

1 **BENNINGTON SELECT BOARD**  
2 **MEETING HELD REMOTELY VIA ZOOM**  
3 **BENNINGTON, VERMONT 05201**

4 **FEBRUARY 8, 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; Megan  
11 Herrington-Vermont Department of Health; Josh Boucher-CAT-TV; and Nancy H. Lively-  
12 Secretary.

13 **PUBLIC CALL INS:** Nancy White; Mike Bethel; Vicki Sprague; Chad Gordon; and Sam Restino.

14 At 6:04pm, 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, 837 5397 6549 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 **1. CONSENT AGENDA**

24 **A. MINUTES OF JANUARY 25, 2021 AND JANUARY 9, 2021**

25 **B. WARRANTS**

26 **C. LIQUOR LICENSES**

27 ***Bruce Lee-Clark moved and Jeannie Jenkins seconded to adopt the Consent Agenda***  
28 ***amended as follows:***

29 ***On the Minutes of January 25, 2021 -***

30 ***Line 13, Change "Jared" to "Jarrett"***

31 ***Line 34, Change "Director" to "Member"***

32 **Line 94, Change “Largo” to “Larrigo”**

33 **Line 96, Change “Farrara” to “Ferrara”**

34 **Line 119, Change “Warn” to “Worn”**

35 **On the Minutes of January 9, 2021 -**

36 **Line 18, Change “note” to “not”**

37 **The motion carried unanimously.**

38 **2. VERMONT DEPARTMENT OF HEALTH (VDH) - COVID UPDATE**

39 Megan Herrington from the Vermont Department of Health did the following COVID update:

- 40 • We are in a “surge” of COVID cases due to a couple of household gatherings and a
- 41 relaxation of COVID protocols.
- 42 • The Stay Home, Stay Safe guidelines are still in place.
- 43 • We are in a community wide transmission of COVID with 3 transmissions increasing
- 44 numbers quickly.
- 45 • Testing is available 7 days a week at the Bennington Rescue Squad and the
- 46 recommendation is to get 2 tests 7 days apart if exposure has been incurred.

47 *Board questions/comments with responses from Ms. Herrington:*

48 Mr. Carroll: Scheduling an appointment for the vaccine has been difficult. What is the VDH

49 doing to rectify that problem? If people are having trouble registering online, they can reach

50 out to our call center where 200 people are working and a person will walk them through the

51 process.

52 Mr. Carroll: Are ski areas being compliant with the COVID protocols and is the VDH monitoring

53 them? There’s a big push in communication statewide for additional testing areas, etc. to

54 reduce our number of cases but Ms. Herrington doesn’t know if on-site inspections are being

55 done.

56 Ms. Conner: Is the hospital still at capacity and can we get numbers just for Bennington instead

57 of all of Bennington County? The hospital had 20 of the 60 statewide cases and have addressed

58 the capacity issues. And, there is a drill down by town that only gives Vermont residents

59 whereas the county numbers include anyone that was tested in Vermont.

60 Ms. Conner: Is there a special way to cope with people coming back from Florida in March and

61 April? The travel quarantine is still in effect so those returning to Vermont should quarantine

62 for 14 days or test out on the 7<sup>th</sup> day.

63 **3. PUBLIC COMMENTS**

64 None.

65 **4. PUBLIC HEARING - MAYORAL QUESTION**

66 Nancy White made the following comments:

- 67 ○ Regrets the Town didn't make arrangements for the first hearing to be televised when
- 68 the petition was submitted in November.
- 69 ○ Many people have failed to bring good paying jobs to Bennington over several years and
- 70 our low unemployment rate is skewed because people cannot live on minimum wage.
- 71 ○ Our working class and retired seniors cannot afford to live here and we're spending too
- 72 much money on projects that aren't getting us any results.
- 73 ○ Our local government has lacked transparency and accountability for the last 8 or 9
- 74 years.
- 75 ○ The Senior Center will be taken away and relocated at the Old Benn High and we
- 76 haven't seen any presentation as to what the plans are for that.
- 77 ○ The Select Board and Town Manager work for the citizens yet we can't get our questions
- 78 answered during a meeting.
- 79 ○ The only way to have our voices heard is to vote for a mayor and vote down the budget
- 80 that has a 3.5% increase and vote down the options tax.

81 Mike Bethel made the following comments:

- 82 ○ This is just the first vote that opens up the Charter. It doesn't mean that we have a
- 83 mayor and it has to be approved by the legislature.
- 84 ○ You don't do enough to bring businesses here, lower taxes, and be "warm and fuzzy"
- 85 with the people that elect you.
- 86 ○ The meetings are quick and shut people out from voicing their opinions.
- 87 ○ The mayor system gives us a leader that we can re-evaluate every 3 years and that has
- 88 equal veto power with the Select Board.
- 89 ○ The citizens never get to re-evaluate the Town Manager - the Select Board does.
- 90 ○ Get out and vote in March.

91 Vicki Sprague made the following comments:

- 92 ○ Supports voting for a mayor.
- 93 ○ We need to reaffirm what's going on in our Town because something is wrong with the
- 94 system if a situation can occur such as the Hans Heck story. This is not a "put down" of
- 95 the Bennington Police.
- 96 ○ A mayor would give us a fresh look at what we have.
- 97 ○ Perhaps the SVHC should consider putting a rehab facility where SVC used to be.

98 Chad Gordon made the following comments:

- 99 ○ Expressed his frustration with this question coming up again when it has been voted
- 100 down several times in the past and recommends voting for other Select Board members
- 101 if people are unhappy with what is taking place.

102 Sam Restino made the following comments:

- 103 ○ The solution is to change Select Board members and not to change the system.

104 *Board comments:*

105 Ms. Conner: The voters have voted this down repeatedly and would vote for it herself if she  
106 thought it would make things better in Bennington. But she doesn't and won't be voting for it.  
107 And, also wants voters to be sure to be making their decisions on facts that the Board or Town  
108 Manager can provide and not on opinions.

109 Ms. Jenkins: "Not in favor of replacing a professional with a politician and will vote no on this  
110 Charter amendment." The Select Board is the elected body that interprets the ideas and vision  
111 of the community in open session with public input. To be effective, the Town Manager needs  
112 to be a knowledgeable individual with a firm grasp of the Town's budget/financials, the  
113 capabilities of town staff, establish working relationships among town departments, up-to-date  
114 on State resources and requirements, and have working relationships with other town  
115 governments. The mayoral system "invites cronyism, potentially chaotic, and inserts a level of  
116 politics that Bennington does not need." The voters are urged to vote this down.

117 Mr. Carroll: Verified that the budget was cut to a 2.1% increase and the mayoral question has  
118 come up 5 times with a vote of ~70/30 against. The Select Board does everything they can to  
119 make the Town better and electing a mayor with far less experience than what is required of  
120 the Town Manager position will be far more costly to the Town. "The Town Manager serves at  
121 the pleasure of the Select Board" and can be removed within 2 weeks, whereas, a major is  
122 there for a designated term. The Board is the governing body of the Town and "any anger  
123 should be expressed to the Select Board."

124 Ms. Perrin: Will be voting no on the question and believes that it should be a professional  
125 position in our town government that should remain apolitical.

126 Mr. Campbell: This is a bad proposal because this was "created without any significant public  
127 process". We could do a referendum vote at a Town Meeting asking if the Town has an interest  
128 in a change of government. If the answer is yes then research could be done on the facets of  
129 the impact. "We don't want an authoritarian system in Bennington, we want a democratic  
130 system in Bennington." "What we have here is junk and I encourage everyone to turn it down."

131 *At 7:02pm, the Public Hearing - Mayoral Question was closed.*

## 132 **5. COMMUNITY POLICING**

### 133 **A. DOMESTIC VIOLENCE INVESTIGATIONS POLICY - 2<sup>ND</sup> READING**

134 Mr. Lee-Clark stated the following on the 2<sup>nd</sup> reading of this policy:

- 135 ✓ The only changes requested were done -

- 136                   ▪ II. POLICY, C., Line 8, Change “Additionally, Community” to “Additionally, the BPD  
137 will engage with, Community”  
138                   ▪ II. POLICY, C., Line 9, Change “BPD is encouraged to actively” to “BPD will  
139 actively”

140                   ***Bruce Lee-Clark moved and Sarah Perrin seconded to adopt the Domestic Violence***  
141 ***Investigations Policy as presented. The motion carried unanimously.***

142                   Thank you to the community Committee members that worked on this policy in addition  
143 to Mr. Lee-Clark, Mr. Monks, and Officer Ferrara - Lauren Wilcox, Janice Larrigo, Peter  
144 Lawrence, and Eleanor Hilton.

145                   **B. TRAFFIC ENFORCEMENT - 1<sup>ST</sup> READING**

146                   Mr. Lee-Clark stated the following on the 1<sup>st</sup> reading of this policy:

- 147                   ✓ We used the existing order of the BPD.  
148                   ✓ It is 5 policies with a 6<sup>th</sup> policy “stuck in the middle of 2. TRAFFIC ENFORCEMENT  
149 METHODS - DETECTING VIOLATIONS”.  
150                   ✓ 2. TRAFFIC ENFORCEMENT METHODS - DETECTING VIOLATIONS was changed from  
151 “DETECTING VIOLATORS” to “DETECTING VIOLATIONS”.

152                   Suggested changes are:

- 153                   ▪ Change “Body Warn Cameras” to “Body Worn Cameras” throughout the policy.  
154                   ▪ Change “IV. AUTOMATIC LICENSE PLATE READER (ALPR)” to “3. AUTOMATIC  
155 LICENSE PLATE READER (ALPR).  
156                   ▪ Change “3. STOPPING AND APPROACHING TRAFFIC VIOLATORS” to “4. STOPPING  
157 AND APPROACHING TRAFFIC VIOLATORS.  
158                   ▪ Change “4. DUI ENFORCEMENT” to “5. DUE ENFORCEMENT”.  
159                   ▪ Change “5. TRAFFIC ENFORCEMENT - DRIVING WITH LICENSE SUSTEMDED [DLS]”  
160 to “6. TRAFFIC ENFORCEMENT - DRIVING WITH LICENSE SUSPENDED [DLS].  
161                   ▪ 1. TRAFFIC ENFORCEMENT, POLICY; B., Line 41, Change “log.” to “log.  
162 Incomplete data shall require follow up.”  
163                   ▪ In 2. TRAFFIC ENFORCEMENT METHODS - DETECTING VIOLATIONS we should be  
164 sensitive to “maximize the safety” to not be overpolicing.  
165                   ▪ The response time for a written warning may not be long enough.  
166                   ▪ IV. AUTOMATIC LICENSE PLACE READER (ALPR), D. PROCEDURE, 3., Line 17,  
167 Delete “hot”.  
168                   ▪ The word “highway” is a statutory term and cannot be changed.

169                   Thank you to the community Committee members that worked on this policy in addition  
170 to Mr. Lee-Clark, Mr. Monks, and Officer Ferrara - Lon McClintock, Kara Lusa, and Robert Ebert.

171 Send any additional changes to Mr. Lee-Clark by February 17<sup>th</sup> for the 2<sup>nd</sup> reading to be  
172 sent to the Select Board at the February 22<sup>nd</sup> meeting.

173 **C. RESPONDING TO A MENTAL HEALTH CRISIS - 1<sup>ST</sup> READING**

174 Mr. Lee-Clark stated the following on the 1<sup>st</sup> reading of this policy:

- 175 ✓ We utilized the Vermont League of Cities and Towns (VLCT) policy that had a lot of  
176 antiquated language which required an extensive rewrite of the policy.
- 177 ✓ After adopted we will be sending the rewritten version to the VLCT.

178 Suggested changes are:

- 179 ▪ Only have one “©2006 Legal & Liability Risk Management Institute. Reprinting  
180 of this document is prohibited without license from LLRMI.  
181 <http://www.llrmi.com> “
- 182 ▪ Ms. Conner and Mr. Lee-Clark will discuss replacing “tactical and processing” on  
183 Lines 3 and 4 with different words.
- 184 ▪ II. Policy; The Bennington Police Department (BPD) shall:; B., Line 15, Change  
185 “crisis, and whenever possible, trainings” to “crisis. Trainings”.

186 Thank you to the community Committee members that worked on this policy in addition  
187 to Mr. Lee-Clark, Mr. Monks, and Officer Ferrara - Asher Edelson, Kheya Ganguly, Valerie Gray-  
188 Schemitz, and Al Bashevkin.

189 Send any additional changes to Mr. Lee-Clark by February 17<sup>th</sup> for the 2<sup>nd</sup> reading to be  
190 sent to the Select Board at the February 22<sup>nd</sup> meeting.

191 **6. LADDER TRUCK BOND DOCUMENTS**

192 *Jim Carroll moved and Bruce Lee-Clark seconded to approve the Loan Agreement and*  
193 *authorize the Chair to sign, approve the General Obligation Bond and authorize the Chair to*  
194 *sign, waive the reading of and adopt the Resolution and authorize the Chair to sign, and*  
195 *approve the Tax Certificate and authorize the Chair to sign. The motion carried unanimously.*

196 **7. MANAGER’S REPORT**

197 Mr. Hurd reported as follows:

198 COVID Update - Reiterated Ms. Herrington’s appeal to adhere to the CDC guidelines  
199 even though everyone is tired of doing so. Some vaccinations have been paused in South  
200 America because the variant is not as effective against COVID as they thought it might be.

201 Happy Birthday wishes to Mr. Lee-Clark and Mr. Campbell.

202 **8. UPCOMING AGENDA**

203 February 22, 2021 - 2<sup>nd</sup> readings on Traffic Enforcement and Responding to a Mental  
204 Health Crisis

205 February 22, 2021 - COVID Update - Megan Herrington (Board questions to Ms. Perrin to  
206 relay to Ms. Herrington prior to the meeting)

207 February 22, 2021 - Energy Committee Recommendations

208 February 22, 2021 - Town Meeting Information

209 **9. OTHER BUSINESS**

210 Mr. Campbell: Reminded everyone that the Town Meeting will be via Zoom on March 1, 2021 at  
211 7:30pm. Everything will be voted on the next day, March 2, 2021, and if you would like an  
212 absentee ballot, contact the Town Clerk's Office.

213 Mr. Lee-Clark: There will be a box at the Town Office to accept the absentee ballots without  
214 having to depend on the mail.

215 Mr. Carroll: In recognition for their years of service to the Town: Michael Strizee-1 year; Jarod  
216 Austin-2 years; Benjamin Cazaba-3 years; Michael Sharshod-6 years; Michael Pierce-6 years;  
217 Rosco Harrington-12 years; Joshua Stemp-16 years; Anthony Stylvestro-18 years; Edward  
218 Coyne-26 years; and Stuart Hurd-48 years.

219 Ms. Perrin: CAT-TV channels 15, 16, and 17 have moved to 1075, 1095, and 1085, respectively.  
220 And, the Select Board forum is on February 12<sup>th</sup> at 6:00pm on 1085.

221 Ms. Conner: Reflective numbers sold by the Fire Department for \$3.00/number to put on your  
222 house so the Fire Department can find your house at night if they should need to.

223 **10. EXECUTIVE SESSION**

224 **A. CONTRACTS**

225 *At 7:42pm, Jim Carroll moved and Jeannie Jenkins seconded that the meeting was*  
226 *adjourned finding that an Executive Session be held on Contracts as premature public*  
227 *knowledge would place a person involved in the subject matter at a substantial*  
228 *disadvantage. There will be no actions taken on this item when going back into Open*  
229 *Session. The motion carried unanimously.*

230

231 Respectfully submitted,

232 Nancy H. Lively

233 Secretary

234