

M E E T I N G   N O T I C E

BENNINGTON SELECT BOARD

December 28, 2020

A G E N D A

6:00 PM

For public health reasons, Select Board members will participate in the meeting by videoconference. Members of the public are urged to watch the meeting on CAT-TV or Cat-TV Facebook. If one wishes to participate, please call 1-646-558-8656 enter Meeting ID when prompted: 851 8641 2506 followed by #. Callers will come into a "waiting room" and be taken in the order of the call. Time will be allotted before action on all agenda items where citizen input is warranted.

1. Consent Agenda
  - A. Minutes of 12/14/20 and 12/22/20 6:00 PM - 6:05 PM
  - B. Warrants
  - C. Proclamation - Career and Technical Education Month
  
2. Public Comment 6:05 PM - 6:20 PM
  
3. Northern Berkshire Y 6:20 PM - 6:40 PM
  
4. Community Policing Update 6:40 PM - 6:50 PM
  
5. Manager's Report 6:50 PM - 6:55 PM
  
6. Upcoming Agenda 6:55 PM - 7:00 PM
  
7. Other Business 7:00 PM - 7:10 PM
  
8. Executive Session  
Personnel

1 BENNINGTON SELECT BOARD  
2 MEETING HELD REMOTELY VIA ZOOM  
3 BENNINGTON, VERMONT 05201  
4 DECEMBER 14, 2020

5 MINUTES

6 **SELECT BOARD MEMBERS PRESENT BY VIDEOCONFERENCE:** Donald Campbell-Chair; Jeannie  
7 Jenkins-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  
10 Town Manager and Planning Director and Director of the COVID-19 Response; Michael LaCroix-  
11 VTRANS; Dennis Vertiyev, Jayson Gauvin, Steve Sacco, Erik Atkins, Wing Wong-Green  
12 International Affiliates, Inc.; Andy Schlatter-Bennington College; Josh Boucher-CAT-TV; and  
13 Nancy H. Lively-Secretary.

14 **PUBLIC CALL INS:** Lynn Mazza.

15 At 6:03pm, Chair Donald Campbell called the meeting to order and explained that, due  
16 to the COVID-19 Pandemic State of Emergency declared by Governor Scott, and pursuant to  
17 Addendum 6 to Executive Order 01-20, Act 92, this public body is authorized to meet  
18 electronically. There is no physical location to attend this meeting, however, the public may  
19 view it on CAT-TV and call in at 1-646-558-8656 and enter the meeting ID, 89443396797 when  
20 prompted to do so. The call in information will be periodically posted on the screen and the  
21 process for calling in was explained. If technology fails us, the meeting will be continued at a  
22 time and place to be determined and all votes that are not unanimous will be done with a roll  
23 call vote in accordance with the law.

24 **1. CONSENT AGENDA**

25 **A. MINUTES OF NOVEMBER 23, 2020 AND DECEMBER 8, 2020**

26 **B. WARRANTS**

27 *Bruce Lee-Clark moved and Jeannie Jenkins seconded to adopt the Consent Agenda as*  
28 *submitted.*

29 Ms. Jenkins asked what the charges were for MSK, and Mr. Hurd answered that they are  
30 related to the landfill site, Furnace Brook remediation, Roaring Branch sediment removal,  
31 Morgan Spring relocation, and a power line project for a tank at SVC.

32 *The motion carried unanimously.*

33 **2. PUBLIC COMMENT**

34 None.

### 35 3. ROUTE 67A/SILK ROAD CONCEPTUAL PLANS

36 Green International Affiliates, Inc. has been working with VTRANS to design a round-a-  
37 bout at the Silk Road and Bennington College entrance. They did the following presentation:

- 38 • The purpose and need of the project is to improve overall safety, reduce speeds on  
39 Route 67A, improve sight distances, and improve pedestrian and bicycle  
40 accommodations.
- 41 • Route 67A is a minor arterial with 11' lanes, 3' shoulders, and 40mph speed limit;  
42 Matteson Road is a major collector with 11' lanes, no shoulders, and 30mph speed limit;  
43 College Drive is a 22' private driveway; and Silk Road is a local road with 11' lanes and  
44 30mph speed limit.
- 45 • There are two pedestrian crossings - one on Silk Road and one on Route 67A.
- 46 • There is a gas station that was closed in 1986 within the project area and we are aware  
47 of potential contamination that will be handled accordingly.
- 48 • We noted the following issues with the Scoping Study Preferred Alternative:
  - 49 ➤ Slip lane conflict points
  - 50 ➤ Substandard deflection
  - 51 ➤ Impacts to Carver Property
  - 52 ➤ Impact to historic gate
- 53 • Our Conceptual Design Scoping Refinements are:
  - 54 ➤ Peanut shaped round-a-bout
  - 55 ➤ Reduced overall increase to impervious area
  - 56 ➤ Reduced impacts to historic property
  - 57 ➤ Elimination of slip lane and improved deflection
  - 58 ➤ Larger and better defined splitter islands that help reduce speed
  - 59 ➤ No impacts to Carver property
  - 60 ➤ Improved turning movements into College Drive
  - 61 ➤ Accommodations for future bicycle improvements
  - 62 ➤ No impacts to historic gate
- 63 • Proposed Conceptual Design includes:
  - 64 ➤ Route 67A - 11' lanes with 5' bike lanes (shoulders)
  - 65 ➤ Matteson Road - 10' lanes with 3' shoulders
  - 66 ➤ College Drive - 11' lanes remain around mountable island
  - 67 ➤ Pedestrian crossing with rectangular rapid flashing beacons across Route 67A  
68 and Silk Road
  - 69 ➤ Silk Road - 10' lanes with 3' shoulders
  - 70 ➤ Concrete splitter islands on 3 of the 5 approaches
  - 71 ➤ Mountable islands at College Drive and Matteson Road to ease large truck  
72 turning but are unappealing to regular sized vehicles, as well as, a stamped  
73 concrete truck apron on the island, itself

- 74           ➤ Bicycle access to the Ninja Path without needing to utilize the round-a-bout
- 75           ➤ There will be a stone swale by Matteson Road and an Infiltration trench by the
- 76           Ninja Path for drainage
- 77           ➤ Lighting for vehicles at the round-a-bout and at all pedestrian crossings
- 78           ➤ Landscaping that will alert drivers to the presence of a round-a-bout but not
- 79           impede their views
- 80           • Proposed Conceptual Design - Turning Movements include:
- 81           ➤ College Drive and all other approaches access for large trucks. A 15' tractor
- 82           towing a 53' trailer (WB-67) making right and left turns has been accommodated
- 83           ➤ Pre-COVID traffic studies have been done and this design will accommodate
- 84           potential increased traffic for years to come
- 85           ➤ Vehicles can yield to a pedestrian crossing and then enter the vehicle flow of
- 86           traffic again at a separate point
- 87           • Conceptual Design - Project Cost Estimate:
- 88           ➤ Roadway and Drainage           =       \$2,387,648.66
- 89           ➤ Landscaping                        =       \$ 45,728.85
- 90           ➤ Lighting                             =       \$ 142,135.55
- 91           ➤ TOTAL ESTIMATE PROJECT COSTS   \$2,628,140.38 (10% Contingency included
- 92           and federally funded)
- 93           • Current Status and Anticipated Schedule:
- 94           ➤ Conceptual Plans - submitted to VTRANS on November 6, 2020
- 95           ➤ Develop Preliminary Plans - May-July 2021
- 96           ➤ ROW (Right of Way) Process - September 2021-March 2022 (assuming all land is
- 97           donated)
- 98           ➤ Final Plans - August 2022
- 99           ➤ Contract Plans - January 2023
- 100          ➤ Advertisement - March 2023
- 101          ➤ Construction - April 2023-April 2024

102           Mr. Schlatter from Bennington College stated that in general this is a big improvement  
 103 with some small details to be worked out. Mr. Vertiye verified that Bennington College is the  
 104 only land donation at this time.

105           *Board questions/comments answered by Mr. Vertiye:*

106           Ms. Conner: Will there be signage to the Silk Road covered bridge and signage indicating an  
 107 approaching round-a-bout? Yes and yes.

108           Ms. Conner: Will the stamped concrete part of the round-a-bout look similar to the one at  
 109 Walmart? That hasn't been decided yet.

110           Ms. Conner: Is wear and tear an issue on stamped concrete? These areas are built knowing that  
 111 heavy trucks will be travelling on them so the concrete is reinforced with rebar.

112 Ms. Conner: Can a motorized wheelchair go on the mountable islands? We will be sure that our  
113 final design is ADA compliant.

114 Mr. Hurd: The brick stamped pattern would be good to separate the concrete of the round-a-  
115 bout from the asphalt of the highways. The Town would also like some input as to the  
116 landscaping of the round-a-bout as we had with the one at Walmart. Mr. Vertiye stated that  
117 they will be consulting with the Town and Bennington College about the landscaping.

118 Mr. Hurd: Will we see lengthy traffic delays during construction? We will be coming up with a  
119 phasing system that will allow traffic to continue traveling through this area during  
120 construction.

121 Mr. Lee-Clark: How will runoff mitigation be handled? We will have a full drainage layout  
122 keeping in mind that all drainage is to the southwest corner including existing catch basins and  
123 rebuilding an existing outfall. Most of the water will be going back into the ground, however,  
124 the impervious sections will be within our design for the necessary permits.

125 Ms. Jenkins: What do you consider when deciding on lighting? VTRANS has lighting standards  
126 for round-a-bouts and we use those to not have too much lighting. The pedestrian crossings  
127 and points of conflict in the round-a-bout must be well lit and, within the VTRANS standards,  
128 the lighting used only shines down and does not shoot up or off to the side.

129 Mr. Campbell: Would it be safer if the pedestrian crossing on College Drive was moved farther  
130 north? Since there would only be trucks entering, at the most, twice a day, this is infrequent  
131 enough to not be an issue for the pedestrians and the mountable islands are not flush with the  
132 pavement. But, relocating the crossing as suggested can be looked into.

133 Mr. Campbell: Do bikes have to merge with cars when they are going east? Vehicle traffic at  
134 this point is traveling slowly and the intent is for the bikes to travel within the vehicle traffic and  
135 not alongside it. Bikes can avoid the round-a-bout by using the Ninja Path.

136 Mr. Campbell: Thanked Mark Anders and Jim Sullivan from BCRC for the work they had  
137 previously done on this project.

#### 138 **4. COMMUNITY POLICING UPDATE**

##### 139 **A. POLICIES 2<sup>ND</sup> READING**

##### 140 **1. USE OF FORCE**

141 *Bruce Lee-Clark moved and Jeannie Jenkins seconded to adopt the Response to*  
142 *Resistance/Use of Force Policy as presented.*

143 Ms. Jenkins added that this is a "good policy", "Is clearer and a little stronger" than  
144 some other policies that we've seen and is strongly in favor of it.

145 *The motion carried unanimously.*

##### 146 **2. DUTY TO INTERVENE**

147 *Jeannie Jenkins moved and Bruce Lee-Clark seconded to adopt the Duty to Intervene*  
148 *Policy as presented.*

149 Ms. Perrin asked if we couldn't find any CALEA Standards for this policy, and Mr. Lee-  
150 Clark answered that the League of Cities and Towns did not have them on their policy and have  
151 not responded to his inquiry about them. The CALEA Standards are not part of the policy but  
152 can be added later as a reference.

153 Mr. Lee-Clark added that this policy "makes it crystal clear that there is protection for  
154 any officer that does intervene and that officers have an obligation to intervene as soon as it is  
155 safe to do so". And, if they do not intervene, they are in violation of the policy and can be  
156 disciplined.

157 *The motion carried unanimously.*

### 158 **3. USE OF CONDUCTED ELECTRICAL WEAPONS**

159 Ms. Conner clarified that there was not another word that could replace "prolonged" in Use of  
160 Conducted Electrical Weapons, K. Mr. Lee-Clark stated that "prolonged means unreasonably  
161 and there isn't another word that would do what we need it to do".

162 *Bruce Lee-Clark moved and Jeannie Jenkins seconded to adopt the Use of Conducted*  
163 *Electrical Weapons Policy as presented. The motion carried unanimously.*

164 Thank you to all of the citizens who were part of the Committee that worked on these  
165 policies. They were Peter Niles, Dan Merges, Ricardo Wilson, and Alison Levy.

## 166 **B. POLICIES 1<sup>ST</sup> READING**

### 167 **1. INVESTIGATION AND REPORTING OF HATE CRIMES**

168 Mr. Lee-Clark noted that this was an IACP model policy and most of the Committee's  
169 work was done with the definitions. Board comments/questions will be taken back to the  
170 Committee for discussion.

171 *Board questions/comments:*

172 Mr. Campbell: II. Policy, Line 19-20, questions "shall employ all necessary resources" in that the  
173 BPD may not have all the necessary resources available for their use.

174 Mr. Campbell: III. Definitions, A. Bias, "ethnicity" has been taken out then it seems like F. Ethnic  
175 Group should also be taken out.

176 Mr. Campbell: III. Definitions, H. Sexual Orientation, Delete "Examples include but are not  
177 limited to: homosexual, bisexual, and heterosexual."

178 Ms. Connor: III. Definitions, I. Sex, there are people that have physical attributes that are both  
179 male and female.

180 Ms. Jenkins: III. Definitions, D. Hate Group, only lists three organizations that track hate groups  
181 and there must be more. Mr. Lee-Clark stated that these three groups - the Southern Poverty  
182 Law Center, Anti-Defamation League, and the FBI - were listed on the IACP model policy and are  
183 the only reputable organizations that track hate groups. Ms. Jenkins would like it added that  
184 these three are good examples as there may be more going forward.

185 *Public questions/comments:*

186 Lynn Mazza: What is the process for changing policies that have been adopted? Ms. Jenkins  
187 stated that all of the public comments that came in on the three policies adopted tonight were  
188 broad and did not address specific language. Just because a citizen, or board member, feels  
189 something should be changed, doesn't mean that it will be. The Committee is made up of  
190 citizens. Also, any general questions that were asked will be addressed at a later time.

191 Thank you to all of the citizens who were part of the Committee that worked on this  
192 policy. They were Grace Winslow, Jamar Bevins, Cindy Taylor, and Mark Blank.

## 193 **2. FAIR AND IMPARTIAL POLICING**

194 Mr. Lee-Clark noted that this policy was originally drafted by the Vermont Criminal  
195 Justice Training Council and was created by the League of Cities and Towns. This is statutorily  
196 required and is meant to ensure that there will be fair and impartial policing to everyone, even  
197 those with "personal characteristics" that may evoke bias but are not in a protected group.  
198 Board comments/questions will be taken back to the Committee for discussion.

199 *Board questions/comments:*

200 Ms. Conner: III. Definitions, B. Personal characteristics. Should addiction be added or would  
201 that fall under mental illness?

202 Thank you to all of the citizens that were part of the Committee that worked on this  
203 policy. They were Father Bob Weisman, Kate Canning, Greg Burda, and Alonna Harte.

204 Also, thank you to the permanent Committee members. They are Officer Dan Ferrara,  
205 Select Board member Bruce Lee-Clark, and Assistant Town Manager Dan Monks.

206 -----

207 Ms. Connor reported the following:

- 208 ❖ The Community Discussion Boards were taken down right after Thanksgiving.
- 209 ❖ There were a total of 101 comments and thanks to those that commented.
- 210 ❖ The Committee was pleased with the thoughtfulness of most of the comments and felt  
211 it was a worthwhile exercise.
- 212 ❖ A summary by question, by theme:
  - 213 ✓ 1. What do you expect of a police officer? Comments: Trust, respect,  
214 compassion, safety, and integrity; fair treatment for all; appreciation for the  
215 work that the police department does.

- 216 ✓ 2. What makes you feel safe in your community? Comments: Having the police  
217 more connected to the community; positive responses from the police  
218 department; concern for authoritarianism and abuse of power.  
219 ✓ 3. What do you think the BPD could do to improve life and safety? Comments:  
220 Mental health issues; need for an oversight committee; concern for transparency  
221 and accountability; gratitude and compliments.  
222 ✓ 4. How can the community and BPD better engage with each other? Comments:  
223 Community oversight; BPD to immerse themselves in a greater degree such as  
224 walking their beats and getting involved in community groups. One person  
225 asked for forgiveness for mistakes that he or she had made.  
226 ❖ All comments are on the Town's website.

227 Ms. Jenkins reported the following:

- 228 ❖ Applications are now open until noon on December 28<sup>th</sup> for the winter/spring advisory  
229 groups to look at the next 6 policies.  
230 ❖ Anyone that lives and/or works in Bennington may apply - even if you have already  
231 served on a Committee.  
232 ❖ The scope of work and application are on the Town's website under  
233 Resource/Community Policing/Policy Review Process.  
234 ❖ Interviews will begin the week of January 4<sup>th</sup>.  
235 ❖ We are looking for 24 people and the 3 permanent members will remain the same.  
236 ❖ All interviews and meetings will be via Zoom.

## 237 5. CHARTER AMENDMENT, SIGN WARNING

238 Mr. Hurd stated that this is a Charter amendment proposal for a Mayoral form of  
239 government, similar to the one we had in 2018. It requires 2 public hearings with 30-day notice  
240 before the first hearing and the second hearing must occur within 10 days of the first meeting.  
241 The 1<sup>st</sup> meeting will be February 1<sup>st</sup> and the 2<sup>nd</sup> meeting will be February 8<sup>th</sup>. It will be on the  
242 ballot but the Board Chair needs to sign it so that it can be published by January 1<sup>st</sup>.

243 *Bruce Lee-Clark moved and Jeannie Jenkins seconded to adopt the Notice of Public*  
244 *Hearing Proposed Amendments to the Charter of the Town of Bennington as presented and*  
245 *authorize the Select Board Chair to sign. The motion carried unanimously.*

## 246 6. AGENCY PETITION REQUIREMENT

247 Mr. Hurd stated that the Town has been approached by an agency that wishes to  
248 increase the amount of money that they have previously received from the Town in the past.  
249 To do so, it is our policy that agencies must petition to be funded for an increased amount. The  
250 agency wants the Board to put them on the ballot without having to petition citing the difficulty  
251 getting signatures due to COVID. We have a precedent set because the Mayoral request came  
252 to us via petition, and if this request is granted, that would open up the possibility that all of the  
253 agencies would request the same exception.



254 Board discussion ensued noting that all the agencies generally get funded, they all do  
255 good work, the amount that is funded is over \$100,000 that increases the tax rate, it had been  
256 previously requested that signatures be waived and we declined, you can get signatures  
257 without walking up to people and asking for them, it wouldn't be fair, and a precedent has been  
258 set.

259 The Board decided to stay with the existing policy requirements.

## 260 7. PENALTY WAIVER PROPOSAL A COVID-19 RESPONSE

261 Mr. Hurd noted that several residents and commercial customers have approached the  
262 Town because they were unable to pay their tax bills in full. Because of this, he has proposed a  
263 Penalty Waiver for 2020 only as follows:

- 264 ○ For Residential Customers (single family)
  - 265 ▪ First time delinquent in 5 years
  - 266 ▪ Will enter into agreement to eliminate delinquency within 12 months
  - 267 ▪ Penalty waived when agreement is completed.
- 268 ○ For Commercial Customers, Multi-family Customers
  - 269 ▪ First time delinquent in 5 years
  - 270 ▪ Must provide proof of COVID impact
  - 271 ▪ Will enter into agreement to eliminate delinquency within 6 months
  - 272 ▪ Penalty waived when agreement is completed.
- 273 ○ Failure to keep the Agreement voids it.
- 274 ○ There are some taxpayers who were first time delinquents that have paid the penalty. I  
275 propose that we return the penalty payment to them. The number is relatively small.

276 The amount of the penalty totals \$54,460 and impacts 141 properties.

277 *Board questions/comments:*

278 Mr. Carroll: Why do residential have 12 months to pay and commercial only have 6 months?  
279 Mr. Hurd answered that his thought was that commercial customers could have access to  
280 CARES funding when residential customers would not. However, he has no problem making  
281 them both a 12 month payback. Mr. Carroll would want that done.

282 Mr. Lee-Clark: Describe how the penalty works. Mr. Hurd responded that the statutory penalty  
283 is 8% applied the day after taxes are due. There is also interest accrued but we are not waiving  
284 the interest, just the penalty.

285 Ms. Conner: Have you given any thought that people may be in a similar situation in 2021? Mr.  
286 Hurd noted that he had and "that's a bridge we cross when we come to it". Ms. Conner added  
287 to be sure it is clear to those involved that this is a onetime deal, and Mr. Hurd agreed.

288 *Jeannie Jenkins moved and Sarah Perrin seconded to accept the Penalty Waiver 2020*  
289 *Proposal amended as follows:*

290 *For Commercial Customers, Multi-family Customers, change "within 6 months" to*  
291 *"within 12 months".*

292 *The motion carried unanimously.*

## 293 **8. MANAGER'S REPORT**

294 Mr. Hurd reported as follows:

295     ▪ Lead Line Borrowing Application - In our application for the \$11M lead line service line  
296 replacement project, we must apply to the States Revolving Loan Program. The State is  
297 allowing us to combine Step II, Final Design, and Step III, Construction in the application.  
298 Due to COVID and Virtual meetings, the Chair must be authorized to sign. This is  
299 essentially a grant with no repayment.

300 *Bruce Lee-Clark moved and Jim Carroll seconded to authorize the Select Board Chair to*  
301 *sign the State Revolving Loan Programs Funding Application. The motion carried*  
302 *unanimously.*

303     ▪ COVID Update - We're told 6,000 doses of the vaccine are on the way to Vermont. The  
304 State will determine who receives them first. In the meantime the precautions remain  
305 in effect.

306  
307     ▪ PFOA Construction - Construction has now stopped for the Winter.

308  
309     ▪ WWTF Upgrade - This project is essentially completed. The Town will replace the fence  
310 along Harrington Road and add some landscaping as well.

## 311 **9. UPCOMING AGENDA**

312 December 28, 2020 - Approve the Town Meeting Warning

313 December 28, 2020 - Police Department Training Presentation

314 December 28, 2020 - Audit Presentation

315 January 2, 9, and 16, 2021 - Budget Meetings

## 316 **10. OTHER BUSINESS**

317 Mr. Campbell: There were 19 CARES grants that went out in the State and 4 of them came to  
318 Bennington. Kudos to Shannon Barsotti and other staff for their work on bringing these dollars  
319 to Bennington.

320 Mr. Campbell: Also kudos to our partner, the Southern Vermont Health Care Center.

321 Mr. Lee-Clark: Happy Hanukkah and Merry Christmas.

322 Ms. Conner: Additional kudos to Ms. Barsotti for her work on the Franklin Lane grant and the  
323 work being done on the John Mills House on the corner of Pleasant and Valentine.

324 Ms. Jenkins: Be sure to check out the façade of Your Belly's Deli and note the fine job they have  
325 done with that.

326 Mr. Carroll: Happy Hanukkah and Merry Christmas.

327 Ms. Perrin: Happy Holidays.

328

329 *At 8:32pm, Sarah Perrin moved and Jeanne Conner seconded the adjournment of the*  
330 *meeting. The motion carried unanimously.*

331

332

333 Respectfully submitted,

334 Nancy H. Lively

335 Secretary

336

337

**SELECT BOARD  
MINUTES**

**December 22, 2020**

Present: Donald Campbell, Chair, Jeanne Conner, Jeannie Jenkins, V. Chair, Jim Carroll, Sarah Perrin, and Bruce Lee-Clark.

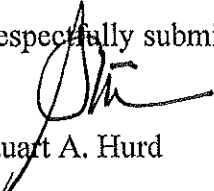
Also present: Stuart Hurd, Town Manager, Dan Monks, Assistant Town Manager, Shannon Barsotti, Community Development Director, Jess Rumlow, Exec Director of the Northern Berkshire Y, and Kayla Becker, Director of the Bennington Rec Center/Y.

The meeting was called to order by the Chair and the Board went into executive session at 5:03 pm for a contract matter.

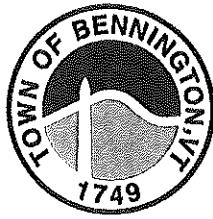
The Board came out of executive session at 6:41 pm.

There being no other business, the meeting adjourned at 6:41 pm.

Respectfully submitted,



Stuart A. Hurd



# TOWN OF BENNINGTON

## Proclamation

### Career and Technical Education Month

**WHEREAS:** February 1-28, has been designated Career and Technical Education Month® by the Association for Career and Technical Education; and

**WHEREAS:** career and technical education offers students the opportunity to gain the academic, technical and employability skills necessary for true career readiness

**WHEREAS:** students in career and technical education programs participate in authentic, meaningful experiences that improve the quality of their education and increase student engagement and achievement; and

**WHEREAS:** career and technical education provides students with career exploration opportunities earlier in their educational experience, which enables them to make informed and beneficial decisions about their academic coursework as well as pursuit of established programs of study and career pathways; and

**WHEREAS:** leaders from business and industry nationwide report increasing challenges related to addressing the skills gap and connecting qualified professionals with available careers in critical and growing CTE-related fields, including healthcare, energy, advanced manufacturing and information technology; and

**WHEREAS:** career and technical education prepares students for these and other fulfilling careers by offering integrated programs of study that link secondary and postsecondary education and lead to the attainment of industry-recognized credentials; and

**WHEREAS:** ensuring that employers have access to a qualified workforce is a crucial step in ensuring productivity among the business and industry communities as well as continued American economic growth and global competitiveness;

**NOW THEREFORE,** We, the Bennington Select Board do proclaim February 1-28, 2021 as *Career and Technical Education Month*

Dated at Bennington, Vermont this 28<sup>th</sup> day of December, 2020  
*Select Board, Town of Bennington, Vermont*

Donald A. Campbell, Select Board Chair



**MANAGER'S REPORT**  
**December 28, 2020**

**ACTION**

Certificate of Resolution – third party HRA The Town manages its Health Reimbursement Arrangement through HRC, a New Hampshire Corporation. Annually, we are required to adopt this Certificate of Resolution to be in compliance with IRS rules.

Action requested Motion to adopt the Resolutions and authorize the Chair to sign.

**INFORMATIONAL**

COVID update The recent surge in COVID cases is said to be stabilizing in Vermont. We continue to urge all Bennington residents and visitors to wear masks, stay socially distanced and wash hands regularly. Christmas gatherings are discouraged just as Thanksgiving gatherings were.

Tax Penalty Waivers Letters have gone out to those property owners we've identified. We've asked for a response by January 15, 2021.

PFOA construction All but one contractor have finished for the season. Casella Construction has continued work on Contract 9.

**FOLLOW-UP**

Bike/Ped Monthly Report is attached.

# CERTIFICATE OF RESOLUTION

The undersigned authorized representative of Town of Bennington, Vermont (the Employer) hereby certifies that the following resolutions were duly adopted by the governing body of the Employer on December 28, 2020 and that such resolutions have not been modified or rescinded as of the date hereof:

**RESOLVED**, that the form of Welfare Benefit Plan, effective January 01, 2021, presented to this meeting (and a copy of which is attached hereto) is hereby approved and adopted, and that the proper agents of the Employer are hereby authorized and directed to execute and deliver to the Administrator of said Plan one or more counterparts of the Plan.

**RESOLVED**, that the Administrator shall be instructed to take such actions that the Administrator deems necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures for the provision of benefits under the Plan.

**RESOLVED**, that the proper agents of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the Plan and to deliver to each employee a copy of the Summary Plan Description of the Plan, which Summary Plan Description is attached hereto and is hereby approved.

The undersigned further certifies that attached hereto as Exhibits, are true copies of Town of Bennington, Vermont's Benefit Plan Document and Summary Plan Description approved and adopted at this meeting.

Town of Bennington, Vermont

By:

Donald A. Campbell

Name:

Title:

Select Board Chair

# Town of Bennington Bike/Ped Projects Update December 2020

## Kocher Drive Bike/Ped Improvements

**Project Description:** Shared use path (bike path) along Kocher Drive corridor from Park Street to Benmont Avenue, including signalized crossing of Route 7.

**Status:** The project is complete. Final inspection by VTRANS has occurred.

## Applegate to Willowbrook Path

**Project Description:** Pathway to connect Applegate Housing, Willowbrook Apartments and Molly Stark Elementary School.

**Status:** The project was recently put out to Bid. Bids are due January 7, 2021. Recent increases in the pricing of pressure-treated lumber that will be used in the construction of a boardwalk continues to be a concern. Construction is scheduled for Winter/Spring/Summer of 2021.

## Ninja Trail

**Project Description:** The proposed path is 2.12 miles. It begins on Hicks Avenue at the existing pedestrian bridge and ends at the intersection of VT Route 67A/College Drive/Silk Road/Matteson Road. From there, pedestrians and cyclists can reach the Village of North Bennington via Bennington College's paths and low-speed roads. The path varies between wooded areas, open fields, and roadside facilities. It crosses streams, goes under an overpass, and crosses a highway.

**Status:** \$1 Million in State/Federal Grants have been secured. A recent update of the cost estimate using current pricing indicates that significant additional funding will need to be secured. Additional grant opportunities are being explored. Segments of paved path between Hicks Avenue and Harmon Road (behind Walmart) and between Bennington College entrance and the Hampton Inn have been constructed. Interim path (dirt and gravel) between the two completed segments is open for use. Preliminary plans for the construction of the remainder of the paved path have been approved by the State. The Town has obtained most of the easements for the project and is working to obtain the remaining three required easements. Recent negotiations regarding two of the three remaining easements have been productive and will, likely, be concluded soon. The one holdout owner has been notified that the condemnation process will



likely commence before the end of the year. Construction is scheduled for 2022.

## **Bennington Pathway – Rail/Trail**

**Project Description:** Shared use path (bike path) along Railroad Right-of-Way from Bennington Station to Emma Street (off of Northside Drive). Portion of trail from Bennington Station to Orchard Road will be paved. Remainder of path will be gravel.

**Status:** State/Federal Grant for 90% of cost has been secured. A local match of \$100,000 is being held in reserve account. Based on an updated cost estimate, an additional \$40,000 match is necessary and must be included in the FY 22 budget. Railroad right of way has been obtained by the Town. The project is scheduled to be put out to bid in January 2021. Construction is scheduled for Summer of 2021

## **Benmont Avenue Bike/Ped Improvements**

**Project Description:** Improvements to make Benmont Avenue safer and more attractive for pedestrians, cyclists, and drivers, including significant changes to the Hunt Street intersection. The improvements will act as an extension of the Ninja Trail into Downtown Bennington.

**Status:** A total of \$559,000 in State/Federal Grants have been awarded, including a State of Vermont Bike/Ped Grant in the amount of \$309,000 that was awarded in November 2020. The Town match will be approximately \$140,000. All easements have been obtained. The Town DPW will likely construct portions of the project to keep costs down. Final plans are scheduled to be completed by Summer of 2021. Project scheduled to be put out to bid in Winter of 2021/22. Construction scheduled for Summer of 2022.