

1 **BENNINGTON SELECT BOARD**
2 **MEETING HELD REMOTELY VIA ZOOM**
3 **BENNINGTON, VERMONT 05201**
4 **JANUARY 11, 2021**
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; Dr. Trey Dobson-
11 SVHC Medical Director and Megan Herrington-Vermont Department of Health; Steve Love-
12 Love, Cody & Company; Josh Boucher-CAT-TV; and Nancy H. Lively-Secretary.

13 **PUBLIC CALL INS:** None.

14 At 6:02pm, Chair Donald Campbell called the meeting to order and explained that, due
15 to the COVID-19 Pandemic State of Emergency declared by Governor Scott, and pursuant to
16 Addendum 6 to Executive Order 01-20, Act 92, this public body is authorized to meet
17 electronically. There is no physical location to attend this meeting, however, the public may
18 view it on CAT-TV and call in at 1-646-558-8656 and enter the meeting ID, 88320455287 when
19 prompted to do so. The call in information will be periodically posted on the screen and the
20 process for calling in was explained. If technology fails us, the meeting will be continued at a
21 time and place to be determined and all votes that are not unanimous will be done with a roll
22 call vote in accordance with the law.

23 *Jim Carroll moved and Bruce Lee-Clark seconded to amend the Agenda as follows:*

24 *Move "6. Set Salaries for Town Manager and Town Clerk" to #9. Executive Session,*
25 *Personnel, Set Salaries for Town Manager and Town Clerk"*

26 *The motion carried unanimously.*

27 **1. CONSENT AGENDA**

28 **A. MINUTES OF DECEMBER 28, 2020, JANUARY 2, 2021, AND JANUARY 4, 2021**

29 **B. WARRANTS**

30 **C. LIQUOR LICENSES**

31 *Bruce Lee-Clark moved and Jeanne Conner seconded to adopt the Consent Agenda as*
32 *presented. The motion carried unanimously.*

33 **2. PUBLIC COMMENT**

34 None.

35 **3. COVID-19 UPDATE**

36 Dr. Trey Dobson, SVHC Medical Director, did the following presentation:

- 37 • Today is pandemic day 306 and vaccination day 26 in the country.
- 38 • At this time, our vaccination schedule is:
- 39 ➤ Phase 1A - Health care workers and first responders. We are fortunate to have
 - 40 enough vaccine to have a "broad definition" of who qualifies in these two
 - 41 areas.
 - 42 ➤ We are vaccinating 200 people/day at SVHC now.
 - 43 ➤ Long term care facility workers are being vaccinated from a federal program
 - 44 and moving forward.
 - 45 ➤ We're not sure if high risk individuals will be included first or if we will just go
 - 46 with age bands.
 - 47 ➤ All of the problems in the media are caused by over prioritization in areas with
 - 48 a much larger population than Vermont.
 - 49 ➤ Vaccine supply is our determinate and we hope to start vaccinating others by
 - 50 early February.
 - 51 ➤ Distribution will start with large capacity vaccination clinics quickly followed to
 - 52 pharmacies, certain medical practices, and others as supply allows.
 - 53 ➤ The vaccine is very safe - COVID is deadly and is killing 4,000 people/day in the
 - 54 United States.
 - 55 ➤ There is a registration process that needs to go to the State, as well, and we are
 - 56 doing that now.
 - 57 ➤ Our goal is to be done vaccinating by the summer and here are our greatest
 - 58 hurdles to be able to do that:
 - 59 ✓ Supply.
 - 60 ✓ Operational inefficiencies - staff resources.
 - 61 ✓ Vaccine hesitancy and resistance.
 - 62 ✓ Resistant mutations that COVID-19, over time, would develop to the
 - 63 vaccine.

64 Megan Herrington from the Vermont Department of Health added:

- 65 • In Vermont, over 20,000 people have received the first shot of the vaccine and nearly
- 66 400 have received both doses.
- 67 • In Bennington, 4% of the population has received the first shot.

- 68 • The Vermont Department of Health (VDH) is trying to get ahead of any barriers, albeit
69 physical, mental, literacy, etc. that may hinder the registration process at the clinics
70 locally.
- 71 • COVID-19 testing is available in Bennington 6 days/week from 9:00am-3:00pm at VDH
72 and the Bennington Rescue Squad. If the test is positive, then there will be an interview
73 process to see what contact has been previously made to help keep our community
74 safe.
- 75 • In the last few weeks we've had 171 cases of COVID-19 in our community and there is
76 still opportunity to slow that down.

77 *Board questions/comments answered by Dr. Dobson and/or Ms. Herrington:*

78 Ms. Conner: When will we know how long the vaccine will last? Too soon to tell.

79 Ms. Conner: Will regions that reach "herd immunity" sooner than others be able to go back to
80 normal before others in the country? Some regions will achieve herd immunity before others,
81 but the concern is that once vaccinated, society will no longer adhere to the restrictions that we
82 have been enduring. COVID cases are not going to stop, but once 75%-80% of the people are
83 vaccinated the likelihood of getting COVID is greatly reduced, whether vaccinated or not.

84 Ms. Conner: Clarification on the time that everyone getting the vaccine will have to wait to see
85 if there is a reaction? 15 minutes for everyone and 30 minutes if there are other extenuating
86 circumstances.

87 Ms. Conner: Do both doses have to be the same vaccine? The recommendations based on
88 experience is that both of the doses have to be the same vaccine.

89 Ms. Conner/Ms. Jenkins: What is being done for the mental health of the health care workers?
90 We have Incident Command that was set up before the pandemic was declared, and United
91 Counseling Service is always available. The physical and mental health of our staff is our
92 primary concern because of the jobs that need to be done in their field of work.

93 Mr. Hurd: When will underlying conditions become available to us? If we just go by age bands,
94 most of the high risk conditions will be covered.

95 Mr. Lee-Clark: Can the Town be of any help in publicizing the availability of the vaccine? Any
96 help from all agencies in notifying the people that are not able to know the schedule would
97 cover what is a concern to us all.

98 Ms. Perrin: How can a person get a test? Go to www.svhealthcare.org where it will ask you if
99 you want to get tested or receive the vaccine. The SVHC COVID Hotline can also be called.
100 There is no cost to an individual if they don't have insurance.

101 Ms. Perrin: How effective is the vaccine? The trials showed it at 95%. However, if you are
102 exposed to COVID-19 repeatedly everyday you have a higher chance of getting the disease after

103 ~50 encounters. "Having a 65% effective vaccine with 85% of the population vaccinated is
104 actually better than having a 95% effective vaccine with only 40%-50% of the population."

105 Mr. Carroll: Dr. Levine had said in Montpeller that the mutation from Britain doesn't appear to
106 have a bearing on the efficacy of the vaccine. Can you speak to that? It is impossible that a
107 variant is fully resistant to a vaccine. "It is possible that it is slightly less but highly unlikely."

108 4. AUDIT PRESENTATION

109 Steve Love, from Love, Cody & Company, did the following presentation:

- 110 ❖ In our opinion, the financial statements of the Town of Bennington for the year ended
111 June 30, 2020 are presented fairly in all material respects in accordance with accounting
112 principles generally accepted in the United States of America.
- 113 ❖ Our report on internal controls and compliance noted no material weaknesses in
114 internal control.
- 115 ❖ The proprietary funds are maintained on the full accrual basis and the business-type
116 activities column is basically the same as the total columns on the fund statements for
117 those funds.
- 118 ❖ Overall net position (equity) of the Town increased by \$841,325 resulting in a total net
119 position of \$34,032,713.
- 120 ❖ Liabilities and Net Position - Governmental Funds - Bonds Payable (\$4.9M) and Net
121 Pension Liability/Deferred Inflows (\$2.9M) are out of the Town's control. Capital Assets
122 = \$13.8M.
- 123 ❖ The three largest cost centers of the governmental activities are highways and roads,
124 police, and general government services which each fall in the range of approximately
125 \$4.2M to \$4.5M.
- 126 ❖ The largest portion of Governmental Revenues are Property Taxes at \$11.7M and
127 Operating Grants at \$1.3M. Any COVID funding we have received was received in FY21
128 and not within these numbers.
- 129 ❖ Cost of Business Type Activities evenly split between Water (\$2.3M) and Sewer (\$2.3M)
130 paid for by charges for those services - Water (\$3.4M) and Sewer (\$2.2M).
- 131 ❖ The Unassigned Fund Balance Deficit of \$514K is spending down what has been
132 restricted in the past.
- 133 ❖ Over the past 6 years there has been a consistent increase in Property Taxes and
134 Intergovernmental Revenues with slight fluctuation in other revenues. Next year,
135 Hurricane Irene grants/assistance will be removed.
- 136 ❖ Over the past 6 years there has been a consistent increase in General Government,
137 Public Safety, Highways and Roads, and Other Expenditures. Next year, Hurricane Irene
138 flood expense will be removed.

139 5. COMMUNITY POLICING UPDATE

140 A. POLICY REVIEW READING, 2ND READING

141 **1. INVESTIGATION AND 1ST REPORTING HATE CRIMES**

142 Mr. Lee-Clark stated the following:

- 143 ▪ All changes were a result of comments from the Board or the community.
- 144 ▪ Line 16, change "and necessary" to "available and necessary"
- 145 ▪ Line 67, delete "Examples include but are not limited to: homosexual, bisexual, and
146 heterosexual."
- 147 ▪ Line 69, we did not change the definition of "Sex" as this is the definition that it basically
148 universally used.
- 149 ▪ Footnote, change "are tracked by the" to "are currently tracked by reputable groups
150 including the"
- 151 ▪ There are no CALEA standards because we are not currently a member of that
152 organization and cannot currently use their standards. Hopefully, we will consider
153 becoming a member in the future.
- 154 ▪ We will change Line 25, "reporting incidents" to "reporting to the Town and State of
155 Vermont incidents"
- 156 ▪ Line 27, change "origin,," to "origin,"

157 ***Bruce Lee-Clark moved and Jim Carroll seconded to adopt Policy on Investigation and***
158 ***Reporting of Hate Crimes as amended.***

159 Thank you to the Committee Members who worked on this policy - Grace Winslow,
160 Jamar Bevins, Cindy Taylor, and Mark Blank, as well as, the standing committee members of Mr.
161 Lee-Clark, Mr. Monks, and Officer Ferrara.

162 ***The motion carried unanimously.***

163 **2. FAIR AND IMPARTIAL POLICING**

164 Mr. Lee-Clark stated the following:

- 165 ▪ Line 24, change "policy." to "policy or its attached procedures."
- 166 ▪ Line 59, change "or duties." to "duties or rank."

167 ***Bruce Lee-Clark moved and Jeannie Jenkins seconded to adopt Policy on Fair and***
168 ***Impartial Policing as presented. The motion carried unanimously.***

169 Thank you to the Committee Members who worked on this policy - Father Bob
170 Weisman, Kate Canning, Greg Burda, and Alana Harte, as well as, Mr. Lee-Clark, Mr. Monks, and
171 Officer Farrara.

172 **B. OTHER ACTIVITIES**

173 Ms. Conner reported the following:

- 174 ○ As of now, we have 14 applicants for the next 6 policies for the Bennington Police
175 Department (BPD) and will be leaving the application process open.
- 176 ○ We did 4 interviews today that went “extremely” well.
- 177 ○ Board members e-mail addresses are on the Town’s website if anyone has any questions
178 about the process.
- 179 ○ The interviews and meetings will be taking place via Zoom until the COVID restrictions
180 have been lifted. Even if they are lifted, the Zoom option will still be available.
- 181 ○ We will work with you to make it work for your schedule and are grateful for the
182 community members input.
- 183 ○ Thank you to the BPD for all of their work.
- 184 ○ The first meeting will be on January 27th.

185 **6A. MANAGER’S REPORT**

186 Mr. Hurd reported as follows:

- 187 ▪ Certificate of Highway Mileage - Annually the Board must sign and return this document
188 to VTRANS to determine our share of the State highway funds for roads. There are no
189 changes from last year.

190 ***Bruce Lee-Clark moved and Jeannie Jenkins seconded to authorize the Select Board***
191 ***Chair to sign the Certificate of Highway Mileage as presented on behalf of the Board. The***
192 ***motion carried unanimously.***

- 193 ▪ COVID Update - All but one of the Police Officers infected with COVID are back to work
194 on a somewhat limited basis. The Officer that was in the hospital was released today
195 and is on his way home. Our Police and Fire Departments now have the opportunity to
196 get vaccinated as do all first responders. Mr. Hurd does not have COVID now and never
197 has had COVID.

- 198
- 199 ▪ PFOA Construction - A recent notice from the State “PFAS Community Update” with the
200 important note being the Reclassification of Groundwater in Bennington.

- 201
- 202 ▪ Additional Information

- 203 ○ Ms. Conner: There is an Appalachian Trail Meeting tomorrow night at 6:00pm
204 and Ms. Barsotti will be sharing the Zoom link on the Town Facebook page.
- 205 ○ Mr. Carroll: Asked about Town Meeting Day, and Mr. Hurd has been in touch
206 with the Secretary of State’s office and, because we vote by Australian ballot,
207 there shouldn’t be any changes due to the meeting being held via Zoom. In-
208 person voting will still be taking place at the Fire House. If someone wants an
209 absentee ballot they need to contact the Town Clerk’s Office.

210 o Mr. Carroll: Asked about putting Cannabis on the ballot, and Mr. Hurd will have
211 prepared the correct language to include a vote for Cannabis on the next agenda
212 if the Board wishes to have a vote on it this year.

213 **7. UPCOMING AGENDA**

214 January 25, 2021 - Cannabis Discussion
215 January 25, 2021 - Parks Discussion
216 January 25, 2021 - Adopt the Budget and Adopt the Warning
217 February 1, 2021 - Mayoral Hearing
218 February 8, 2021 - Energy Committee Recommendations
219 February 8, 2021 - Mayoral Hearing

220 **8. OTHER BUSINESS**

221 Ms. Conner: Should the Board send a statement to Stamford in response to them sending us
222 their petition so they don't interpret silence as acceptance for what they did? Mr. Campbell
223 said that "he would use it as kindling" and Mr. Lee-Clark will send them a personal note as an
224 individual, not as a board member.

225 Mr. Lee-Clark: In recognition of Martin Luther King Day on January 18th, the Interfaith Council
226 and the Peace and Justice Center encourages everyone to do the following:

- 227 ✚ Go out on your front porch with a candle or flashlight and bell or pot at 6:00pm
- 228 ✚ There is a 30-minute movie from the NEA called "I Am From Here" at 7:00pm followed
229 by discussion
- 230 ✚ Then an opportunity to learn more about racism in ourselves and in our community
- 231 ✚ Information is available at the www.greaterbenningtonpeaceandjusticecenter.org

232 Mr. Carroll: Recognized his mother's birthday on January 18th.

233 **8. EXECUTIVE SESSION**

234 **PERSONNEL - SET SALARIES FOR TOWN MANAGER AND TOWN CLERK**

235 *At 8:00pm, it was moved and seconded finding that an Executive Session be held on*
236 *Personnel - Set Town Manager and Town Clerk Salaries as premature public knowledge would*
237 *place a person involved in the subject matter at a substantial disadvantage. A decision will*
238 *be made this evening. The motion carried unanimously.*

239
240

241

242 Respectfully submitted,

243 Nancy H. Lively

244 Secretary

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