

BENNINGTON SELECT BOARD
MEETING HELD REMOTELY VIA ZOOM
BENNINGTON, VERMONT 05201

JULY 27, 2020

MINUTES

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

SELECT BOARD MEMBERS ABSENT: None.

ALSO PRESENT BY VIDEOCONFERENCE: Stuart Hurd-Town Manager; Daniel Monks-Assistant Town Manager and Planning Director and Director of the COVID-19 Response; Kristi Cross and Alex Figueroa-Opioid Task Force; Cindy Taylor and Mary Gerish-Black Lives Matter Street Mural; Mark Anders, BCRC Transportation Planner and Cat Bryars, BCRC Project Manager-Trolley Bed Pathway; Mike Cutler-CAT-TV; and Nancy H. Lively-Secretary.

PUBLIC CALL INS: Aisha Dawson; Jason Lilly; Audrey Petruca; Aaron Rogers; Mike Bethel; Nancy White; and Sam Restino.

At 6:00pm, Chair Donald Campbell called the meeting to order and explained that, due to the COVID-19 Pandemic State of Emergency declared by Governor Scott, and pursuant to Addendum 6 to Executive Order 01-20, Act 92, this public body is authorized to meet electronically. There is no physical location to attend this meeting, however, the public may view it on CAT-TV and call in at 1-646-558-8656 and enter the meeting ID, 83055026666, when prompted to do so. The call in information will be periodically posted on the screen and the process for calling in was explained. If technology fails us, the meeting will be continued at a time and place to be determined and all votes that are not unanimous will be done with a roll call vote in accordance with the law.

On behalf of the Board, Mr. Campbell sent condolences to the family of Bill Scully who recently passed away. He was a pillar in our community and everyone who knew him benefited from the experience.

1. CONSENT AGENDA

A. MINUTES OF JULY 13, 2020

B. WARRANTS

Bruce Lee Clark moved and Jeanne Conner seconded to approve the Consent Agenda with the Minutes of July 13, 2020 amended as follows:

Line 12 and 165, Change "Anna" to "Hannah"

Ms. Jenkins asked if the Rice Lane Bridge was PFOA work, and Mr. Hurd answered no, it was a flooding issue that was funded from grant and reserve dollars.

35 *The motion carried unanimously.*

36 **2. OPIOID TASK FORCE UPDATE**

37 Kristi Cross, Director of the Opioid Task Force, did the following presentation:

- 38 • In 2018, Bennington was second in the State for opioid related deaths.
- 39 • In 2018, the Opioid Leadership Team was formed with their four goals of -
 - 40 ➤ Prevention
 - 41 ➤ Treatment
 - 42 ➤ Recovery
 - 43 ➤ Criminal Justice
- 44 • The Team provides governance, organization, financial support, decreasing duplication and
- 45 increasing coordination of efforts.
- 46 • All Team members are stakeholders in the community with local and State support.
- 47 • In 2019, we formed a Strategic Plan with the following subcommittees:
 - 48 ➤ Youth Based Initiative -
 - 49 ✓ Development of a youth resiliency project through grants from the Vermont
 - 50 Community Foundation
 - 51 ➤ Behavioral Health -
 - 52 ✓ Advocating for workforce development
 - 53 ✓ Establishing a 'HUB' in Bennington County
 - 54 ✓ Increasing our 'SPOKE' sites
 - 55 ✓ Creating or participating in a workplace friendly program
 - 56 ➤ Recovery and Housing -
 - 57 ✓ Find recovery housing by working with an organization in northern Vermont
 - 58 ✓ Perform a community assessment
 - 59 ✓ Recruit or develop a recovery housing program in Bennington by getting the
 - 60 required certification that is needed to declare a facility recovery housing with
 - 61 the services that must go along with the designation
 - 62 ➤ Law Enforcement -
 - 63 ✓ Focus on pre-trial defendants and those released from incarceration across all
 - 64 criminal justice populations
 - 65 ✓ Improve communication and coordination between the criminal justice system
 - 66 and treatment providers
- 67 • The Community Action Grant, part of the State's \$9.5M Overdose to Action Grant, was
- 68 distributed to the four counties in the State with the biggest needs. Bennington was one of
- 69 those.
- 70 • The first year we received \$175,000 and the second year we will receive \$125,000. The funds,
- 71 however, cannot be used for direct services such as recovery housing, creating a HUB, or
- 72 increasing a SPOKE.
- 73 • Our Community Action Grant Plan is:
 - 74 ➤ Hire a part time Project Manager (Mr. Figueroa)
 - 75 ➤ Provide education to the community and to the schools

- 76 ➤ Provide linkages to care
- 77 ➤ Build an intensive case management and incentive program
- 78 ➤ Care coordination and clinical education by a MAT nurse
- 79 ➤ Transportation and telehealth for MAT services
- 80 ➤ Increase utilization of the Overdosed Detecting (OD) map
- 81 ➤ First responder follow-up with ongoing support from United Counseling and Turning
- 82 Point
- 83 • In 2020, we have not seen a surge in fatal overdoses but have an increase in non-fatal
- 84 overdoses.
- 85 • It is anticipated that there will be an increase in both deaths and usage due to COVID-19.

86 *Board comments/questions:*

87 Mr. Campbell: Concerns on how the community can help with recovery housing, and Ms. Cross stated
88 that we are working on it as stated above.

89 Ms. Conner: Asked if the Team was in contact with the families that had presented to the Board
90 before, and Ms. Cross answered yes - they were the FEDUP group.

91 Ms. Jenkins: How does the Team support workforce development, and Ms. Cross responded that is
92 having legislation involvement and staying apprised of the work that is happening with it.

93 Ms. Perrin: Explain the HUB and SPOKE. Ms. Cross stated HUB's are intensive medication assisted
94 treatment generally for those new to treatments, and the SPOKE'S are the primary care practices that
95 are participating with treatments but without the intensity of a HUB. Bennington has 5 SPOKES with
96 our closest HUB in North Adams, Brattleboro, or Rutland.

97 Ms Perrin: What is the average age range, and Ms. Cross did not know.

98 Kudos to Ms. Cross for the work that the Task Force is doing.

99 **3. BLACK LIVES MATTER STREET MURAL**

100 Mary Gerish and Cindy Taylor did the following presentation:

- 101 ○ The mural was conceived by artists, black indigenous and other people of color, as well as,
- 102 LGBTQA+ people in the community who felt this was an important thing to ask the Town to
- 103 support.
- 104 ○ The State of Vermont has said that is must be “done in a way that will not impair safety
- 105 markings such as stop lines, turn lanes, lane designation markings, or other directional
- 106 markings”, so it will be placed in front of the Town Office in a ‘no parking’ area instead of in
- 107 front of the Police Station as originally planned.
- 108 ○ It was inspired from the mural in Los Angeles.
- 109 ○ We will use industrial street paint, will respect all lines and markings in the road, and will
- 110 maintain as needed.
- 111 ○ Our plan is to do this in one evening with several volunteers and minimal disruption to traffic.

- 112 ○ To include the LGBTQ and black lives matter we have chosen to add ALL, the rainbow flag, the
113 trans flag, and, "to add a local spin on it", the monument.
- 114 ○ Historically, in our countries founding documents, the word "All" was used but did not include
115 all people. By using the word "ALL" in the mural we are saying we need to maintain the balance
116 of a system of government where 'ALL' does, indeed, mean every human being.
- 117 ○ "This is a tangible outward symbol of the Town's support" of the marginalized community, and
118 will be a positive influence on people that are considering moving to Bennington.
- 119 ○ This will not cost the taxpayers anything.

120 *Board comments/questions:*

121 Mr. Carroll: Because other murals throughout the State and country have been damaged, can we put
122 cameras on the location, and Mr. Hurd will get an answer to that.

123 Ms. Conner: Someone should right up an explanation of why the colors and symbols were chosen as
124 they were, and Ms. Taylor will do that.

125 Ms. Jenkins: How can the Town ensure that the COVID guidelines will be followed, and Ms. Gerish
126 stated that it will involve social distancing and wearing of masks. The idea of music and refreshments
127 was because not everybody would be able to be painting at the same time because of the social
128 distancing.

129 Bruce Lee-Clark: Is this a political statement, and Ms. Gerish answered no - it's to support people who
130 have been marginalized for years. Ms. Taylor added that it is artistic expression.

131 Jim Carroll: "Of course this is political", and any group that does not feel included in this statement are
132 afforded the same rights that this group has. We have to apply law equally and cannot deny anyone
133 their right to free speech.

134 Sarah Perrin: How many people supported the ALL, and Ms. Gerish stated there were 28 at the last
135 meeting - 15 of those of color - with several others by e-mail supporting it.

136 *Public comments/questions:*

137 Aisha Dawson: Feels much of the community is left out by doing the mural, is concerned about the
138 potential illegal problems because of it, and that it should be a community decision, not a Select Board
139 decision. Ms. Gerish stated that different marginalized groups support the mural because of how they
140 have been treated for years.

141 Jason Lilly: What is the process for doing street art and feels this mural does not represent the majority
142 of the people in Town and that we're opening ourselves up to a lawsuit by doing it. This should not be
143 "pushed through and voted on tonight". More people should be given the chance to weigh in on it.

144 Audrey Petruca: Disagrees with the State's decision to allow "street graffiti", and just because it has
145 been allowed, doesn't mean we have to do it. "The placement of a political statement associated with
146 a controversial group is not welcomed by many citizens of Bennington." "If this is allowed, then all
147 political speech must be allowed."

148 Sam Restino: What size lettering will be used? Ms. Taylor stated it will be within the 'No Parking' area
149 and not into the road. Also, it should be ALL and the placement in the vicinity of the Police
150 Department shows intent which will get a reaction.

151 Aaron Rogers: Why is such a major decision going to vote so quickly without enough time for public
152 comment? Most people in Town want unity and this does not spread unity. "Why don't we put
153 Vermont Strong or United We Stand?" instead of only putting Black instead of everyone? This
154 shouldn't be put on a taxpayer road even though the supplies and labor are donated.

155 Mike Bethel: This decision should at least be tabled until the next meeting, and preferably put on the
156 November ballot, without required signatures, for an advisory vote.

157 ***Jim Carroll moved to table the Black Lives Matter Street Mural until the August 10, 2020***
158 ***meeting to hear further public comments. The motion failed for lack of a second.***

159 *Additional Board comments/discussion:*

160 Ms. Conner doesn't feel that waiting two weeks will make a difference in the vote and will
161 personally continue to fight for what John Lewis fought for.

162 Ms. Jenkins noted that this can be made into a political statement, but it is not, and had hoped
163 that we would have heard from more races in the community. Even though more conversation is
164 useful, we should vote tonight.

165 Ms. Perrin doesn't feel that hearing more comments will be beneficial, and we should vote
166 tonight.

167 Mr. Lee-Clark feels that this is a decision to be made by the Board and that this is a statement
168 that is critical for now and is critical for this Town.

169 ***Bruce Lee-Clark moved and Sarah Perrin seconded to support the All Black Lives Matter Street***
170 ***Mural proposal as presented.***

171 Mr. Campbell commented that if this was political, religious, selling something or promoting
172 some personal benefit, or hate speech in any form, he would reject it. This feels like artistic expression
173 and passionate concerns that are not going to be there forever. This is how I would think of it should
174 there be another proposal for street art.

175 ***The motion carried unanimously.***

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178 *Mr. Campbell stated that Agenda Item #6. SELECT BOARD VACANCY and Agenda Item #7. MASK*
179 *WEARING CONCERNS will be tabled.*

180 **5. LOCAL CONCERNS MEETING (BCRC) - PATHWAY-ABANDONED TROLLEY BED, BENNINGTON TO**
181 **WILLIAMSTOWN, MA**

182 Cat Bryars, BCRC Project Manager, did the following presentation:

- 183 ❖ The abandoned trolley bed pathway is under the BCRC Transportation Program.
- 184 ❖ This is a feasibility study funded by the Vermont Agency of Transportation to consider the
- 185 conversion of an historic trolley line to a shared use path - commonly known as a bike path - to
- 186 connect Bennington to Williamstown, MA.
- 187 ❖ The 12-mile path would eliminate pedestrians and cyclists from having to use Route 7, which is
- 188 not wide enough to be safe for pedestrians or cyclists.
- 189 ❖ The study will be completed by the end of this year.
- 190 ❖ The popularity of electric bicycles now makes the 12-mile path more practical.
- 191 ❖ The trolley service operated until 1929 when the onset of motor vehicles made the service
- 192 obsolete.
- 193 ❖ The path would provide a transportation alternative, recreation, public health, tourism, and
- 194 economic development to the 4 historic villages of Bennington, Pownal Center, Pownal, and
- 195 Williamstown.
- 196 ❖ If all existing and proposed bike paths were complete, it would form a 45-mile continuous
- 197 shared use path in the region. Such a long length would be a national attraction.
- 198 ❖ \$2.5B tourism dollars comes to Vermont every year from outdoor recreation.
- 199 ❖ Our overall viability of the project will entail analyzing natural and cultural resources, right of
- 200 way impacts to private property, cost, type of path, roadway and waterway crossings, and
- 201 alignments.

202 *Board comments/questions:*

203 Ms. Perrin: When would we know the cost, and Ms. Bryars stated that the Alternative Presentation
 204 (around September 2020) will focus on alternatives, and the Final Presentation (around November
 205 2020) will focus on the cost.

206 Ms. Jenkins: Do you have presentations in all of the towns, and Ms. Bryars answered that they will be
 207 meeting with all four towns.

208 Ms. Conner: Encouraged everyone to go on the Ashuwillticook Rail Trail in Adams, MA.

209 **4. COMMUNITY POLICING UPDATE**

210 Ms. Jenkins reported the following update:

- 211 ↓ Curtiss Reed held a training on July 14th and 15th for the Select Board, Town Manager, Assistant
- 212 Town Manager, Community Development Director, Police Chief, and Police Lieutenant where
- 213 we identified common values and created an aspirational statement as follows -
- 214 ○ "Bennington is an engaged, diverse, and resilient community where all contribute to our
- 215 shared vitality and benefit from an outstanding quality of life."
- 216 ↓ There is a summary of the training on the Community Policing/Community Resources section of
- 217 the Town's website.
- 218 ↓ Ms. Conner served with Mr. Reed and Michele Johnson to interview the applicants for the two
- 219 Research Teams. We received 15 letters of interest for the 6 positions, all were contacted, 12
- 220 were interviewed, and the 6 that were selected have met for orientation and have begun their
- 221 tasks.

- 222 ↓ The 2 groups of 3 - Community Oversight and Community Policing - are working independently
223 with some guidance from Mr. Reed to develop a bibliography that will be made available to the
224 public within a few weeks.
- 225 ↓ Then there will be an open public meeting where the 2 teams can answer questions from the
226 public on the bibliography.
- 227 ↓ The Community Oversight Team is made up of Alana Hart, Joe Holt, and Katie Berger.
- 228 ↓ The Community Policing Team is made up of Jason Lee, Kara Lusa, and Robert Ebert.
- 229 ↓ The next Community Policing Meeting will be an in-person meeting or seen on CAT-TV on
230 Wednesday, August 5th at 6:00pm on the First Floor of the Fire House. Face masks and social
231 distancing are required with a maximum of 50 people. There is an RSVP process and the info on
232 this will be available tomorrow in press releases, flyers, and on the Town website. This is a
233 Vermont Partnership Meeting, not a Select Board meeting.
- 234 ↓ The purpose of the meeting is to continue the community dialogue on what we as a community
235 see as our vision and what we see as the vision of the Bennington Police Department, and how
236 those two fit together.
- 237 ↓ We have been reaching out to the Vermont Delegation to learn as much as we can on the
238 thinking on civilian review boards because this will be a topic when they reconvene in August.
- 239 ↓ We are looking at a Town of Bennington Citizen Advisory Committee Protocol. Currently, the
240 Select Board is serving as an interim review board and we will be establishing a protocol for any
241 reviews that may need to be done in the future. Mr. Lee-Clark read the Protocol, and this will
242 be posted on the Town's website.
- 243 ↓ We have also reached out to the IACP to see if they can give us any model protocols for us to
244 review.

245 *Board comments/questions:*

246 Mr. Campbell: Although we will be waiting for input from the IACP during the next two weeks, we will
247 use this Protocol, as read, should another complaint against the Police Department occur. We will be
248 voting on it at the August 10th meeting.

249 Ms. Perrin: Reiterated her concern that showing a person's image and not redacting their names will
250 cause retaliatory action against them. We should look at Section 5.b and Section 6 again before we
251 vote on this. Mr. Campbell added that he shares this concern and we have reached out to IACP and
252 Mr. Reed for best practices in Vermont. It is a work in progress.

253 Ms. Jenkins: Concurs with these concerns and is waiting for input from IACP.

254 **8. FY2020 ANALYSIS - SET 2020 TAX RATE**

255 Mr. Hurd stated that we had projected a \$0.05 increase if all agencies were approved. They
256 were all approved, however, we have a lower \$0.0419, or 3.47%, increase.

257 The General fund is up \$0.0431 for a tax rate of \$0.07540.

258 The Highway Fund is down \$0.0012 for a tax rate of \$0.0402.

259 The Fire Fund is level for a tax rate of \$0.0842.

260 Sarah Perrin moved and Jeanne Conner seconded to approve the FY2020 Tax Rate as
261 presented. The motion carried unanimously.

262 **9. MANAGER'S REPORT**

263 Mr. Hurd reported the following:

- 264 ✓ PFOA Construction: Tabled until the next meeting.
- 265 ✓ WWTF Upgrade: Tabled until the next meeting.
- 266 ✓ Pathway Report: Tabled until another meeting.
- 267 ✓ SVC Camp: Mr. Monks reported that the noise complaints had continued so the Town filed for,
268 and was granted, a Temporary Restraining Order which stated that there could be no amplified
269 sound after 9:00pm. The Restraining Order was not complied with so the Town filed an Order
270 for Contempt with a Hearing scheduled for July 23rd. Prior to that Hearing, the Town and the
271 Camp reached an agreement which was also not complied with. We have now filed another
272 Order for Contempt and that Hearing is scheduled for July 30th where we will be seeking a
273 Preliminary Injunction to stop the noise from the campus.

274 Mr. Carroll feels that it is important to cite the number of violations and the times of day that
275 they occurred, and Mr. Monks stated that all of those, as well as, the Police Reports have been
276 filed with the court so the judge will be well aware of the situation. The Board was sent
277 everything that the court received today. Mr. Monks added for people to continue to report
278 their complaints to the Police Department if the noise is continuing.

279 **10. UPCOMING AGENDA**

280 August 10, 2020 - Board Meeting

281 August 5, 2020 - Vermont Partnership Meeting (Not a Select Board Meeting)

282 **11. OTHER BUSINESS**

283 Ms. Conner: Would like a Board Training with the Vermont League of Cities and Towns.

284 Mr. Carroll: Expressed his personal loss with the passing of Bill Scully.

285 Ms. Perrin: The Fire Department is having their chicken barbeque on August 14th at \$10/plate.

286 Mr. Campbell: While we are having Zoom meetings, we should have Public Comment at the beginning
287 and at the end of the meetings.

288 **12. PUBLIC COMMENT**

289 Mike Bethel: Encouraged everyone to go to the shops downtown and support them with some of the
290 Town's marketing money.

291 Sam Restino: The DRB Meetings are in person and was wondering when the Select Board meetings
292 would be. Mr. Campbell responded that there are many factors involved that the Board is considering
293 in their decision.

294 Nancy White: Also feels that the Select Board meetings should resume being held in person. It is unfair
295 for the Board to stay home for the meetings while the people that you're representing have to get up
296 and go to work every day. The safest place we have is the Fire House, and she doesn't understand why
297 the Board will not hold public meetings. Mr. Campbell said that the August 5th meeting will be held in
298 person and the Board is making the decision to do so or not, meeting by meeting.

299 *At 8:54pm, Sarah Perrin moved and Bruce Lee-Clark seconded to adjourn the meeting. The*
300 *motion carried unanimously.*

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303

304 Respectfully submitted,

305 Nancy H. Lively

306 Secretary

307