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**BENNINGTON SELECT BOARD
MEETING HELD REMOTELY VIA ZOOM
BENNINGTON, VERMONT 05201
JANUARY 25, 2021
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; Lori Vadakin-UCS and Kristi Cross-SVHC; Jason Dolmetsch and Pat Smart-MSK, and Celia Riechel-VDEC; Josh Boucher-CAT-TV; and Nancy H. Lively-Secretary.

PUBLIC CALL INS: Angela Emerson; Spencer Jared; Sam Restino; Mike Bethel; Jordan Krawczyk; Nancy White; Charlie Murphy; and Edward Chinese.

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, 860 8122 6196 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.

1. CONSENT AGENDA

A. MINUTES OF JANUARY 11, 2021 AND JANUARY 9, 2021

B. WARRANTS

C. LIQUOR LICENSES

Bruce Lee-Clark moved and Jeanne Conner seconded to adopt the Consent Agenda amended as follows:

Delete "Minutes of January 9, 2021"

Add "2A. Health Update"

The motion carried unanimously.

2. PUBLIC COMMENT

1

34 Angela Emerson, Rector of St. Peters Episcopal Church, and Spencer Jared, Director at
35 Congregation Bethel: Have scheduled a walk for Monday, 2/1/21 from 5:30pm-6:30pm
36 beginning at St. Peters in recognition of the death of Emily Hamann and the fears that are in the
37 community.

38 Sam Restino: In light of the two recent deaths, he supports the formation of a Crisis
39 Intervention Team and the use of Facebook for community communication and motivation.

40 Sam Restino: Why is it costing \$25,000 for a dog park? Mr. Campbell explained that the dog
41 park is being privately funded.

42 Sam Restino: With the help of Mr. Carroll, the public documents were produced for Hans Heck's
43 family.

44 Mike Bethel: Would like to set up a Task Force to fight drugs and violence in our community.

45 Jordan Krawczyk: Shared his dissatisfaction with the police concerning the investigation of the
46 missing person, Hans Heck, his ultimate death, and their disrespectful treatment of his family.

47 Charles Murphy: Is in favor of putting the Cannabis issue to the voters and notes that there is
48 information available with the State for those that would be interested in opening a cannabis
49 retail business.

50 Nancy White: Why didn't the public know that Southern Vermont College owed the Town \$.5M
51 for the water line that the Town put on their property in 2015? Mr. Hurd explained that the
52 \$.5M is what is left of a \$3M bond agreement that was decided at multiple public meetings.
53 They are making annual payments and the debt has been passed onto the new owners.

54 Edward Chinese: Feels that public records should be more easily accessed.

55 **2A. HEALTH UPDATE**

56 Lori Vadakin, United Counseling Service (UCS) Director of Outpatient, CRT, and Substance
57 Abuse, and Kristi Cross, Southwest Vermont Health Care (SVHC) Director of Bennington
58 Blueprint and Project Director of the Bennington Opioid Response Team, did the following
59 presentation:

- 60 • Fire Heroin is a new heroin on the streets.
- 61 • Fire Heroin is a new form of fentanyl in pill form that is causing a spike in non-fatal
62 overdoses.
- 63 • Some of our strategies would be amplified with a Community Task Force.
- 64 • We have received a Community Action Grant from ADAP that we plan on using for
65 community education, school education, an RN liaison, Messages for Me Platform, and a
66 Community Health Navigator position.
- 67 • We have also just rolled out our Outreach for Overdose Projects that involves Turning
68 Point for brief intervention and referrals to UCS.

- 69 • UCS has bags equipped with fentanyl testing ability, masks, etc., an Intensive Outpatient
70 Program for people that want to stop using drugs, as well as, a new substance abuse
71 clinical position.
- 72 • The Police and Rescue Squad are calling UCS when they receive a call so we can start
73 treatment immediately.

74 **3. PUBLIC HEARING - NOTICE OF INTENT-NO SIGNIFICANT IMPACT LEAD SERVICE LINE**
75 **REPLACEMENT PROJECT**

76 Jason Dolmetsch, MSK Engineering, Pat Smart, MSK Engineering, and Celia Riechel, State
77 of Vermont did the following presentation:

- 78 ➤ The Department of Environment Conservation (DEC) has found no significant impact
79 with the Lead Service Lines Replacement Project, Contract 1.
- 80 ➤ Public comments can be made to the State through February 22, 2021.
- 81 ➤ Due to the size of the project the full environmental review process had to be followed.
- 82 ➤ The direct and indirect environmental and socio-economic effects of the Project are
83 both minimal.
- 84 ➤ The purpose of the Project is to remove and replace lead service lines that connect
85 Bennington's municipal water system to individual connections.
- 86 ➤ This effects approximately 1,500 service lines.
- 87 ➤ Phase 1 will replace 140 connections on 10 different streets in Town.
- 88 ➤ There is no cost to the Town for the Project.

89 The Public Hearing was closed.

90 **4. COMMUNITY POLICING - DOMESTIC VIOLENCE INVESTIGATIONS POLICY**

91 Mr. Lee-Clark stated the following on the 1st reading of this policy:

- 92 ✓ The Domestic Violence Investigations Policy has been reviewed by the State's
93 Attorney and our Town Attorney.
- 94 ✓ Thanks to the Committee Members - Lauren Wilcox, Janice Largo, Peter
95 Lawrence, and Eleanor Hilton, as well as, the three regulars of Mr. Lee-Clark, Mr.
96 Monks, and Officer Farrara.
- 97 ✓ The following changes were made:
 - 98 ▪ II. POLICY, A., Line 5, Change "is of" to "is responsible for enforcement of"
 - 99 ▪ II. POLICY, A., Line 10, Change "to for" to "to Community Service
100 Providers (See Definition-III.E. for"
 - 101 ▪ III DEFINITIONS, D. Protection Order, Line 4, Change "orders whether" to
102 "orders, issued in a domestic docket, whether"

103 *Board comments/questions:*

104 Ms. Conner: The police should have a list of referral agencies to leave with the victims and that
105 should be within the Procedures. Mr. Lee-Clark stated that they have that now and agreed that
106 it should be in the Procedures.

107 Ms. Jenkins: Made the following suggestion:

108 ii. POLICY, C., Line 4, Change "may provide" to "Providers will work collaboratively
109 including on BPD needs and will provide"

110 II. POLICY, C., Line 5, Delete "The BPD is encouraged to actively participate in
111 collaborative efforts to address domestic violence."

112

113 Ms. Conner reported the following:

- 114 ✓ We have interviewed 12 applicants + 8 have already served so were not interviewed
115 again + 2 have come forward recently and need to be interviewed which leaves a
116 minimum of 2 open seats with possibly 3 open seats for the next Committee at this
117 time.
- 118 ✓ If interested, contact Ms. Conner or Ms. Jenkins with a Letter of Interest.
- 119 ✓ We have 4 on Social Media, 3 on Special Events, 3 on Body Warn Cameras, 3 on
120 Collaborative Partnerships, 4 on Nepotism and Fraternalization, and 3 on Code of
121 Conduct.
- 122 ✓ The Social Media Committee will take place on January 27th with the others following at
123 2-week intervals with the last one being April 7th.
- 124 ✓ All information that the Committee members need is on the Town's website.
- 125 ✓ Meetings are open to the public to attend only as observers and are not allowed to
126 participate. Public comments can be made to Mr. Lee-Clark prior to a meeting for him
127 to bring them to the meeting.
- 128 ✓ The documentary "Ernie and Joe" was very impressive.

129

130 Ms. Jenkins reported the following:

- 131 ✓ As we adopt the fall series of policies, the police have been writing the procedures that
132 go with them.
- 133 ✓ Those procedures will be released after all 9 fall policies have been adopted and the
134 public will have a 10-day comment period.
- 135 ✓ We hope to have these adopted by March 2021 at the latest so the procedures will be
136 out soon after that with both the approved policies and procedures on the Police
137 website.
- 138 ✓ The same process will be followed with the spring policies.

139 **5. TIF PRESENTATION**

140 Mr. Monks stated that we must submit a report to the Vermont Economic Progress
141 Council each year. We have not bonded for any improvements yet, no tax increment has been
142 retained, and, due mostly to the demolition of buildings associated with Phase 1 of the Putnam
143 Project, the TIF District taxable values have decreased by about \$970,840. The only
144 requirement is Board acknowledgement of receipt of the report.

145 *The Select Board acknowledges receipt of the FY2020 Annual TIF District Report at the*
146 *January 25, 2021 Select Board Meeting.*

147 **6. AUTHORIZE THE CHAIR TO SIGN ANNUAL MEETING WARNING**

148 **A. SET SELECT BOARD PAY**

149 The Warning will be amended based on Board actions tonight.

150 Mr. Hurd explained that the Select Board pay is usually voted on at the Floor Meeting
151 but, because we are meeting via Zoom, this cannot be done that way this year. The current
152 compensation is \$1,400/person.

153 *Jeannie Jenkins moved and Bruce Lee-Clark seconded ARTICLE 2. SELECT BOARD*
154 *MEMBERS COMPENSATION: read "Shall the voters decrease the Select Board pay by \$100 per*
155 *person to \$1,300 per person per year?" The motion carried with Jim Carroll and Sarah Perrin*
156 *opposed.*

157 Ms. Conner asked why the opposing votes, and Mr. Carroll noted the extensive hours
158 that Select Board members spend beyond the meetings and Ms. Perrin stated that willing to
159 accept a decrease in pay would hinder people from running in the future.

160 **B. PENNY FOR PARKS**

161 The Warning will be amended based on Board actions tonight.

162 The Community Built Park at Willow Park needs to be taken down and the Penny for
163 Parks is an option so as not to ask the voters to support the cost or replacement all at once.
164 Replacing the Community Built Park is the first project but this will be to set up a reserve fund
165 for the maintenance of all of the Town Parks. At the current Grand List amount the penny will
166 generate ~\$100,000. In the long run as the reserve builds, it will allow us to reduce the amount
167 budgeted in the General Fund for maintenance of the parks. We will do the best we can to
168 educate the public as to what this is for.

169 *Bruce Lee-Clark moved and Jeanne Conner seconded to amend ARTICLE 2. as follows:*

170 *ARTICLE 2. Shall the Town of Bennington add \$0.01 to the General Fund tax rate for*
171 *the purpose of creating a reserve fund to support Town Parks, so designated as "A Penny for*
172 *Parks"?*

173 *The motion carried unanimously.*

174 **C. CANNABIS RETAILERS**

175 The Warning will be amended based on Board actions tonight.

176 The legislation that was passed is an "opt in" legislation for municipalities that wish to
177 have Cannabis Retailers in their community. Licensing will be done by a State Board appointed
178 by the Governor. The language in ARTICLES 4 and 5 is language developed by the League of
179 Cities and Towns. If these both pass, Bennington and North Bennington will not see any of
180 these businesses until sometime in 2022. Also, there is a 2% tax benefit to the Town that could
181 be used to fight drug abuse.

182 *Sarah Perrin moved and Bruce Lee-Clark seconded to let the voters decide on ARTICLE*
183 *4. and ARTICLE 5. amended as follows:*

184 *ARTICLE 4., Line 3, Change "state Board" to "state Cannabis Control Board"*

185 *The motion carried unanimously.*

186 *Bruce Lee-Clark moved and Sarah Perrin seconded to authorize the Chair of the Select*
187 *Board to sign the Annual Warning 2021 Town Meeting as approved.*

188 Ms. Conner asked if we could always have a sign interpreter at the meetings instead of
189 having the hearing impaired request one, and Mr. Hurd answered that it is difficult to find a
190 certified interpreter.

191 *The motion carried unanimously.*

192 **7. ADOPT FY22 BUDGET**

193 *Jeanne Conner moved and Jeannie Jenkins seconded to adopt the FY22 Budget as*
194 *presented. The motion carried with Sarah Perrin opposed.*

195 **8. MANAGER'S REPORT**

196 Mr. Hurd reported as follows:

197 It is unfortunate that social media "takes rumors and innuendos and runs rampant with
198 it and that becomes the facts that we're dealing with". We are allowed 72 hours by statute
199 before releasing some information and have a longer period of time if the information warrants
200 it. It has to be put into a record request response and then brought back to the individual
201 requesting the information. In the Hans Heck case, the Police Department has met with the
202 family on several occasions and have provided them everything that they could. The crash
203 report is not done so that could not be provided. It is a very sad situation for everyone involved
204 - of course, the family, but also the police officers, as well. "We do our best to provide the
205 information requested in a timely fashion."

206

- March Town Meeting Ballots - The ballots are being printed and, if you want an
207 absentee ballot, they can be requested by phone or e-mail at the Town Clerk's Office

208 802-442-1043 or cbarbeau@benningtonvt.org . When received the ballots will then be
209 mailed to those that have requested them. We are not mailing a ballot to all voters.
210

211 ■ COVID Update - Meals on Wheels is concerned for those individuals that don't have
212 access to a computer being able to register for the vaccine. Meals on Wheels has
213 offered to help those register on their computers. Their number is 802-442-8012, ext. 1
214 from 8:00am-5:00pm. Computers are also available at the Library. The sign up process
215 is cumbersome now because so many are trying to get in. Patience is of the essence.
216 There will be a vaccination sight at the Southern Vermont College gymnasium.
217

218 ■ Tax Penalty Waivers - The Town has waived \$20,440.67 in penalties impacting 69
219 properties. There are currently 8 agreements in place with a total of \$1,804.10 in
220 penalties to be waived should all involved conform to the agreement.
221

222 ■ PFOA Construction - All but one contractor have finished for the season. Casella
223 Construction has continued work on Contract 9.
224

225 ■ Additional Information

- 226 ○ Ms. Conner: Noted that the Pathway Projects are coming along with the farthest
227 one out to be 2022.
- 228 ○ Ms. Conner: Where are we at with the Morgan Springs Relocation Project? Mr.
229 Hurd answered that that should be out to bid in a couple of weeks. There has
230 been some delay due to redesign.

231 **9. UPCOMING AGENDA**

- 232 February 1, 2021 - Public Hearing #1 - Mayoral Ballot Item
- 233 February 8, 2021 - Public Hearing #2 - Mayoral Ballot Item
- 234 February 8, 2021 - 1/9/21 Minutes
- 235 February 8, 2021 - Domestic Violence Policy - 2nd Reading
- 236 February 8, 2021 - Energy Committee Recommendations

237 **10. OTHER BUSINESS**

238 Ms. Perrin: Stay safe, stay warm

239 *At 8:22pm, Sarah Perrin moved and Bruce Lee-Clark seconded the adjournment of the*
240 *meeting. The motion carried unanimously.*

241 Respectfully submitted,

242 Nancy H. Lively

243 Secretary