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BENNINGTON SELECT BOARD
MEETING HELD REMOTELY VIA ZOOM
BENNINGTON, VERMONT 05201
MAY 10, 2021
MINUTES

SELECT BOARD MEMBERS PRESENT BY VIDEOCONFERENCE: Jeannie Jenkins-Chair; Jeanne Conner-Vice Chair; Jim Carroll; Bruce Lee-Clark; Sarah Perrin; Tom Haley; and Gary Corey.

SELECT BOARD MEMBERS ABSENT: None.

ALSO PRESENT BY VIDEOCONFERENCE: Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Dr. Trey Dobson-SVHC Medical Director; Megan Herrington-Vermont Department of Health District Director; Josh Boucher-CAT-TV; and Nancy H. Lively-Secretary.

PUBLIC CALL INS: Nancy White, Jennie Rozycki, and Mike Bethel.

At 6:30pm, Chair Jeannie Jenkins 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. Members of the public are encouraged to watch the meeting on CAT-TV Channel 1085 or on CAT-TV Facebook Live. If one wishes to participate you can also join the meeting as by clicking on the Zoom link on the Town's website <https://us02web.zoom.us/j/89448782346> or dial in at 646-558-8656 and enter the meeting ID 89448782346. Zoom attendees can attend but to speak you must use the raised hand function, and if you're on the telephone, the raise hand function is by pressing *9. When prompted to unmute yourself hit *6. When you speak, please state your name and town of residence. The call in information will be periodically posted on the screen and the process for calling in 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.

Ms. Jenkins thanked everyone for being willing to start later tonight and appreciated the wonderful sendoff given to the BRAVO Troop by everyone in recognition of their departure to Kosovo for their peace keeping mission. Kudos to Representative Mary Morrissey for organizing the sendoff.

Bruce Lee-Clark moved and Jeanne Conner seconded to add the following Agenda Items:

- 5A. Energizer Update*
- 8A. Upcoming Agenda*

The motion carried unanimously.

1. VISION STATEMENT

34 Ms. Conner read the Town's Vision Statement that was adopted by the Select Board on August
35 24, 2020:

36 "Bennington is a welcoming, engaged, inclusive, resilient community where everyone regardless of
37 identity shares in our vitality and benefits from an outstanding quality of life."

38 **2. CONSENT AGENDA**

39 **A. MINUTES OF APRIL 26, 2021**

40 **B. WARRANTS**

41 *Bruce Lee-Clark moved and Jeanne Conner seconded to adopt the Consent Agenda with the*
42 *Minutes of April 26, 2021 and Select Board Minutes Addendum amended as follows:*

43 *Minutes of April 26, 2021 - Line 87, Change "us" to "use"*

44 *Line 268, Change "4" to "2"*

45 *Line 273, Change "20" to "14"*

46 *Select Board Minutes Addendum - Line 6, Change "Kia" to "Kiah"*

47 *The motion carried unanimously.*

48 **3. COVID UPDATE**

49 Dr. Trey Dobson, SVHC Medical Director, and Megan Herrington, Vermont Department of
50 Health District Director, did the following presentation:

- 51 • It's been 425 days since the pandemic was declared and 145 days since we've been vaccinating.
- 52 • The demand for the vaccine is slowing down - as we expected - and we are establishing walk-in
53 clinics, such as the one at Orchards Apartments on Wednesday.
- 54 • Our pop clinics were successful with ~400 people being vaccinated.
- 55 • Cases are decreasing in Vermont but not everywhere in the USA or in the rest of the world.
- 56 • We were at 65/100,000 cases and we're now at ~10-15/100,000.
- 57 • 700 people are still dying from COVID each day and 50,000-60,000 people die from the flu each
58 year.
- 59 • We will have to live with COVID being present as we do with other endemic diseases, such as
60 tuberculosis. However, we must continue to work on eradicating it.
- 61 • Vaccination is the only way and we must work to convince those currently not willing to be
62 vaccinated to do so.
- 63 • The Pfizer vaccine has been approved for 12-15 year olds and we expect to begin administering
64 that next week.
- 65 • It is safer to get the vaccine than to get the disease. "If you don't get vaccinated, you will get
66 COVID 19."

67 *Board comments/questions answered by Dr. Dobson or Ms. Herrington:*

68 Mr. Carroll: Will we be extending vaccination days to Saturdays? We have been and are working on
69 continuing to do this for at least a couple more Saturdays. The vaccines currently come in multi-dose
70 vials so when opened for only one person, the rest go to waste.

71 Mr. Carroll: What are the long term consequences of getting COVID? The disease causes some fibrosis,
72 brain fog, and loss of taste and/or smell that may or may not be permanent.

73 Ms. Conner: Will they start making single dose vials? Yes, we hope to see some single dose vials this
74 fall.

75 Ms. Conner: Would you go to Italy in September? If traveling to an area that isn't mostly vaccinated, I
76 would recommend waiting.

77 Ms. Conner: Who should people hesitant to get the vaccine call for accurate information? The CDC or
78 American Medical Association, or general dialogue if someone is not trusting the information that
79 comes from these associations.

80 4. PUBLIC COMMENT

81 Nancy White: Were the new YMCA rates made public before they were voted on? Mr. Hurd stated that
82 they were part of the Board packet that went out to the press but the media controls what they put in
83 the paper.

84 Nancy White: We were told in 2019 that the Town fees would be deposited in our account and now
85 they're going into the YMCA's account. How do we get them to go into our account? Ms. Jenkins
86 directed Ms. White to connect with Mr. Hurd on this tomorrow as it will require a "little more back and
87 forth and that isn't the purpose of Public Comment".

88 Nancy White: Why hasn't the Senior Center reopened? Mr. Hurd answered that we are working on
89 protocol to do that and are "shooting for June 1st".

90 Nancy White: Does Benn High have a building permit for occupancy? Mr. Hurd noted that he believes
91 they do but that would have been issued by the Building Inspector.

92

93 Jennie Rozycki: Shared the following information about the McCullough Library:

- 94 ✓ Restroom renovation project out to bid that includes rewiring and work on the Laura
95 Novak Meeting Room (up to 6 people) with construction to continue into mid-October.
- 96 ✓ Reserving the Laura Novak Room can be done by phone or e-mail.
- 97 ✓ The project has been entirely funded by earmarked donations, a generous bequest, and
98 a \$10,000 Educational Facilities Grant from the Vermont Agency of Administration.
- 99 ✓ This project also lays the groundwork for future changes, such as a heat pump, that we
100 are not able to accommodate now.

- 101 ✓ The building will not be open to the public during the project.
- 102 ✓ The book pickup process will still be available 3-times/week.
- 103 ✓ Any changes will be available on the Library website, www.mcculloughlibrary.org , on
- 104 Facebook, or in the e-newsletter.

105 Ms. Jenkins, Ms. Conner, and Ms. Perrin thanked Ms. Rozycki for all of the work that she does.

106

107 Mike Bethel: Verified that Mr. Hurd will get him the information that he asked for last week, and Mr.
108 Hurd will do so as soon as he receives it.

109 Mike Bethel: Noted that he doesn't have to use the Rec Center to wonder what it would cost to use the
110 facility and would like any snide comments related to his non use to stop. The questions that he asks
111 are from citizens concerned about taxes that don't want to call in, and they need to be answered.

112 5. PUBLIC COMMENT - COMMITTEE REPORT

113 Ms. Conner, Tom Haley, and Sarah Perrin were the Subcommittee that reviewed the Public
114 Comment Procedure with the following presentation:

- 115 ➤ The Subcommittee met twice with these three directions that framed their discussions
116 on Public Comment -
 - 117 ▪ How to make it a better experience for the person making the comment.
 - 118 ▪ How to make it a better experience for the public watching.
 - 119 ▪ How to make it a more productive use of meeting time for the Select Board and
120 Staff.
- 121 ➤ Below are the suggestions that the Subcommittee agreed on going forward:
 - 122 ▪ We like Public Comments at the beginning of the meeting. It seems unfair to
123 make people wait and guess when Public Comments will be taken. Moving it
124 could discourage participation. Continue to put Public Comments after the
125 Consent Agenda.
 - 126 ▪ Read the rules for making Public Comments, include the rules on the agenda
127 under Public Comment (reduce font size if necessary or wait until the COVID
128 statement goes away) and put the statement on the website.
 - 129 ▪ Encourage Public Comments applicable to an agenda item be made then.
 - 130 ▪ Public Comments should be a maximum of 3 minutes in length.
 - 131 ▪ No discussion during Public Comments since the topic is not on the agenda.
132 Open meeting law prohibits the Select Board from engaging in a conversation on
133 a topic that has not been warned.
 - 134 ▪ A member of the public asking a question that cannot be answered quickly will
135 be asked to contact the Town Manager to get an answer.
 - 136 ▪ Consider inviting agencies to make final comment to educate the public on what
137 they do and end the comment period on a high note.

- 138 ▪ Have the Town Manager include the answers to questions he is asked at a
- 139 meeting in his Manager's Report to close the loop. Consider putting the
- 140 questions and answers on the Town website for a finite period of time (maybe a
- 141 month). Who will manage this?
- 142 ▪ If several people are present to make comments on the same topic, allow them
- 143 to speak and consider putting the topic of concern on a future agenda.
- 144 ▪ Should we not allow the same person to ask the same question(s) repeatedly?
- 145 Nicely say "I am sorry, you have asked the same question(s) many times in the
- 146 past. We and the Town Manager have explained and answered your question(s)
- 147 many times. Our answer(s) to your question(s) will be the same today. Please
- 148 reach out to our Town Manager. We are going to move on to the next person."

149 *Board comments/questions:*

150 Mr. Carroll: Were the suggestions based on Zoom or in-person meetings? The Subcommittee answered
151 that this was about process and not specific to Zoom or in-person.

152 Mr. Lee-Clark: Not sure how the "Rules for making Public Comments" would look - would these
153 suggestions be condensed for posting on the agenda and the website? And, Public Comments should
154 be more about comments than questions. Ms. Conner stated that while on Zoom the rules could be
155 condensed, but when meeting in-person, the entire list could be available next to where individuals
156 sign in.

157 Ms. Jenkins: There are 6 things that we usually say before Public Comment and will send those to the
158 Subcommittee to meld those into their suggestions to be handed out when we're back in-person.

159 *It was the consensus of the Board to move forward with these suggestions for Public Comment.*

160 **5A. ENERGIZER UPDATE**

161 Mr. Corey, as the Board representative to the reimagining of the Energizer facility, gave the
162 following presentation:

- 163 ❖ Energizer is winding down their business in Bennington and in the process of selling the real
164 estate.
- 165 ❖ The Town has received funding from - the Town Planning Grant, The Vermont Agency of
166 Commerce and Community Development, The Vermont DEC, and Shires Housing - to study the
167 potential reuse of the facility.
- 168 ❖ BCRC will serve as the Project Manager and will work with a Project Consultant to identify
169 economic development of the property and a town wide housing needs assessment.
- 170 ❖ Planning has already started and there will be a public meeting later in the spring for a
171 progress update and to solicit input from the community.
- 172 ❖ The study will be completed in September 2021.

173 *Board comments/questions:*

174 Mr. Carroll: Have there been any limitations on what may or may not be considered? Mr. Corey
175 answered not at all.

176 6. COMMUNITY POLICING

177 A. SECOND READINGS

178 1. USE OF SOCIAL MEDIA

179 Mr. Lee-Clark reviewed the following:

- 180 ▪ The name of the policy has been changed to "Officer and Employee Internet Postings/Social
181 Networking
- 182 ▪ The suggestions made by the Board during the 1st reading have been incorporated in the policy
- 183 ▪ Thanks to Pete Niles, Jackie Kelly, Robert Ebert, and Shawn Pratt, as well as, the 3 permanent
184 members - Bruce Lee-Clark, Dan Monks, and Dan Ferrara - for their work on this policy.

185 *Board comments/suggestions/questions:*

186 Mr. Carroll: Could we have this policy apply to town staff and Select Board members? Mr. Lee-Clark
187 answered that there could be something similar for town staff but questions the implications for
188 elected officials and the subject of free speech. Mr. Monks and Mr. Hurd agree that there should be a
189 social media policy for town staff, and Mr. Monks feels that there should be something in place for the
190 Select Board, as well. Ms. Jenkins added that any policy for town staff or the Select Board would be
191 reviewed by Town Counsel.

192 Mr. Corey: Has the Town Attorney look at this? Mr. Lee-Clark said yes.

193 Mr. Hurd suggested the following:

194 Line 20, Change "candidate shall" to "candidate for employment by the BPD shall"

195 *Bruce Lee-Clark moved and Tom Haley seconded to approve the Officer and Employee*
196 *Internet Postings/Social Networking policy amended as follows:*

197 *Line 20, Change "candidate shall" to "candidate for employment by the BPD shall"*

198 *The motion carried unanimously.*

199 2. SPECIAL EVENTS AND DEMONSTRATIONS

200 Mr. Lee-Clark reviewed the following:

- 201 ▪ Line 14 was changed from "fifty (50)" to "twenty-five (25)"
- 202 ▪ Page 2, Line 1, was changed from "disturbances, to include, a" to "disturbances and to ensure
203 the safety of the public, to include, but not be limited to, de-escalation, a"
- 204 ▪ Thanks to Lorna Cherlton, Hamilton Topping, and Chris Bates, as well as, the 3 permanent
205 members for their work on this policy.

206 Mr. Lee-Clark suggested adding:

207 Line 18, after "property." Add "Free speech events and demonstrations held on public property
208 are not subject to the collection of any fees."

209 *Board comments/suggestions/questions:*

210 Ms. Perrin: Feels the addition to Line 18 above captures our Vision Statement.

211 *Bruce Lee-Clark moved and Sarah Perrin seconded to approve the Special Events and
212 Demonstrations policy amended as follows:*

213 *Line 18, after "property." Add "Free speech events and demonstrations held on public
214 property are not subject to the collection of any fees."*

215 *The motion carried unanimously.*

216 **B. 1ST READING - BODY WORN CAMERAS (BWC)**

217 Mr. Lee-Clark reviewed the following:

- 218 ▪ We are governed by the State as to the process of releasing the camera recordings.
- 219 ▪ Thanks to Jeff Reed, Mark Blank, Reed Goossen, and April Dunham, as well as, the 3 permanent
220 members for their work on this policy.

221 *Board comments/suggestions/questions:*

222 Ms. Conner: Is there a time constraint for releasing the recordings? Mr. Lee-Clark stated that they are
223 to be released as soon as possible, however, that is followed by a list of exceptions to that. If it is
224 evidence, then it is up to the attorneys and the court to decide when they can be released. Otherwise,
225 the recordings are BPD documents, and therefore Town documents that are up to the BPD/Town to
226 release if requested to do so - in following the Vermont Statute 1 V.S.A. §317(c).

227 Mr. Carroll: Would like language that is clearer as to who controls the release of the recordings.

228 **C. OTHER**

229 Ms. Conner reported that the comment period for the first group of procedures ended on April
230 28th at 5:00pm with a total of 17 comments - not from 17 different people - that were received. We
231 don't know exactly when the next set of procedures will be released for comments but it will be
232 several months, perhaps late summer/early fall.

233 Ms. Jenkins reported that we have done research on community policing and oversight,
234 established a Town Vision and Police Department Mission, worked on the 14 most critical police
235 policies and procedures for each of those, and have engaged a large number of community residents
236 among all of the activities. Our next step is to formalize a role for the community in making
237 recommendations on policies, procedures, trainings, collaboration within the department, reviews of
238 police department complaints (to be discussed with our attorney as to protecting privacy while being

239 transparent), and data analysis. The Committee will be releasing a proposal to the Select Board and
240 community that will be discussed at the Select Board's May 24th meeting.

241 **7. CERTIFICATION AND ATTESTATION - CONVEYANCE OF REAL ESTATE**

242 Mr. Hurd explained that Henry W. Putnam built the hospital over a hundred years ago and the
243 Town became the trustee of the sites via a Deed of Gift. So, for the hospital to sell property, we
244 needed to go to court and amend the Deed of Gift which required the assistance of the Attorney
245 General's office and the mutual legal consultation of the hospital and the Town. The judgement that
246 was issued required that the Board sign a written Certification that will be recorded in the land records
247 that the Town has determined that the health care services to be delivered as a result of this
248 conveyance will comply with the judgement. Also, the Board members must Attest that they have
249 made that finding or that they have recused themselves from the subject due to a conflict of interest
250 with regard to the sale of the property.

251 Mr. Monks added that this agreement was recommended to us by two of our counsels, and if
252 the buyers do not provide health care to the community, the property will come back to the Town.

253 *Bruce Lee-Clark moved and Sarah Perrin seconded to approve the Certification and*
254 *Attestation of Select Board Members Regarding Conveyance of Real Estate In Trust to allow the sale*
255 *of CLR. The motion carried unanimously.*

256 **8. MANAGER'S REPORT**

257 Mr. Hurd reported the following:

- 258 ○ The new ladder truck that was to arrive in February should arrive in late May/early June.
- 259 ○ Kudos to Officer Rob Gronkowski and Gracie for being awarded the Vermont Canine Patrol
260 Team of the Year.
- 261 ○ Letters of Interest for Board and Commissions have been coming in and are due by May 14,
262 2021. Hopefully those incumbents that the Board wishes to re-appoint could be done at the
263 May 24, 2021 meeting with interviews scheduled for the new applicants during next week.
- 264 ○ An e-mail has been sent to the Department of Environmental Conservation (DEC) outlining the
265 Board's requests and they are looking at language that won't condemn wells that have been
266 clean for quite some time and hope that the monies available will help those that want to
267 connect to Town water to do so.
- 268 ○ In April 2015, the Select Board entered into the Interlocal Agreement with the Bennington
269 County Solid Waste Alliance (BCSWA). Our newest Solid Waste Implementation Plan required
270 small changes in the Interlocal Agreements originally signed by adding one meeting per year as
271 a minimum, providing a list of media for notices, and allowing for new programs and facilities,
272 such as, an asphalt shingles recycling program and applying for a grant for a Household
273 Hazardous Waste facility that would be open once a day/month from April to October.

274 Jeanne Conner moved and Bruce Lee-Clark seconded to accept the Interlocal Agreement with
275 the BCSWA as presented and authorize the Chair to sign on behalf of the Board. The motion carried
276 unanlously.

277 ○ We are serlously considering opening the Town Offices on June 1st which would also Include the
278 Senior Center. Paul Dansereau has given good suggestions for building movements and
279 signage. Mask wearing and safe distancing wlll continue to be enforced.

280 **8A. UPCOMING AGENDA**

281 May 24, 2021 - BBC Presentation on Next Year's Work Plan and Budget

282 May 24, 2021 - Proposal for the Safety and Equity Board

283 May 24, 2021 - Sidewalk Hot Mix Discussion

284 May 24, 2021 - Pollyc - 2nd Reading - Body Worn Camera

285 **9. OTHER BUSINESS**

286 Ms. Conner: Thanked everyone who participated in Green Up Day and looks forward to when Green
287 Up Day Isn't necessary.

288 Ms. Conner: Was encouraged at the number of people that participated in HazMat Day to dispose of
289 their hazardous material safely. Mr. Hurd added that people came from all over the county and there
290 are two more HazMat Days coming - one in Readsboro and one in September at the Dorset School.

291 Mr. Lee-Clark: Is a regular user of the Stark Street Playground and expressed his appreciation for the
292 new slgn.

293 Ms. Perrin: Mentioned the grass roots effort that has started to Clean the Streets of Bennington, and
294 she was able to hug her parents for the first time in quite some time.

295 **13. EXECUTIVE SESSION**

296 **A. PERSONNEL**

297 *At 8:38pm, Bruce Lee-Clark moved and Sarah Perrin seconded the adjournment of the*
298 *meeting finding that an Executive Session be held on Personnel as premature public knowledge*
299 *would place a person involved in the subject matter at a substantial disadvantage. No action will be*
300 *taken this evening. The motion carried unanimously.*

301

302 Respectfully submltted,

303 Nancy H. Lively

304 Secretary

**SELECT BOARD
MINUTES**

May 10, 2021

Present: Jeanne Conner, V. Chair, Jeannie Jenkins, Chair, Jim Carroll, Sarah Perrin, Bruce Lee-Clark, Gary Corey and Tom Haley.

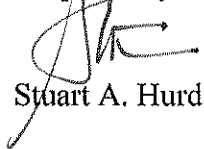
Also present: Stuart Hurd, Town Manager

The Board went into executive session at 8:37 pm for a personnel matter.

The Board came out of executive session at 9:37 pm. No action was taken.

There being no other business, the meeting adjourned at 9:37 pm.

Respectfully submitted,



Stuart A. Hurd