

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

4 MARCH 22, 2021

5 MINUTES

6 **SELECT BOARD MEMBERS PRESENT BY VIDEOCONFERENCE:** Donald Campbell-Chair; Jeannie Jenkins-  
7 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; Shannon Barsotti-Community  
10 Development Director; Megan Herrington-Vermont Department of Health; Kayla Becker-YMCA; Mike  
11 Cutler-CAT-TV; and Nancy H. Lively-Secretary.

12 **PUBLIC CALL INS:** Lynn Mazza and Al Bashevkin.

13 At 6:00pm, Chair Donald Campbell called the meeting to order and explained that, due to the  
14 COVID-19 Pandemic State of Emergency declared by Governor Scott, and pursuant to Addendum 6 to  
15 Executive Order 01-20, Act 92, this public body is authorized to meet electronically. There is no  
16 physical location to attend this meeting, however, the public may view it on CAT-TV and call in at 1-  
17 646-558-8656 and enter the meeting ID, 819 9745 4575 when prompted to do so. The call in  
18 information will be periodically posted on the screen and the process for calling in was explained. If  
19 technology fails us, the meeting will be continued at a time and place to be determined and all votes  
20 that are not unanimous will be done with a roll call vote in accordance with the law.

21 **1. CONSENT AGENDA**

22 **A. MINUTES OF MARCH 8, 2021**

23 **B. WARRANTS**

24 **C. LIQUOR LICENSES**

25 *Bruce Lee-Clark moved and Sarah Perrin seconded to adopt the Consent Agenda as presented.*

26 On the Liquor Licenses, Ms. Conner asked what Aramark Dining Hall was and Mr. Hurd thought  
27 it may be Bennington College but wasn't sure. It is a renewal so the name had been approved in the  
28 past.

29 *The motion carried unanimously.*

30 **2. PUBLIC COMMENTS**

31 None.

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

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

- 34 • The 60+ age band will be able to make appointments for their shots with another age band
- 35 added every Monday - 50+ March 29<sup>th</sup>; 40+ April 5<sup>th</sup>; 30+ April 12<sup>th</sup>; and 16+ April 19<sup>th</sup>.
- 36 • 85% of the 75+ group have received at least one dose and their case numbers have
- 37 "plummeted".
- 38 • There is some hesitancy to get the shots as the other age bands open up.
- 39 • On March 24<sup>th</sup> there will be a clinic at the Riley Rink in Manchester for veterans and the
- 40 Johnson and Johnson one shot vaccine. Call 802-296-5151 between 8:00am-4:00pm for an
- 41 appointment.
- 42 • The 2<sup>nd</sup> dose clinic at Burr and Burton in Manchester will close on March 26<sup>th</sup>.
- 43 • SVHC continues to be very busy with the shots and our local office will be moving to cover more
- 44 remote and mobile locations.

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

46 Mr. Carroll: How are the vaccinations going for educators? Very well with 620 done at SVHC so far.

47 Mr. Carroll: When will the Johnson and Johnson shots be available in Vermont? We don't know at this

48 time.

49 Ms. Conner: Some of the hesitancy to getting the vaccine is because it was developed so quickly.

50 Please explain. The technology surrounding the vaccine has been 10 years in the making and all other

51 research stopped to work on COVID.

52 Ms. Jenkins: What is the guidance for vaccinated people and large gatherings? Even though travel is

53 now acceptable, we don't have large gathering guidance yet. The recommendation is to check with

54 the guidelines of the state where the large gathering will be taking place.

55 **4. YMCA UPDATE**

56 Kayla Becker from the YMCA did the following presentation on their programs and events:

- 57 • Children's Books Giveaway at the old Benn High
- 58 • Swim lessons - 48 family groups/week
- 59 • Various levels of water exercise - 5 days/week
- 60 • Youth programs starting at the Senior Center and then walking to the Rec Center - 12-15
- 61 kids/Wednesday
- 62 • Child care on in-service days
- 63 • Group exercise at the Senior Center for all ages - high impact and yoga
- 64 • Registration has opened up for soccer - ages 4-14 at Willow Park
- 65 • Sports In Play with Bennington and Pownal Little League for younger kids to try out different
- 66 sports - Tuesday and Thursday nights

- 67 • Toddlers play equipment at the old Benn High
- 68 • Teen Leaders Program
- 69 • Community Garden
- 70 • Did a February Break Camp at the Senior Center and will be doing an April Break Camp at the
- 71 old Benn High
- 72 • Life Guard Training classes
- 73 • Egg Hunt Swim - April 3<sup>rd</sup> - similar to what was done on Valentine's Day

74 Ms. Barsotti added that all of our community grants are coming through and there will be  
75 students coming for a tour of Bennington to see all of the projects that are going on.

76 *Board questions/comments with responses from Ms. Becker:*

77 Mr. Campbell: Are you using all of the available space at the old Benn High? We are currently using the  
78 auditorium and the other two large rooms are almost ready for use.

79 Mr. Carroll: Do you just apply for federal and state grants or do you approach private funders? We  
80 apply for all grants for either dollars or product.

81 Mr. Lee-Clark: Is there a timeline for moving the exercise equipment? And kudos to the YMCA staff for  
82 their good nature when answering the phone. There are no updates on moving the exercise  
83 equipment but we are putting up screens for separation in the meantime.

84 Ms. Conner: Kudos to Taylor and you for your enthusiasm and do you know what is planned for the  
85 fall? At this time, we hope to be using all that is available at the old Benn High and the basement space  
86 at the Rec Center for the Teen Leaders program.

87 Ms. Perrin: Do the services at the Senior Center overlap with any of the programs for the seniors?  
88 What programs do you offer for seniors? and, What potential does the space at the old Benn High offer  
89 for Senior Programs? We try to offer programs that appeal to everyone and the seniors wanted the  
90 water exercise and yoga which we are doing. The Silver Sneakers will be returning soon and the old  
91 Benn High space will give the opportunity to the seniors to safely participate in the low impact  
92 exercises. We were doing Silver Sneakers before COVID, we reopened the Rec Center in June but  
93 didn't have any fitness classes due to COVID, and brought back the water exercise in October.

94 Ms. Jenkins: Is the community grant for the old Benn High for the 6 month lease, when did it start, and  
95 what is your plan for the lease payments after? Yes, that is for the lease for 6 months that started  
96 when we started programing in there and will end in September. "At this point we don't know what  
97 will happen at the end of the 6 months". Ms. Barsotti added that we are working on what partnerships  
98 can be developed by September, as well as, hosting events, after school use of the gym, etc. that will  
99 generate income for the YMCA.

100 Mr. Hurd: Is happy with what is happening for people of all ages and the potential that exists for the  
101 future.

102 **5. COMMUNITY POLICING UPDATE**

103 Mr. Lee-Clark did the following Policy updates:

- 104 ❖ 4 of 6 policies for the spring have been drafted.
- 105 ❖ The Body Worn Cameras and Collaborative Partnerships policies will be going to the attorneys
- 106 soon.
- 107 ❖ On March 24<sup>th</sup> the Committee will be meeting to draft the Nepotism and Fraternalization Policy
- 108 and on April 14<sup>th</sup> we will be working on the Code of Conduct Policy.
- 109 ❖ We have filled each Committee with 4 different community members.

110 Ms. Conner read the following Procedure Review for the public to participate in if they wish to do so:

- 111 ❖ "As I said at our last meeting the process for public comment on the procedures for the policies
- 112 that have been adopted is this. They will be posted along with the policies they relate to on the
- 113 Town website. We will announce they are posted at a regular select board meeting. The
- 114 comment period on the procedures will begin the Monday following our announcement. The
- 115 comment period is 10 days long. Information on how to make comments will be placed on the
- 116 Town and BPD websites, Town and BPD Facebook pages, Front Porch Forum and in the
- 117 Bennington Banner. Comments can be submitted electronically from the Town website and an
- 118 electronic acknowledgement will be sent to the participant. Once the comment period is over
- 119 and any changes are made by the BPD, they are signed by the police chief and the selectboard
- 120 chair. The procedures will be posted on the BPD website along with the related policy. The
- 121 Select Board Working Group will be announcing the procedures for 8 policies ready for public
- 122 comment at our April 12<sup>th</sup> meeting. We wanted to give the community a heads up they are
- 123 coming in case community members want to plan ahead. The comment period for the
- 124 procedures for these 8 policies will begin on April 19<sup>th</sup> at 8:00am and close on April 28<sup>th</sup> at
- 125 5:00pm.

126 The 8 policies/procedures that will be posted on April 12<sup>th</sup> on the Town's website under

127 Community Policing are:

- 128 ✓ Duty to Intervene
- 129 ✓ Fair and Impartial Policing
- 130 ✓ Investigation and Reporting of Hate Crimes
- 131 ✓ Use of Conducted Electrical Weapons
- 132 ✓ Response to Resistance/Use of Force
- 133 ✓ Domestic Violence Investigations
- 134 ✓ Traffic Enforcement
- 135 ✓ Responding to Person Experiencing a Mental Health Crisis

136 The people within the BPD who worked on the procedures are Michelle Farrar, Joshua Stemp,

137 Cam Grande and Paul Doucette.

138 A few clarifications:

- 139 ✓ All comments from the public will not be incorporated into the procedures. The  
140 decision to do so lies with the BPD.  
141 ✓ The select board will NOT formally adopt the procedures but the chair will sign them.”

142 Mr. Hurd added that the 8 policies and their related procedures should be on the Town website  
143 next week. “These procedures are police procedures developed historically over time and follow  
144 stringent rules on how police may react to a given situation which is why we are not developing them.”

145 A statement on the above will be available.

146 Ms. Jenkins did the following update on Vehicles:

- 147 ❖ The Police Department will be going out to bid on their first hybrid vehicle on April 1<sup>st</sup>.  
148 ❖ And, we are soon going to have electric bicycles - if we don't already have them.

149 *Public questions/comments:*

150 Lynn Mazza: Finds it difficult to believe that all citizens' suggestions for the procedures will be reviewed  
151 due to the lack of transparency from the “institution of the Select Board” and the communities  
152 mistrust of the Police Department. An explanation to the citizen whose suggestion was not accepted  
153 as to why it wasn't accepted would be a step to the future of community policing. Mr. Lee-Clark  
154 verified that he will be looking at all comments and Ms. Conner noted that there will be at least 4  
155 others, as well, and that the police have been “nothing but forthcoming....and we have had no reason  
156 to doubt the sincerity and commitment to this process”.

## 157 **6. LEAD LINE BOND DOCUMENTS**

158 Mr. Hurd explained that this is similar to the Ladder Truck Bond with the difference being that  
159 the monies are coming from the Agency of Natural Resources. We must still follow the Bond Bank  
160 requirements. These are not taxpayer dollars and are 100% reimbursable.

161 ***Bruce Lee-Clark moved and Sarah Perrin seconded to approve the Lead Service Line  
162 Replacement Loan Agreement, approve the General Obligation Bond and authorize the Chair to sign  
163 both, waive the reading of and adopt the Resolution and authorize the Chair to sign, and approve the  
164 Tax Certificate and authorize the Chair to sign anything necessary for the Chair to sign. The motion  
165 carried unanimously.***

## 166 **7. MANAGER'S REPORT**

167 Mr. Hurd announced that our Household Hazardous Waste Collection will take place on May 8,  
168 2021 from 9:00am-1:00pm at the Mt. Anthony Union Middle School.

169 Mr. Hurd reported as follows:

170 Police Stop Data for 2020 - It is presented by month with the number of stops and the race  
171 information provided. It is not yet part of the State's data system due to be updated later this year.  
172 Mr. Lee-Clark will contact Chief Doucette for clarification of searches on the report.

173 National Guard's Readiness Center Application - The Project Review Sheet for the National  
174 Guard's Readiness Center on Bowen Road was received on March 15, 2021. The process to construct  
175 has begun with a 2023 construction still in place. We will be taking possession of the Armory with the  
176 Memorandum of Understanding that has been previously agreed upon with the National Guard leasing  
177 the Armory at no cost until the Center has been completed.

178 Groundwater Reclassification - PFOA Contaminated Areas - We have received concerns from  
179 residents where the groundwater was reclassified as non-potable where PFOA contamination was  
180 identified. The State has continued the comment period until April 2, 2021 and the Extension Notice is  
181 posted on our website and Front Porch Forum. The new restrictions do not prohibit drilling a well but  
182 may make it safer and more costly. Also, if you're within 200' of the municipal water system, you  
183 should connect to that system even though we were not previously entitled to.

184 Mr. Lee-Clark is concerned about the property values located in the reclassification area and  
185 feels that the Town should send a letter of support for the affected residents to the Agency of Natural  
186 Resources. Mr. Hurd noted that St. Gobain must maintain any of the POET systems for life but will  
187 draft a letter on behalf of the Board if he's directed to do so.

188 Discussion ensued that we need all of the facts, the science needs to be understood, the  
189 residents had no idea this was coming, and the Town has not seen the tax base affected by the PFOA  
190 situation.

191 Al Bashevkin: Suggested that the Board request the extension of the comment period.

192 *It was the consensus of the Board to have Mr. Hurd contact the Agency of Natural Resources for*  
193 *an extension of the comment period beyond April 2, 2021.*

194

## 195 **8. UPCOMING AGENDA**

196 April 1, 2021 - Possible Board Reorganization Meeting

197 April 12, 2021 - Community Policing Update - Two Policies for 1<sup>st</sup> Reading

198 April 12, 2021 - Better Business Corporation and Bennington Banner Marketing

199 April 12, 2021 - Possible Groundwater Reclassification Discussion

## 200 **9. OTHER BUSINESS**

201 Mr. Campbell: Recognized the Atlanta Spa shooting and read from a letter by Governor Northam.

202 Mr. Campbell: Thanked Board members and Town staff for their dedication during the past year and  
203 throughout his tenure on the Board.

204 Ms. Conner: Narrated the Board's thank you celebration to Mr. Campbell for his service on the Board  
205 tonight - his last Select Board meeting.

206 10. EXECUTIVE SESSION

207 A. LITIGATION

208 *At 7:48pm, the meeting was adjourned finding that an Executive Session be held on Litigation*  
209 *as premature public knowledge would place a person involved in the subject matter at a substantial*  
210 *disadvantage. There will be no actions taken on these items when going back into Open Session.*

211

212

213

214 Respectfully submitted,

215 Nancy H. Lively

216 Secretary

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