executive Office on how to approach the possibility of the oversight of law enforcement.
- ❖ September 14th and 15th is the training on Community Policing and there should be some slots available for community members. Ms. Jenkins will make sure people know the necessary details to be able to sign up.

The Revised Vision for the Town is -

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

The Revised Mission for the Police Department is -

“The Bennington Police Department is accountable to the community for providing everyone, regardless of identity, with respectful, equitable law enforcement protection and service. We will achieve this through collaborative and positive relationships which contribute to the betterment of our quality of life.”

Board questions/comments answered by Mr. Reed:

Ms. Conner: Do you want the bibliographies to go on the two libraries websites, as well? Yes.

Ms. Conner: Will there be a public presentation of the researchers work or just that it will be on the website? It will just be on the website but can be promoted via social media.

Ms. Conner: Will you be involved in the selection of the Task Force members or will we handle that internally? I will get back to you on that due to financial considerations. The hope was that the way we selected the Teams could be replicated.

Ms. Jenkins: Would like to accept the Vision Statement for the Town this evening, and the Mission Statement for the Police Department at the next meeting. Mr. Hurd recommended waiting until the next meeting to vote on the Vision Statement to give most of the community a chance to see it. Mr. Lee-Clark concurred but will go along with the Board’s decision.

Public questions/comments:

Mike Bethel: Agrees that the Board should wait to vote on the Vision Statement until the next meeting and has heard from many community members that are not happy with this whole process.

Mike Bethel: It isn’t fair to the police that they weren’t represented at the meeting with Mr. Reed, and Mr. Reed said that the Chief and Lieutenant participated by Zoom.

Mike Bethel: Where did the \$66,000 go and didn’t that report say that our Police Department wasn’t racist? Mr. Campbell answered the \$66,000 was for the IACP and that’s how we met Mr. Reed. The present work was funded, for the most part, by the Vermont Community Foundation. The report did not say the Police Department was “racist in so many words”. It did say that there was “no evidence of bias in traffic stops or in our policies but that there were areas that we could get into trouble especially with our policies”. Mr. Bethel added that Mr. Hurd has done a good job with the police and we have a good Police Department.

Shawn Pratt: Sees an inconsistency in the IACP report saying there is no bias in traffic stops when the Town just paid Mr. Samuels \$30,000 for a law suit, and Mr. Hurd explained that this was a settlement for

192 a law suit from 2014 that was determined by all parties involved to settle for the \$30,000 that was paid
193 for by our insurance. Any charges of racism and discrimination were not admitted to or part of the
194 settlement.

195 Shawn Pratt: The police always get the benefit of the doubt, you need to open up more to the
196 marginalized people, and you're moving too fast with the community policing process.

197 *Board questions/comments:*

198 Mr. Hurd: Staff and the Police were at the meeting to listen to what the community had to say.

199 Ms. Jenkins: Reiterated that the purpose of the community meeting was to hear what the community
200 had to say and not for Board members or employees to make comments. The Value Statement that
201 Chief Doucette and Lt. Grande took part in was the "jumping off point" for what we see as a vision for
202 our community. We can post the power point of the meeting to the website with the before and after
203 Vision Statements.

204 Ms. Conner: This process is "much broader" than racism. "It's community policing, it's community
205 oversight, it's policies, it's procedures".

206 Mr. Conner: By not voting tonight, are we obligated to make changes to the Statement that may come
207 in? Mr. Reed recommended to post the Vision Statement as advisory only and that this is what was
208 crafted and will be voted on at the next meeting.

209 Mr. Carroll: Reassured Mr. Bethel that Chief Doucette and Lt. Grande were very much part of the
210 Mission Statement.

211 *It was the consensus of the Board to table voting on the Revised Vision Statement for the Town*
212 *until the August 24, 2020 Select Board Meeting.*

213 **6. CITIZEN ADVISORY COMMITTEE PROTOCOL**

214 Ms. Jenkins explained that the State Police, Attorney General's Office, and the IACP agreed that
215 everything used by the Review Committee to make a decision should be released to the public.

216 Ms. Perrin objected to not redacting the names and not blurring the faces of the people involved
217 because she feels that that could potentially expose them to physical harm and retribution.

218 Mr. Lee-Clark explained that the Supreme Court of Vermont has stated that this is a public
219 document and may not be tampered with except in some very well defined areas. "We don't have a lot
220 of flexibility here."

221 *Jeannie Jenkins moved and Bruce Lee-Clark seconded to adopt the Town of Bennington Citizen*
222 *Advisory Committee Protocol amended as follows:*

223 *In Title, Line 2, Change "Citizen" to "Interim Citizen"*

224 *1. Line 3, Change "Chief shall" to "Chief, or the Chief's designee shall"*

225 *9. Line 3. Change "law." to "law as soon as possible. Such records, including video footage,*
226 *shall be posted on the Bennington Police Department website for a period of 30 days, or otherwise*
227 *made available for public review."*

228 *The motion carried with Sarah Perrin opposed.*

229 **6. SELECT BOARD VACANCY**

230 *Jeannie Jenkins moved and Jeanne Conner seconded to not fill the vacant position on the Select*
231 *Board until the March 2021 Annual Meeting.*

232 Ms. Perrin stated that Maria Scully may be interested in running for the seat in March.

233 *The motion carried unanimously.*

234 **7. BORROWINGS**

235 **A. VERMONT STATE REVOLVING FUND/LEADLINE REPLACEMENT**

236 **B. CAPITAL EQUIPMENT BORROWING**

237 *Bruce Lee-Clark moved and Sarah Perrin seconded to approve the Vermont State Revolving*
238 *Fund/Leadline Replacement Loan Agreement RF3-401-2.0 in the amount of \$225,000.00, waive the*
239 *reading of the Resolution, and authorize the Chair to sign the Loan Agreement, the General Obligation*
240 *Note, the Resolution, and the Certificate. The motion carried unanimously.*

241 *Bruce Lee-Clark moved and Sarah Perrin seconded to approve the Capital Equipment Note in*
242 *the amount of \$294,248.00 and the Capital Equipment Note in the amount of \$140,889.00, waive the*
243 *reading of the respective Resolutions, and authorize the Chair to sign the respective Notes,*
244 *Resolutions, and Non-Arbitrage Certificates. The motion carried unanimously.*

245 **8. MANAGER'S REPORT**

246 *Bruce Lee-Clark moved and Jeanne Conner seconded to authorize the Chair to sign the two*
247 *Business Deposit Resolutions to add Renee Gordon, Assistant Treasurer, as a signatory to the four*
248 *accounts at People's Bank.*

249 Ms. Conner asked if it was a conflict of interest because Renee Gordon is related to Joan
250 Pinsonneault, and Mr. Hurd answered that it was not. The Treasurer can select their Assistant Treasurer
251 and Ms. Gordon has been the Business Manager at SVSU for several years.

252 *The motion carried unanimously.*

253 *Jeannie Jenkins moved and Jeanne Conner seconded to close School Street from Main Street to*
254 *Pleasant Street on September 5, 2020 from 7:00am-6:00pm for Garlictown, USA.*

255 Mr. Hurd stated that everything will be COVID compliant with setups in parking lots and on the
256 street throughout the Town wherever possible with vendors and restaurant curb services.

257 *The motion carried unanimously.*

258 Mr. Hurd reported the following:

259 ✓ *Masked Man:* Vermont is an open carry State so people have the right to carry their weapons out
260 in the open. The mask makes him more intimidating, but he stated that he is protesting his right
261 to bear arms and free speech. At the present time, he hasn't broken any laws.

262 ✓ *SVC Camp*: The order was issued on Friday for the noise to discontinue after 8:00pm and move
263 into the gymnasium for their gatherings. They did not comply and the Judge did not rule in our
264 favor, so we will be going back to court.

265 We have two properties where the owners have passed with no apparent heirs. We can move
266 through the Probate Court to seize the properties and sell them for whatever taxes and attorney fees
267 they have acquired with any excess funds to go to support the school district. More to come at a later
268 date.

269 9. UPCOMING AGENDA

270 August 13, 2020 - COVID Recovery Forum via Zoom 6:30pm-8:30pm

271 10. OTHER BUSINESS

272 Mr. Lee-Clark: Tomorrow, August 11th, is Primary Day starting at 7:00am at the Firehouse.

273 Ms. Conner: The Rec Center is closing for maintenance from August 17th thru September 8th.

274 Ms. Perrin: Registration for the Battle Day Celebration is on the Chamber of Commerce website.

275 Mr. Campbell: The August 24th meeting will be via Zoom.

276
277
278
279 *At 9:07pm, Bruce Lee-Clark moved and Sarah Perrin seconded to adjourn the meeting. The*
280 *motion carried unanimously.*

281
282
283
284 Respectfully submitted,

285 Nancy H. Lively

286 Secretary