

1 **BENNINGTON SELECT BOARD**

2 **MEETING HELD REMOTELY VIA ZOOM**

3 **BENNINGTON, VERMONT 05201**

4 **SEPTEMBER 14, 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; Shannon Barsotti-Community
11 Development Director; Mark Anders-BCRC Regional Planner and Transportation Program Manager; Mike
12 Cutler-CAT-TV; and Nancy H. Lively-Secretary.

13 **PUBLIC CALL INS:** Sam Restino, Mike Bethel, Mary Gerish, Mary Ryan, and Dan Pietrucha.

14 At 6:01pm, 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, 82192356353, 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 Mr. Campbell cited the lows and highs that our community has endured/partaken in this year.
23 One of the most recent events is the Black Lives Matters mural at the end of August, where the following
24 police officers served professionally in an environment where they may have felt unappreciated. They
25 were:

26 Paul Doucette, Cam Grande, Nicholas Jones, Jason Burnham, Michael Striezi, Rosco Harrington, David
27 Fadden, Michael Sharshan, Corey Kingston, Robert Morowski, Scott Legacy, Benjamin Lackey, Daniel
28 Farrara, and Amanda Knox.

29 **1. CONSENT AGENDA**

30 **A. MINUTES OF AUGUST 24, 2020**

31 **B. WARRANTS**

32 **C. LIQUOR LICENSES**

33 *Bruce Lee Clark moved and Jeannie Jenkins seconded to adopt the Consent Agenda as*
34 *submitted. The motion carried unanimously.*

35 **2. PUBLIC COMMENT**

36 Sam Restino: Reminded the Board of the need for a warming shelter for the homeless this
37 winter, and Ms. Jenkins stated that she and Ms. Perrin are part of a group made up of the Coalition for
38 the Homeless, GEBICS, State of Vermont Human Services, BROCC, the Interfaith Council, and private
39 individuals from the community that began working on this last winter. There was a hiatus when COVID
40 hit, however, meetings had resumed in May. We have a plan in place for warming shelters during the
41 day and vouchers from the State and GEBICS for the nights. COVID may have made the warming
42 shelters during the day difficult to achieve but no one should have to stay outside during the night
43 unless they want to.

44 Mike Bethel: Had hoped that whatever policy is passed on Displays/Signs/Art on Public Property later
45 this evening would not prohibit him from putting his signs up that All Lives Matter, Police Lives Matter,
46 or Blue Lives Matter.

47 **3. BENMONT BIKE/PED - ADDITIONAL FUNDING APPLICATION**

48 Mark Anders, BCRC Regional Planner and Transportation Program Manager presented the
49 following:

- 50 • We received a grant in 2015 to do design and construction on this federally funded
51 project.
- 52 • We have all of the easements that we need, the design is mostly done, and we have most
53 of the approvals from VTRANS.
- 54 • Many people walk on the shoulder of Benmont Avenue and the Hunt Street intersection
55 comes onto Benmont at an angle - neither of which create a safe environment.
- 56 • In 5 years, there have been 91 crashes and 29 injuries.
- 57 • We are working with MSK and the new design will have the Hunt Street intersection at a
58 right angle, the school bus entrance will be moved, a shared use bike/ped path will be on
59 the west side, and there will be medians with trees between the path and the road.
- 60 • There will be a crosswalk to the west side and bike lanes to Kocher Drive with connections
61 to the Ninja Path and the Rail Trail.
- 62 • Originally, the Hunt Street intersection wasn't part of the project, so we need to apply for
63 another VTRANS grant to include it now.
- 64 • The project is at \$671,000 with 80% federal share of \$537,000. Grant applications are
65 due the end of September and the local share would be \$134,000. Mr. Monks added that
66 we budget every year for streetscape improvements and projects. The \$134,000 would
67 come from some reserve money and be included in the FY22, and FY23 budget, if needed.
68 With easements and approvals already in place, these are realistic expenditures.

69 *Board questions/comments answered by Mr. Anders:*

70 Mr. Carroll: Will there be curbing along the sidewalks? Only around the driveways with the grass
71 medians between the road and asphalt pathway.

72 Mr. Campbell: Are the grass medians for storm water drainage? Yes, but will be looked at again in the
73 final design.

74 Ms. Jenkins: How will people know the different path options? We will have to have clear way finding
75 signage.

76 Ms. Jenkins: Is this put off for two years due to other projects? We have to be sure we can get the
77 grants because the State has limited funding this year because of COVID.

78 Ms. Conner: "This will be transformative for the people that live on Benmont Avenue." Sounds like
79 you're optimistic about getting the grant, are you? We've gotten every other grant in the past, so I'm
80 optimistic but it's a competitive grant so I can't guarantee that we would get all of it this year.

81 ***Bruce Lee-Clark moved and Sarah Perrin seconded to approve the BCRC applying for a grant***
82 ***from VTRANS for additional funding for the Benmont Bike/Ped project.***

83 Mr. Campbell would like to see the Town start to budget for our local share of \$134,000 as soon
84 as we can.

85 Mr. Restino asked if any property would be taken from residents and would the Town maintain
86 it? Mr. Anders answered we have received an easement from the owner of the bus property and the car
87 rental business but no property will be taken from residents. And, the town will maintain it.

88 ***The motion carried unanimously.***

89 **4. PUBLIC HEARING - MUNICIPAL FACILITY AND PUBLIC SERVICE GRANTS**

90 Shannon Barsotti, Community Development Director, presented the following grants for
91 application approval for grants that need to be spent by the end of the year:

- 92 ➤ Municipal Planning Grant - for market analysis for the Energizer facility with additional money
93 from the Vermont Department of Environmental Conservation to develop the Energizer Property
94 Reuse Plan and related documents.
- 95 ➤ Municipal Public Facility and Service Program Grants - CARES Act funded grants for COVID-19
96 relief administered through the Vermont Community Development Program. These grants are
97 for \$50,000 each and the Town can apply for up to five as a pass through with a partnering non-
98 profit. We currently have four applicants - The Bennington Coalition for the Homeless, Sunrise
99 Family Resource Center, The Berkshire Family YMCA, and United Children's Services.

100 *Board comments:*

101 Ms. Jenkins, Mr. Carroll, and Ms. Conner all spoke in support of these grants and the ability to utilize
102 federal dollars to benefit the homeless and child care services in our community.

103 ***Bruce Lee-Clark moved and Jeannie Jenkins seconded to approve applying for the Municipal***
104 ***Planning Grant for the market analysis for the Energizer facility. The motion carried unanimously.***

105 ***Jeannie Jenkins moved and Bruce Lee-Clark seconded to approve applying for the Municipal***
106 ***Public Facility and Service Program Grants for COVID-19 Relief for the Bennington Coalition for the***
107 ***Homeless, Sunrise Family Resource Center, the Berkshire Family YMCA, and United Children's Services.***
108 ***The motion carried unanimously.***

109 **5. COMMUNITY POLICING UPDATE**

110 Ms. Conner reported the following:

- 111 ❖ Last week Ms. Conner, Ms. Jenkins, and Mr. McClintock interviewed 23 diverse community
- 112 members and placed them all on the following policy review committees where their respective
- 113 strengths lie:
 - 114 ○ *Use of Force, Response to Active Resistance, Duty to Intervene, Use of CEW* - Peter Niles,
 - 115 Daniel Merges, Ricardo Wilson, and Alison Levie.
 - 116 ○ *Fair and Impartial Policing* - Bob Wiseman, Catherine Canning, Greg Burda, and Alana
 - 117 Harte.
 - 118 ○ *Investigation of Hate Crimes and Reporting* - Grace Winslow, Jamar Bivens, Cindy Taylor,
 - 119 and Mark Blank.
 - 120 ○ *Responding to Persons Expressing Mental Health Crisis* - Asher Edelson, Kheya Ganguly,
 - 121 Valerie Gray-Shemeth, and Al Bashevkin.
 - 122 ○ *Motor Vehicle Stops* - Robert Ebert, Kara Lusa, and Lon McClintock.
 - 123 ○ *Domestic Violence* - Lauren Wilcox, Janice Lerrigo, Peter Lawrence, and Elinor Hilton.
- 124 ❖ The public may attend the committee meetings as observers only understanding that there will
- 125 be limited COVID seating available.

126 Ms. Jenkins reported the following:

- 127 ❖ These six policies are the first of the twelve recommended by the IACP and Police Department to
- 128 start with.
- 129 ❖ The schedule of committee meetings will be on the website with most meetings being on
- 130 Wednesdays from 1:00-4:00pm beginning on September 23rd including the materials that will be
- 131 discussed.
- 132 ❖ After the committees have completed their work, the policies will be reviewed by legal counsel
- 133 and the police department.
- 134 ❖ We are also looking ahead to the next six policies for the winter, evaluating how this process has
- 135 worked, following the work of the legislature, and how to utilize all of the information gathered
- 136 at this point going forward in terms of oversight and review boards.

137 Mr. Lee-Clark added:

- 138 ❖ Dan Monks, Dan Farrara, and he will be a part of all of the committees.
- 139 ❖ After the policies have been reviewed, they will then come to the Select Board for
- 140 review/adoption whereupon the public will have the opportunity to comment on them.
- 141 ❖ We have also received a lot of support from the Vermont League of Cities and Towns and the
- 142 Police Department's insurer.

143 6. POLICY - DISPLAYS/SIGNS/ART ON PUBLIC PROPERTY

144 Mr. Hurd stated that Town Counsel generated this policy based on a similar one in Montpelier
145 that is all encompassing for all Town properties - Town Office front yard, streets, parks, etc. The Select
146 Board controls the messages displayed on public property which affects overall 'free speech'.

147 Mr. Monks added that this policy provides guidelines and standards to those that want to put
148 "semi-permanent installations of physical objects on public property". The policy states in Section 3.

149 Request Process that a Project “must be sponsored and introduced by one or more members of Select
150 Board for review and deliberation”, as well as, being clear about safety guidelines and technical review
151 before the Select Board makes a decision on it.

152 Mr. Campbell read the following Guidelines in Section 6. Design Guidelines and Standards that
153 are in the policy:

154 *“A. Guidelines:*

155 The following are the Guidelines that every Project must include or address to the satisfaction of the
156 Selectboard:

- 157 1. Enhance community identity, pride, and unity;
- 158 2. Provide the highest quality artwork available, promoting excellence and demonstrating diversity
159 and variety of media;
- 160 3. Increase public participation and interactions with public spaces;
- 161 4. Encourage public participation and interactions with public spaces;
- 162 5. Represent a positive interest or value worthy of public recognition;
- 163 6. Creating awareness of how surroundings impact experience;
- 164 7. Enrich the public environment for both residents and visitors through incorporation of the arts;
- 165 8. Strive for diversity; and
- 166 9. Reflect the social, ethnic and cultural fabric of the Town.”

167 Mr. Campbell summarized the Standards in Section 6. Design Guidelines and Standards that are in
168 the policy:

169 *B. Standards*

- 170 1. No logos
- 171 2. No living person’s images
- 172 3. No breaking the copyright law
- 173 4. Needs to be a primary contact
- 174 5. No image of the United States flag
- 175 6. No profanity or obscene material
- 176 7. A Project may not be designed or located in a way so that it is perceived to be commenting on,
177 modifying, or altering an Existing Project
- 178 8. Projects must be dedicated to or illustrative of an idea, concept, or principal that promote
179 community and public good
- 180 9. The Project in whole must have a primarily positive message
- 181 10. Safety on public roads is important
- 182 11. May not mimic traffic control devices
- 183 12. Low toxicity
- 184 13. Must comply with State and Federal regulations
- 185 14. Primary contact must clean up and dispose of paint in an appropriate manner
- 186 15. Paint must be applied in a high quality manner with accidental spills cleaned up
- 187 16. All project shall be installed for a fixed period not to exceed a certain number of months
- 188 17. Primary Contact may be required to provide proof of insurance and name the Town as co-insured

189 18. Primary Contact may be required to post a bond or similar surety to ensure compliance with
190 these provisions

191 *Board questions/comments:*

192 Mr. Lee-Clark: Why must the Primary Contact obtain a Select Board sponsor when it would seem that
193 that would put the Select Board member in a compromising position? "It left me queasy and I would not
194 want to see that sentence in there unless I can be persuaded otherwise." "I don't like us acting as a pre-
195 gatekeeper gatekeeper."

196 Ms. Jenkins: Thinks this is a good part of the policy and "goes to fairness" to the Primary Contact to
197 know that at least one Board member thinks this is a good idea, and fairness to the community to not be
198 subjected to the upset of an idea that one Board member knows the Board would never approve.

199 Mr. Monks: Agrees with the Select Board sponsor in the policy that could eliminate the whole Board
200 reviewing inappropriate ideas. Every Board member can bring an idea to the Board and it is only a
201 conflict of interest if that Board member is being compensated for doing so.

202 Ms. Conner: Can see both sides and clarified that because a Board member has sponsored an idea
203 doesn't mean that they have to vote for it. They could just feel that it warrants a full Board discussion.
204 And, if not sure if an idea should go further, could consult another Board member for their opinion.
205 Depending on the composition of the Board, the same people could be asked - or not asked - and it
206 could divide the Board. "I understand the value of it, I also can see some pitfalls."

207 Ms. Conner: When was this policy proposed and what do other towns have in place? Mr. Monks stated
208 this policy was based on the Montpelier policy and doesn't know where they originated it from or what
209 other towns have. We knew that there would be other requests and our attorney "was adamant" that
210 we have something in place, and it was not a reaction to any specific request. Mr. Hurd added that it
211 originated "two to two and a half weeks ago".

212 Ms. Perrin: "I feel it's pitting Dad against Mom sort of thing." Overall, it's a good policy and would be in
213 favor of adopting as an interim policy tonight and revisiting at the next meeting - even though the Board
214 will not be meeting prior to the 28th.

215 Mr. Campbell: Anyone is able to voice their ideas during Public Comments to the whole Board or send
216 "an e-mail blast" to the whole Board.

217 Mr. Carroll: "We're opening up a Pandora's Box with this and I think that we're walking into a buzzsaw."

218 *Public questions/comments:*

219 Ms. Gerish: Thinks the policy is a good idea and offered the following changes:

220 Section 6., B. Standards, #16 states "All projects shall be installed for a fixed period not to exceed twelve
221 months." And, Section 8. Post Installation, 5. States "...time period set by the Selectboard" ...Suggestion -
222 refer to the exception in Section 8 in Section 6.

223 Section 8. Post Installation, 3. "...maintenance and repair of the painting remains the responsibility of
224 the Primary Contact". Suggestion - should include contacting the Town for a time to do this.

225 Ms. Gerish also noted that the keyboard mural at the Four Corners has been there more than a year.
226 Suggestion - include a grandfather clause for the two existing street murals.

227

228 Ms. Ryan: Agrees that this policy “creates a buzzsaw”, the BLM mural “is beautiful” but should be a one-
229 time community event without any maintenance on it. She is concerned that “artwork will become a
230 clutter as opposed to artwork” and we shouldn’t allow any more of it. Keep the beauty and prestige of
231 Bennington and Vermont as it is. Mr. Campbell noted that this policy is only for Town owned property,
232 and Mr. Monks stated that the Town has little jurisdiction over privately owned property, as long as, it is
233 safe and non-commercial with the exception of being subject to approval by Historic Preservation if it is
234 in the Downtown.

235

236 Mr. Pietrucha: Feels the Board member sponsorship could have possible electoral repercussions for
237 Board member. His suggestion as a better alternative to bringing an idea to the Board would be a show
238 of community support such as a collection of signatures which seems like a more democratic way to do
239 it.

240

241 *Additional Board comments:*

242 Mr. Lee-Clark: In response to Ms. Ryan’s question of the difference between policies and ordinances,
243 policies govern the Select Board and ordinances govern the citizens of the Town. He is reluctant to make
244 any decisions without a policy in place and doesn’t see the need for an interim policy because we
245 wouldn’t be making any decisions before the next Board meeting on the 28th. He will be giving more
246 thought to a word to replace “sponsor”, the idea of a petition in lieu of a sponsor, and the suggestions
247 made by Ms. Gerish during the next two weeks.

248 ***Sarah Perrin moved and Jeannie Jenkins seconded to approve the Town of Bennington Displays,***
249 ***Signs, & Art on Public Property Policy as presented as an Interim Policy until September 28, 2020. The***
250 ***motion carried with Bruce Lee-Clark opposed.***

251 Mike Bethel: Asked what he had to do now to get his signs up, and Mr. Campbell read the section of the
252 Interim Policy that addresses that and referred him to Mr. Hurd for further advice. Mr. Bethel continued
253 with his dissatisfaction of the Board and Town Management.

254 **7. MANAGER’S REPORT**

255 ***Jeannie Jenkins moved and Sarah Perrin seconded to appoint the Town Manager as***
256 ***Bennington’s voting delegate at the VLCT Annual Meeting at the end of September 2020. The motion***
257 ***carried unanimously.***

258 Mr. Hurd requested a Letter of Support in Sarah Perrin’s name for a one year, or anticipated two
259 years, Cooperative Community Action Grant wherein the Southern Vermont Medical Center,
260 Department of Health, and Community Action combine to use these funds for relief services.

261 *Bruce Lee-Clark moved and Jeannie Jenkins seconded to authorize the Letter of Support for the*
262 *Cooperative Community Action Grant as presented. The motion carried unanimously.*

263 Mr. Hurd suggested that everyone visit the Stark Street Playground to see how the municipal
264 staff has pulled that project together, and the Food Truck Festival has been cancelled for 2020.

265 *Discontinuance of TH 85:* We have a necessary site visit and public hearing for October 12 at 4:00pm and
266 6:15pm, respectively, to give up the right of way known as Town Highway 85, the extension of Furnace
267 Brook Road or the Town Dump Road, so called. This is part of the required work to close this site.

268 **8. UPCOMING AGENDA**

269 September 28, 2020 - Policy-Displays/Signs/Art on Public Property

270 September 28, 2020 - Standing Community Policing Update

271 October 2020 - Manager's Review

272 October 2020 - Energy Committee

273 **9. OTHER BUSINESS**

274 Ms. Conner: Read the following report from SVSU:

275 School started Sept 8. As has been the case from the beginning of the pandemic what I am about to say
276 could change in an instant but here is where the SVSU stands today.

277 There was a team of people who worked all summer on coming up with a reopening plan that was safe
278 and could address the needs of the students in the district. To get the pulse of parents a survey was
279 conducted to find out how parents felt about in-person vs. remote teaching. They had a great response.

280 There is a phased in approach to getting everyone back in the classroom with major changes on Sept 28
281 and Oct 26. Presently all schools are at 20% in person capacity 4 days a week. Students who benefit the
282 most for various reasons from in-person instruction were given priority. The rest are learning remotely.

283 On Sept 28 if everything goes well until then there will be a hybrid model in place where groups of
284 students in the elementary schools will be in the classroom 2 days a week and remote 3 days a week and
285 then they will switch to even out the time in class and learning remotely. The 6th and 9th graders will be
286 doing the same thing and if all goes well, they will consider adding the number of students to the hybrid
287 model. By October 26 the hope is all students will be in the classroom 4 days a week and learning
288 remotely 1 day a week. The buses are being used for transportation and food distribution. The
289 transportation routes are being developed now based on the kids whose parents opted for in-person
290 instruction.

291 HUBs are being created based on a plan that came out of Gov. Scott's office using CARES Act money.
292 Megan Meszkat has been the leader in forming 5 HUBs in each of the elementary schools. Woodford will
293 not have one due to the size of the space but children from Woodford can access one of the other HUBs.
294 The HUBs are for children whose parents are essential workers and for children who are at risk. They
295 come to a HUB and do their schoolwork remotely from the HUB instead of from home. They will be
296 staffed with existing workers for the SVSU mostly para educators. They are not open yet but will open

297 ASAP and will grow or shrink as the re-opening plan moves or does not move forward based on safety
298 guidelines.

299 PPE is in good supply.

300 Projects to improve ventilation are underway so they will all be finished in time for the cold weather
301 when windows need to be closed.

302 SVSU used a portion of the Mellon Grant they were awarded to develop a virtual Family Fitness Fest. It
303 runs from today until Sept 18th for children 4-14. It focuses on 4 areas of wellness, physical health,
304 mental health, nutrition and safety and wellness. There are great prizes too!

305 The Southwest Vermont Career Development Center is also teaching remotely. Many of the CDC
306 programs are difficult to teach remotely since they are hands on courses but they are doing the best
307 they can with remote cameras and creativity. Thanks to Ryan Scutt for his guidance on what cameras to
308 purchase and for the set up and training. All the Year 1 programs are running and almost fully enrolled.
309 Year 2 students will be back in the building next Monday. Adult ed classes including CDL and LPN among
310 others are happening. Transportation for students in other communities has been challenging.

311 Check out the SVSU website or the Southwest Vermont Career Dev Center website for details and more
312 information or call 802-447-7501 for the SVSU and 802-447-0220 for the SVCDC.

313 Updates will be upcoming in the Banner.

314 Mr. Carroll: The budget has passed the House and is onto the Senate. Included in that was \$88M of
315 COVID CARES Fund that has been expanded to include the hospitality industry. Hazard pay has been
316 expanded to include grocery store workers, funeral home workers, and others. Anyone with further
317 questions on this may call Mr. Carroll at 733-2061 for greater detail.

318 Mr. Carroll: Noted Len Nichols passing, and shared his personal experiences with him.

319 Ms. Perrin: Due to COVID concerns, reiterated that the Food Truck Festival has been cancelled for 2020.
320 However, the hope is to be back in 2021.

321 **10. EXECUTIVE SESSION**

322 **A. CONTRACT**

323 *At 8:37pm, it was moved and seconded to go into Executive Session to discuss a Contract with a*
324 *vote possibly being taken following deliberation. The motion carried unanimously.*

325

326

327 Respectfully submitted,

328 Nancy H. Lively

329 Secretary

330