

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

4 FEBRUARY 22, 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; Jason Dolmetsch-MSK Engineers; Bruce Lierman
12 and Michael Kuser-Energy Committee; Josh Boucher-CAT-TV; and Nancy H. Lively-Secretary.

13 **PUBLIC CALL INS:** Nancy White; Sam Restino; Jerry Byrd; Lynn Mazza; and Al Bashevkin.

14 At 6:00pm, 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, 824 7839 7938 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 FEBRUARY 1, 2021 AND FEBRUARY 8, 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 February 1, 2021 -*

30 *Line 2, Change "MEETING" to "SPECIAL MEETING"*

31 *On the Minutes of February 8, 2021 -*

32 *Line 143, Change "Larrigo" to "Lerrigo"*

33 *The motion carried unanimously.*

34 **2. PUBLIC COMMENTS**

35 Nancy White: Why was there no detailed breakdown of what people spent at the Rec Center on
36 extra programs for the last two years in the Town Report? We had this information when it was
37 run by the Town. Mr. Hurd responded that the YMCA has provided these statistics at Select
38 Board Meetings open to the public but were not asked to do so for the Town Report. We will
39 make sure they are in the next Annual Report. Ms. White urges people to vote down the Town
40 Budget because we have a right to know this information.

41 Sam Restino: What is the update on the Town Garage on Willow Road? Mr. Hurd answered that
42 the Unified School District (formerly the BSD), the CDC, and the Bennington Rural Fire
43 Department need to decide how they want to subdivide it. No plans have been made at this
44 time.

45 **3. VERMONT DEPARTMENT OF HEALTH (VDH) - COVID UPDATE**

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

- 47 • Two weeks ago we were at 58/100,000 and have decreased to 28/100,000 countywide.
- 48 • The vaccine is now in the 70+ age band with 7,000 people making an appointment
49 within the first 15 minutes of being able to do so.
- 50 • When an age band opens up, anyone in Vermont in that age band has an appointment.
- 51 • Depending on supply and allocation, the 65+ age band is expected to open up the first
52 week of March with high risk medical conditions opening toward the end of March.
- 53 • VDA in Manchester will have 1st dose appointments until the end of February with the
54 2nd dose at BBA and SVHC will continue with their 1st dose/2nd dose at SVC for the next
55 two months. VDH will focus on setting up smaller clinics where needed.
- 56 • You are allowed to travel 2 weeks after your 2nd dose with no quarantine required when
57 you return.
- 58 • It will be announced on February 26th that long term care facilities will be allowed
59 visitors.
- 60 • Walgreens and Kinney Drugs will be offering vaccines soon and appointments can be
61 made through the VDH website or phone.

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

63 Mr. Carroll: Scheduling an appointment for the vaccine has been difficult. What is the VDH
64 doing to rectify that problem? The structure is still the same and if people are having trouble
65 registering online, they can reach out to our call center at 855-722-7878.

66 Mr. Carroll: Are ski areas being compliant with the COVID protocols and is the VDH monitoring
67 them? The testing set up at Stratton and Bromley has been utilized and successful.

68 Mr. Carroll: Teachers are at the end of the line which is affecting the economy and learning.
69 Will this be changing? It is understood that this group should be prioritized but has no
70 information on that at this time.

71 Ms. Conner: Confirmed that even though a person has been fully vaccinated, they still have to
72 wear a mask. Agreed.

73 Ms. Conner: Are they going to shut down the pop-up testing sites yet? Not at all, testing
74 services will continue.

75 Ms. Perrin: With lower age bands opening up, will the older people still be able to be
76 vaccinated? Yes, they will be scheduled into an available slot.

77 **4. ENERGY COMMITTEE PRESENTATION**

78 Ms. Jenkins stated that the Energy Committee was organized in October 2019, took a
79 break due to COVID, and resumed meeting via Zoom in the summer. Members are Michael
80 Kuser-Chair, Wendy Sharkey-Vice Chair, Nancy Thompson-Secretary, Bruce Lierman, Deanna
81 Oakes, and Jeannie Jenkins in lieu of Bill Scully when he was not able to participate due to
82 illness. In addition, the non-voting Advisory Members are Marsh Hudson-Knapp, Bill Christian,
83 Madison Kramer, David Durfee (from Bennington), and Dr. Richard Dundas. Jim Sullivan and
84 Allison Strohl from BCRC have also been very helpful, as well as, Dan Monks, Paul Dansereau,
85 and Mark Sawyer from the Town.

86 Michael Kuser and Bruce Lierman did the following presentation from the Bennington
87 Energy Committee:

- 88 ○ The charge to the Energy Committee was to take the comprehensive list of 47
89 recommendations provided in the Energy section of the Town Plan and make
90 recommendations to the Select Board on areas of particular focus.
- 91 ○ We have organized our recommendations into three groups - Town, Energy Committee,
92 and Partner Agencies.
- 93 ○ Town -
 - 94 ■ Lead by example in efforts to mitigate climate change through smarter and
95 cleaner use of energy.
 - 96 ■ Maintain an active energy committee and seek recommendations that support
97 energy conservation, efficiency and renewable energy strategies as outlined in
98 the Bennington Town Plan under section 8.3.
 - 99 ■ Allocate money for new EV charging stations at the Rec Center and at Four
100 Corners North and use this information in marketing materials.
 - 101 ■ Explore purchasing the most energy-efficient (electric/hybrid) vehicles for
102 municipal needs.

- 103 ▪ Work more closely with the Green Mountain Community Network (GMCN) to
- 104 promote use of public transport.
- 105 ▪ Update the Town of Bennington Article 6 - Housing, Building, and Life Safety
- 106 Ordinance to include the new state energy standards, with a focus on improving
- 107 compliance.
- 108 ▪ Require buildings to be inspected prior to drywall going up to ensure applicable
- 109 energy standards are met.
- 110 ▪ Provide a contractor package addressing the benefits of high efficiency
- 111 structures on the Town website and in print to applicants for building permits, as
- 112 well as, to developers contacting the Planning Board concerning projects under
- 113 consideration.
- 114 ▪ Utilize form-based design standards to encourage cluster development, mixed-
- 115 use housing and downtown infill. <http://www.bcrcvt.org/benningtonludr.html> .
- 116 ○ Energy Committee -
- 117 ▪ Publicize ways for local residents to improve their lives and save money by
- 118 reducing their use of energy, especially fossil fuels.
- 119 ▪ Work with realtors and building material suppliers to distribute energy-efficiency
- 120 information similar to the contractor package.
- 121 ▪ Work collaboratively with the Planning Commission to review and, as
- 122 appropriate, revise the Town Plan to provide a clear description of the town's
- 123 energy goals and assist in analysis of data toward those goals.
- 124 ▪ Promote weatherization, particularly in older homes, and for low-income
- 125 households, with a focus on programs including Button Up Vermont, Window
- 126 Dressers, and Efficiency Vermont, and with programming through local entities
- 127 including NeighborWorks and Bennington Rutland Opportunity Council (BROC).
- 128 ▪ Identify funding sources to assist in community energy efficiency improvements.
- 129 ▪ Identify programs and organizations from other communities that provide
- 130 experience and models to improve energy-efficiency in transportation and
- 131 buildings.
- 132 ▪ Work with BCRC and other energy committees in the county on publicizing
- 133 energy-related issues and regional programs through op-eds in local media, joint
- 134 projects, etc.
- 135 ▪ Analyze available data, including any in the Town Plan, to evaluate annually
- 136 whether energy and land use goals are being met. Evaluate the town's progress
- 137 toward state energy and land use goals and share the findings.
- 138 ▪ Establish a baseline to measure progress based on the parameters in the
- 139 Vermont Energy Dashboard Energy Atlas and post updates to the measures on
- 140 an annual basis. Publish the information on the energy committee's page on the
- 141 Town of Bennington website.
- 142 ○ Partner Agencies -
- 143 ▪ Bennington County Regional Commission (BCRC)

- 144 ▪ Efficiency Vermont
- 145 ▪ Vermont Energy and Climate Action Network (VECAN)
- 146 ▪ NeighborWorks
- 147 ▪ Bennington-Rutland Opportunities Council (BROC)

148 Mr. Lierman added that the Town is doing a fine job with efficiencies, such as insulation
149 of the Police Department and electric police vehicles, and the Committee will be focused on
150 education to the public. \$2B leaves the State each year for fossil fuels - 25% for heating and
151 75% for transportation - when we produce none.

152 *Board questions/comments answered by Mr. Lierman:*

153 Ms. Conner: Where are the charging stations at the Four Corners North? They aren't there now
154 it was a suggestion for the future.

155 Ms. Conner: Suggested an event to support public transportation by allowing people to
156 experience it. Agreed.

157 Mr. Carroll: Have you looked into LED lighting throughout the Town? Many of the street lights
158 are already LED's and Ms. Jenkins added that there is a plan to replace the incandescent lights
159 in the buildings with LED's as they wear out.

160 *Public questions/comments answered by Mr. Lierman:*

161 Jerry Byrd: Are you planning to put in any fast charging stations? The fast charging stations are
162 expected to be the standard charging station within a couple of years. We currently have one
163 at the Armory and will advocate for them going forward.

164 **5. FRANKLIN LANE CONCEPTUAL DESIGN**

165 Jason Dolmetsch, MSK Engineers, and Dan Monks, Assistant Town Manager, did the
166 following presentation on the Franklin Lane Conceptual Design:

- 167 ➤ The Town obtained some Downtown Transportation Funds to redesign Franklin Lane
168 into a "woonerf", or a shared street for vehicles and pedestrians to share safely.
- 169 ➤ The design elements are plantings, bollards, changes in ground plane materials, and
170 curves in the road that take the place of traditional traffic control devices.
- 171 ➤ This project is only for the alley between the David Buckley property and the Drysdale
172 building.
- 173 ➤ Proposed improvements are wall-mounted lighting, concrete paver surface - random
174 pattern, two color groups, flush curb, steel cut-out blade sign "FRANKLIN LANE", steel
175 and wood enclosure with access gates, and rebuilt stair and railing.
- 176 ➤ Work to Date -
 - 177 ✓ Design Charrette on October 8, 2020 with 8 participants with ideas about how
178 to incorporate art, honor the site's history, and bring community events into
179 the space.

- 180 ✓ Existing Conditions Survey and Geotechnical Testing with test digs to analyze
- 181 the sub-base conditions and proposed a pavement section for pavers, as well as
- 182 utility locations on site.
- 183 ✓ Coordination with Neighboring Landowners to discuss the project goals and
- 184 objectives, as well as, potential changes in use. This feedback was incorporated
- 185 in the final design.
- 186 ✓ Conceptual Plan Development which was modified significantly from the
- 187 original plan due to unsuccessful efforts to negotiate an easement with a
- 188 neighboring property owner.
- 189 ➤ Next Steps -
- 190 ✓ Complete final design documents for client approval and submit estimated
- 191 project costs.
- 192 ✓ Upon approval we will produce construction documents and coordinate with the
- 193 Town's Department of Public Works (DPW) and the Town's subcontractors to
- 194 prepare for the 2021 construction season.
- 195 ✓ MSK will provide construction administration services for the construction phase
- 196 of the project.

197 *Board questions/comments answered by Jason Dolmetsch:*

198 Mr. Lee-Clark: Runoff mitigation plans? And, it is important for the pavers to realize that this
199 isn't an ordinary street. We will design the grading to accommodate the runoff needs and do
200 not anticipate making a permeable payment structure. We can do something visually appealing
201 without creating maintenance problems for the DPW.

202 Ms. Jenkins: Loves the lighting that goes across the Lane but that can't be used because we
203 don't have permission from the other landowner. Mr. Monks added that lighting is a top
204 priority of the project and there will be ample lighting for it to be safe.

205 Ms. Conner: Will fire trucks be able to go down the street and will there be 'One Way' signage?
206 The only difference in width is by the trash cans and a vehicle analysis was not done. Yes, the
207 One Way signage will remain.

208 Ms. Conner: Also likes the lighting that goes across the Lane.

209 Ms. Perrin: Also likes the original lighting plan, however, is the lighting photosensitive that will
210 be going in? And, are the pavers Phase 1 and Phase 2? The lighting will be on the same
211 schedule as the street lights and the pavers will all be done at once this year and determined in
212 future years if there will be additional phases.

213 *Public comments/questions answered by Jason Dolmetsch:*

214 Sam Restino: How much weight can the pavers hold? And, will the runoff had for the Putnam
215 Block or South Street? The pavers will accommodate vehicular traffic and we haven't changed
216 the direction of runoff which is currently toward South Street.

217 *Bruce Lee-Clark moved and Sarah Perrin seconded to authorize MSK Engineers and the*
218 *Town of Bennington to move forward with the Franklin Lane Shared Street Project to final*
219 *conceptual documents and construction. The motion carried unanimously.*

220 **6. COMMUNITY POLICING - POLICY REVIEW**

221 **A. TRAFFIC ENFORCEMENT - 2ND READING**

222 Mr. Lee-Clark stated the following on the 2nd reading of this policy:

- 223 ❖ Page 1, CONTENTS: 3. AUTOMATED LICENSE PLATE READER (ALPR), Remove entire
224 section. The State no longer uses ALPR's.
- 225 ❖ Page 4, 4. STOPPING AND APPROACHING TRAFFIC VIOLATORS, POLICY:, Line 1, Change
226 "astutely" to "acutely".
- 227 ❖ Page 2, 1. TRAFFIC ENFORCEMENT, POLICY:, Line 16, Change "be reported on an [state
228 increment] basis to the" to "be audited quarterly by the BPD administrative staff in
229 preparation for annual upload by the". The State only uploads once a year 9 months
230 after the end of the year.
- 231 ❖ Page 3, 1. TRAFFIC ENFORCEMENT, POLICY:, Last Line, Change "Town website" to "Town
232 and BPD websites".

233 *Board questions/comments answered by Mr. Lee-Clark:*

234 Mr. Carroll: Are the police being tutored on the new policies? Yes, as well as, numerous pages
235 of procedures that the police are writing themselves.

236 Mr. Carroll: Will the Select Board vote on the procedures? Once completed they will be posted
237 on the website for the public to comment on for 10 days but the Select Board does not vote on
238 the procedures - only the policies.

239 Mr. Lee-Clark commented that over policing with traffic stops should not be written into
240 a policy. The State of Vermont does a lot of traffic stops for its size, and when we were having a
241 number of fatal accidents in our area, it was decided to increase the number of stops being
242 done. This may, or may not be, still going on and should be a discussion to be had with the
243 Town and police as to what the Town wants.

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

246 *Lynn Mazza will be forwarding suggestions to Mr. Lee-Clark for consideration so the*
247 *Traffic Enforcement Policy was tabled at this time.*

248 **B. RESPONDING TO PERSONS EXPERIENCING A MENTAL HEALTH CRISIS - 2ND READING**

249 Mr. Lee-Clark stated the following on the 2nd reading of this policy:

- 250 ❖ Page 1, I. Purpose:, Line 1, Change “essential tactical and processing skills necessary” to
251 “essential trauma-informed strategies and de-escalation practices necessary”.
- 252 ❖ Page 1, II. Policy:, The Bennington Police Department (BPD) shall:, B., Line 2, Change
253 “and whenever possible, that” to “and that”.
- 254 ❖ Page 1, II. Policy:, The Bennington Police Department (BPD) shall:, B., Line 3, Change “ of
255 community” to “of agencies providing community resources.”.

256 *Public comments/questions answered by Mr. Lee-Clark:*

257 Al Bashevkin: Mental health crisis should be addressed by people in the mental health field and
258 recommends that the Town work with the police and the agencies that provide these services
259 to our community. He also suggested referred to the Cahoots Mental Health Crisis Intervention
260 Program.

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

264 ***Bruce Lee-Clark moved and Jeannie Jenkins seconded to adopt Responding to Persons***
265 ***Experiencing a Mental Health Crisis Policy as presented.***

266 Ms. Conner and Ms. Perrin both feel that there should be language in the policy that
267 includes suicide. Mr. Lee-Clark stated that under Mental Health Crisis it is covered because it
268 says “Symptoms may include, but are not limited to” and suicide is not a symptom.

269 Discussion ensued.

270 ***The motion was withdrawn and the Responding to Persons Experiencing a Mental Health***
271 ***Crisis Policy was tabled at this time.***

272 C. NEXT STEPS

273 Ms. Jenkins reported the following:

- 274 ❖ We are not seeing any legislation on community oversight on policing so the
275 Committee would like to come back in a month with a proposal on how to move
276 forward on community oversight.

277 *It was the consensus of the Board that the Community Policing Committee continue with*
278 *their work on community oversight on policing.*

279 Ms. Conner reported the following:

- 280 ❖ To improve communication between the police and the community, the police
281 will be submitting a monthly report within the Select Board packet that is
282 viewable to the public.

- 283 ❖ The police department will be sharing what their upcoming trainings are, as well
284 as, what the ones that they've already had are.
285 ❖ Curtiss Reed continues to work with the police by sending them training
286 materials and checking in with them every two weeks. He will also be doing in-
287 person trainings when it is safe to do so.

288 **7. MANAGER'S REPORT**

289 *Bruce Lee-Clark moved and Jeanne Conner seconded to close School Street from*
290 *Pleasant Street to Main Street on September 18, 2021 from 8:00am-7:00pm for the Food*
291 *Truck Event. The motion carried unanimously.*

292 Mr. Hurd reported as follows:

293 Social Media and Offending Posts - Recently there was a post on the Police Department
294 website having to do with Valentine's Day and following up with arrest warrants on domestic
295 abuse. The context of the humor in which this was intended did not come through and many
296 people were angered by it. This had occurred because of the nation-wide effort by police
297 departments to highlight, through humor three areas of police work, drinking and driving,
298 domestic abuse, and drug abuse. There is a Social Media Policy currently being worked on and
299 "we will do better" with our posts in the future.

300 Policing, Community Relationships, and Public Health and Safety - This presentation
301 touched on many aspects of the reimagining of public safety that we are currently working on,
302 transparency, accountability, crisis intervention, alternative responses, risk determination, and
303 the fact that we ask our police to respond to many incidents for which they are not properly
304 trained, many incidents that need a response that is not law enforcement. We are moving in
305 the right direction with our Crisis Intervention Team as we "reimagine" our Police Department
306 that is "good for the Police Department and good for the community".

307 Additional Comments -

- 308 • We have received two grants - one for \$20,000 and one for \$22,000 - to "reimagine" the
309 Eveready site.
310 • Ms. Conner: Applegate has been renamed Orchard Village.
311 • Ms. Conner: Thank you to Mr. Hurd for finding the American Sign Language interpreter
312 for the Town Meeting.

313 **8. UPCOMING AGENDA**

314 March 1, 2021 - Town Meeting. Via Zoom, no voting, audio only except for those
315 presenting. Moderator opens meeting, reads the Warning, the Highlights of the Year (by
316 Shannon Barsotti), and the Other Business portion of the meeting. All 13 agencies have been
317 invited to send a representative to speak for 3 minutes during the meeting. Login information
318 will be posted on the Town's website.

319 March 8, 2021 - 3rd readings on Traffic Enforcement and Responding to a Mental Health
320 Crisis

321 **9. OTHER BUSINESS**

322 Mr. Carroll: Reminded everyone to vote on March 2nd.

323

324 *At 8:40pm, Sarah Perrin moved and Jeannie Jenkins seconded the adjournment of the*
325 *meeting. The motion carried unanimously.*

326

327 Respectfully submitted,

328 Nancy H. Lively

329 Secretary

330