

1 **BENNINGTON SELECT BOARD**
2 **MEETING HELD REMOTELY VIA ZOOM**
3 **BENNINGTON, VERMONT 05201**
4 **MARCH 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; Shannon
11 Barsotti-Community Development Director; Megan Herrington-Vermont Department of Health;
12 Stephanie Lane-Shires Housing Executive Director; Peter Schneider-Efficiency Vermont Senior
13 Consultant; Josh Boucher-CAT-TV; and Nancy H. Lively-Secretary.

14 **PUBLIC CALL INS:** None.

15 At 6:00pm, 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, 891 5558 4168 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 FEBRUARY 22, 2021**

26 **B. WARRANTS**

27 **C. LIQUOR LICENSES**

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

30 *On the Minutes of February 22, 2021 -*

31 *Line 75, Change "With lower age bands opening up, will the older people still be able*
32 *to be vaccinated?" to "With the age band going to 70, if one registers above 75 where do they*

33 *fall in line? Would that person take precedence, would it be up to the provider or would they*
34 *go back into queue?"*

35 *Line 200, Change "payment" to "pavement"*

36 *Line 263, Change "Schemitz" to "Schemeth"*

37 *The motion carried unanimously.*

38 **2. PUBLIC COMMENTS**

39 None.

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

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

- 42 • Four weeks ago we were at 58/100,000 and have decreased to 22/100,000 countywide.
- 43 • In Bennington County, 23% of the age bank of 60+ have received at least the 1st shot of
- 44 the vaccine, and 63,000 people in the State have received both shots.
- 45 • As of today, the 55+ age bank with high risk medical conditions can now make
- 46 appointments for their shots.
- 47 • The list of high risk medical conditions is comprised of those conditions that may be
- 48 more likely to be deadly if they contact COVID.
- 49 • The high risk list from the CDC includes - current cancer, chronic kidney disease, COPD,
- 50 emphysema, chronic bronchitis, heart disease, severe obesity, type 1 and 2 diabetes,
- 51 immune compromised, pregnancy, certain disabilities, and sickle cell disease.
- 52 • Self-certification if you have a high risk medical condition is all that is necessary. A
- 53 doctor's note is not needed, however, it is recommended to do the CDC Checklist
- 54 questionnaire.
- 55 • In addition to our community clinics there will be clinics for educators, child care, and
- 56 expanded public safety. More information to come for those groups.
- 57 • When an age band opens up, anyone in Vermont in that age band has an appointment.
- 58 • Two vaccinated households may gather with one unvaccinated household.

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

60 Ms. Conner: Clarified that the high risk list is more general and not inclusive of every condition
61 so an individual may fit into those categories in a broader sense. That is correct. There is an
62 inclusive list on the website.

63 Mr. Campbell: Will vaccinations be available in a person's region or will they need to travel? In
64 large population areas there are "mega clinics" with the National Guard, and so far, we haven't
65 heard of people having to travel too far.

66 **4. PUBLIC HEARING - VCDP GRANT APPLICATION-SHIRES, WILLOWS MOBILE HOME PARK,**
67 **MODULAR HOMES**

68 Stephanie Lane, Executive Director-Shires Housing and Peter Schneider, Senior
69 Consultant-Efficiency VT did the following presentation:

- 70 • The Town applies for the Community Development Grant and Shires Housing is
71 the sub-grantee. Shires Housing needs a Resolution from the Select Board to
72 approve the application process.
- 73 • There have been 4 mobile homes in the Park that have been abandoned and we
74 want to replace them with zero energy 2-3 bedroom modular homes.
- 75 • We will also be doing infrastructure improvements.
- 76 • Shires Housing will be partnering with Efficiency VT and using a local contractor
77 for the set up.
- 78 • The current residents of the Park own their homes and lease the land from
79 Shires Housing.
- 80 • The VHCP has granted Shires Housing \$285,000 in new bond funds for the
81 project plus \$15,000 to assist the homeowners that are already there.
- 82 • KBS Homes will be providing the homes as the price of Vermod homes was too
83 high.
- 84 • There are 150 of these more durable energy efficient homes in the State since
85 Irene had destroyed many mobile homes in her path.
- 86 • These homes exceed the State standards for stick built homes and far exceed the
87 standards for mobile homes - thicker walls, triple glazed windows, fresh air
88 ventilation systems, heat pumps for heating, cooling and hot water, and a solar
89 PV system on the roofs.
- 90 • The homes can be customized to fit where they will be set up and are delivered
91 95% ready to set up.
- 92 • Vermod Homes only produces 30 homes per year, whereas, KBS produces 500
93 per year and have been building energy efficient units for nearly a decade.
94 Efficiency VT still works with Vermod Homes in addition to KBS and others.

95 *Board questions/comments answered by Ms. Lane and Mr. Schneider:*

96 Mr. Carroll: Do these homes decline in value? We have followed HUD's code that was updated
97 in 2009 for installation requirements that were implemented in Vermont 2 years ago so that
98 mobile homes are now all placed on frost protected slabs or piers. These modular homes have
99 been built to the local codes that were just passed this past year and do seem to be holding
100 their value.

101 Mr. Lee-Clark: Is there a way to do a tour of these energy efficient homes to educate the
102 public? Absolutely, that is a great idea.

103 Ms. Jenkins: Does the cost of the units require that they need to be rented instead of owned?
104 There is one individual that has a 30-year mortgage on a Vermont home but we are offering
105 these homes for rental up to 80% median income or lower. Efficiency VT does have programs
106 for those that want to buy these homes but the 4 at the Park are not offered for sale at this
107 time.

108 Ms. Conner: Do children live there? Yes, they do, and we hope to be making the Park more
109 kid/family friendly.

110 *Jim Carroll moved and Sarah Perrin seconded to approve the Resolution for Shires*
111 *Housing to apply for funding as the sub-grantee of the Vermont Community Development*
112 *Program for Willows Mobile Home Park and authorize the Select Board Chair to sign on*
113 *behalf of the Board. The motion carried unanimously.*

114 5. COMMUNITY POLICING UPDATE

115 A. TRAFFIC ENFORCEMENT - 3RD READING

116 Mr. Lee-Clark stated the following on the 3RD reading of this policy:

- 117 ❖ Page 2, PURPOSE:, Line 5, Change “crashes” to “accidents”.
- 118 ❖ Page 2, 1.TRAFFIC ENFORCEMENT, POLICY:, Line 4, Change “crashes” to “accidents”.
- 119 ❖ Page 4, 4. DUI ENFORCEMENT, POLICY:, Line 1, Change “will take aggressive action in the
120 enforcement of all” to “will conscientiously enforce all”.
- 121 ❖ Page 4, 4. DUI ENFORCEMENT, POLICY:, Line 5, Change “BPD has a zero tolerance policy
122 towards DUI operation in order to ensure the safety of the community” to “BPD takes
123 DUI operation with the highest level of seriousness.”.

124 *Bruce Lee-Clark moved and Sarah Perrin seconded to adopt the Traffic Enforcement Policy*
125 *as presented.*

126 Ms. Jenkins likes the changes and thinks they make it a stronger policy.

127 *The motion carried unanimously.*

128 B. RESPONDING TO PERSONS EXPERIENCING A MENTAL HEALTH CRISIS - 3RD READING

129 Mr. Lee-Clark stated the following on the 3rd reading of this policy:

- 130 ❖ Page 1, III. DEFINITIONS:, A., Line 4, Change “anger, or excessive giddiness,
131 psychological” to “anger, grief, or excessive giddiness, suicidal behaviors; psychological”

132 *Sarah Perrin moved and Bruce Lee-Clark seconded to adopt Responding to Persons*
133 *Experiencing a Mental Health Crisis Policy as presented.*

134 Mr. Lee-Clark noted that we are learning from our experience in reviewing these policies
135 and has no doubt that they will be revised at some time in the future.

136 Ms. Jenkins feels that the Collaborative Partnerships Policy should be added to the
137 Related Policies: of this one.

138 *Sarah Perrin moved and Bruce Lee-Clark seconded to amend the motion to adopt*
139 *Responding to Persons Experiencing a Mental Health Crisis Policy as presented and add*
140 *Collaborative Partnerships to the list of Related Policies. The motion carried unanimously.*

141 **C. OTHER INFORMATION**

142 Ms. Conner read the following on the process for procedures noting that the dates still
143 need to be filled in:

- 144 ❖ The Select Board Working Group will announce details of the procedure review process
145 on the Monday preceding the start of the public comment period. Information on how
146 to make comments will be placed on the Town and the Bennington Police Department
147 websites, the Town Facebook Page, the Bennington Police Department Facebook Page,
148 Front Porch Forum, in the Bennington Banner, and will be announced at our regular
149 Select Board meetings. The comment period will be 10 days in length and the exact
150 dates of the comment period will be provided. Comments can be submitted
151 electronically on the Bennington Police Department website and an electronic
152 acknowledgement will be sent to the participant. Once the comment period is over, the
153 final version of the procedures will be posted on the Bennington Police Department's
154 website with the related policy.

155 **6. SUBMITTAL OF REVISED LUDR**

156 Mr. Monks stated that the Planning Commission is submitting for adoption proposed
157 revisions to the Land Use and Development Regulations that incorporate Form-Based Design
158 Standards for the areas in and around Downtown Bennington. If the Select Board wishes to
159 adopt the proposed revision they must first adopt the resolution to schedule a Public Hearing
160 to be held within 120 days after the proposed regulations are submitted to the Select Board.

161 There is a summary of the proposed changes on the BCRC website, Mr. Monks will make
162 a link available to hear the recording of the changes, and Catherine Bryars from BCRC will be
163 presenting the changes at the Select Board's public hearing.

164 *Board questions/comments answered by Mr. Monks.*

165 Ms. Conner: Suggested that the Form-Based Design Standards be defined. They are defined at
166 the beginning of every meeting and online, and will be done at the Select Board meeting, as
167 well.

168 *Bruce Lee-Clark moved and Jeannie Jenkins seconded to acknowledge receipt of the*
169 *Proposed Amendment to Land Use and Development Regulations (Zoning Bylaws) - Form-*
170 *Based Design Standards and adopt a Resolution to set a Public Hearing on the proposed*
171 *revisions for April 26, 2021. The motion carried unanimously.*

172 **7. MANAGER'S REPORT**

173 *Sarah Perrin moved and Jeanne Conner seconded to close Main Street from Benmont*
174 *Avenue to Branch Street and Gage Street from Bradford Street to Safford Street on November*
175 *6, 2021 for the UCS 2021 Superhero 5K and Kid's Dash from just before 9:00am for the*
176 *duration of the event.*

177 Mr. Lee-Clark stated that the Committee is working on a Special Events Policy and
178 acknowledged that many of the processes in that are already being done.

179 *The motion carried unanimously.*

180 Mr. Hurd reported as follows:

181 Police Department Report - Attached to the Manager's Report is the first of the monthly
182 Police Department Report's that will be available on the 1st Select Board Meeting of each
183 month. The Bennington Police Department had deployed two officers to assist the State of
184 Vermont and the City of Montpelier in an effort to maintain safety and security at our state
185 Capital. The officers were described as "extraordinarily professional, proactive and stellar".
186 And, the leaders at the Bennington Police Department have participated in three separate
187 mental health training seminars over the past month.

188 Y Statistics 2020 - The following are the Y Statistics for 2020 that should have been in
189 the Annual Report. It should also be noted that the Y was closed from March 16, 2020 thru
190 June 15, 2020:

- 191 ✓ 19,000 visitors to the Center
- 192 ✓ Memberships active: 525 mostly from Bennington; 80 from NY and Mass.
- 193 ✓ Swim lessons served 93 children; 29 sessions
- 194 ✓ Adult Fitness programs: 5 per week
- 195 ✓ Summer Camp: 70 children served in an 8 week program
- 196 ✓ Fall Youth Soccer: 85 children served, ages pre K to grade 8, a 6 week program
- 197 ✓ School-age Programs: Sept-Dec served 34 children
- 198 ✓ Other Programs: Teen Strength and Conditioning; DIY 5K Triathlon; Kids Night Out;
- 199 Movement Playgroup; Pumpkin Splash; and Teen Hour in the Fitness Center

200 **8. UPCOMING AGENDA**

201 March 22 2021 - Special Events Policy and/or Social Media Policy

202 March 22, 2021 - Community Policing Update

203 March 22, 2021 - New Programs at the Y

204 **9. OTHER BUSINESS**

205 Mr. Campbell: Thank you to the Town Clerk and her assistant for their work on the voting
206 process and congratulations to Jim Carroll, Tom Haley, and Gary Corey for the victories. He is
207 also pleased that the Penny's for Parks and the Budget passed, and the good that the SVHC will
208 do at SVC for the community. The fundraising efforts that got them \$560,000 to get that facility
209 up and running shows the community's support of the project.

210 Ms. Perrin: The VDH has three informational banners hung up around town - one at the
211 Chamber, one at the Four Corners, and one at County Street. Also, a Happy Birthday wish to
212 her father.

213 Mr. Carroll: Thanked the voters for re-electing him.

214 Ms. Conner: Thank you to CAT-TV for their coverage of several Board meetings in the area, a
215 thank you to all of the agencies that presented at the Town Meeting, and a thank you to Mr.
216 Hurd for the upcoming Board training.

217 **10. EXECUTIVE SESSION**

218 **A. CONTRACT**

219 **B. LEGAL**

220 *At 7:18pm, Bruce Lee-Clark moved and Sarah Perrin seconded that the meeting was*
221 *adjourned finding that an Executive Session be held on Contract and Legal as premature*
222 *public knowledge would place a person involved in the subject matter at a substantial*
223 *disadvantage. There will be no actions taken on these items when going back into Open*
224 *Session. The motion carried unanimously.*

225

226

227

228 Respectfully submitted,

229 Nancy H. Lively

230 Secretary

231