

35 A. MINUTES OF APRIL 29, 2021 AND MAY 10, 2021

36 B. WARRANTS

37 C. LIQUOR LICENSE RENEWAL

38 Sarah Perrin moved and Bruce Lee-Clark seconded to approve the Consent Agenda
39 with the Minutes of May 10, 2021 amended as follows:

40 Minutes of May 10, 2021 - Line 54, Change "bipop" to "BIPOC"

41 The motion carried unanimously.

42 3. PUBLIC COMMENT

43 Ms. Jenkins read the following Public Comment Practices to make the experience for all
44 involved a productive and informative use of the Public Comment period at Select Board
45 meetings:

- 46 1. Public Comment is to allow residents an opportunity to share information or
- 47 make announcements that benefit the community at large.
- 48 2. The topic should **not** be related to an agenda item. If a member of the public
- 49 wants to comment on an agenda item they can do so during the discussion of
- 50 that item.
- 51 3. Comments should be 3 minutes or less.
- 52 4. You are required to state your name and town of residence.
- 53 5. Sharing comments, announcements and concerns are encouraged rather than
- 54 asking questions. Public Comment is not a time for discussion. If you have
- 55 specific questions it is best to call the Town Manager to get a full explanation
- 56 and accurate information.
- 57 6. If the topic requires much discussion the item will be considered as an agenda
- 58 item at a future meeting.

59 Lynn Fonteneau-McCann: Shared the following information about the Bennington Free Library:

- 60 ✓ The Library has been open since May 17th on Monday, Wednesday, and Saturday from
- 61 10:00am-1:00pm and Thursday from 4:00pm-7:00pm. Hours will increase as it is safe to
- 62 do so.
- 63 ✓ Masks are still required and browsing is permitted.
- 64 ✓ A survey is being done to solicit comments and suggestions from the public. There will
- 65 be a drawing on June 1st for various gifts as an incentive to participate. All surveys must
- 66 be completed by May 31, 2021 to be eligible for the drawing.
- 67 ✓ Be sure to check our social media venues as we regularly post information on Facebook,
- 68 Front Page Forum, and on the Library's website.

- 69 ✓ Coming up we have Aging Gardens/Aging Gardeners on June 7th; Online discussion on
- 70 The Hate You Give; and School children designing sneakers to be completed by June
- 71 21st.
- 72 ✓ Contact the Library with any questions that you have via e-mail or telephone.

73

74 Nancy White: Verified that she received the information about the YMCA she had requested
75 from Mr. Hurd. She will review it when time allows and get back to Mr. Hurd. Mr. Hurd added
76 that the YMCA had just completed their audit and it was determined that they had a better
77 year than expected that will require a financial adjustment with the Town.

78 Nancy White: What will be done with the excess funds of \$379,000 in the Rec Center budget at
79 the end of the budget year? Mr. Hurd answered, by State Law, any excess funds from any
80 budget will be moved into the Fund Balance that will be carried over into future years to be
81 used as needed. Such as, reshingling the Senior Center roof and maintenance of the SVC fields.

82 Nancy White: Will the new Public Information Officer position be paid for from these excess
83 funds: Mr. Hurd stated that that position will be paid for from the FY22 budget if approved by
84 the Board.

85

86 Matt Harrington: Shared the following information about the Garlic Town, USA event that the
87 Southwestern Vermont Chamber of Commerce, in partnership with the Better Bennington
88 Corporation (BBC) and the Town of Bennington, will be sponsoring:

- 89 ✓ Garlic Town, USA will be taking place in downtown Bennington on September 4, 2021 in
90 lieu of Garlicfest.
- 91 ✓ Last year this event drew 3,000 visitors and downtown businesses reported the best day
92 of the year, as well as, the best weekend sales in 10 years.
- 93 ✓ There will be sidewalk sales, music, kids activities, and restaurants will have outside
94 entertainment and garlic themed dishes.
- 95 ✓ There will be 100 vendors in 4-5 "cloves" creating mini Garlic Town's throughout the
96 area.
- 97 ✓ All-Access Passes are now available on the website, www.GarlicTownUSA.com , for
98 \$12.00, and that families can purchase for \$25-\$30 which includes two adults and
99 unlimited children.
- 100 ✓ Downtown Bennington will be open at no charge but entry to each clove will carry a
101 nominal fee if not in possession of an All-Access Pass.
- 102 ✓ North Street, South Street, and Main Street will remain open, however, we may seek to
103 close part of School Street, Silver Street, and Valentine Street.

104 ✓ The Chamber thanks the Vermont Department of Health, Southwest Vermont Health
105 Center, the Better Bennington Corporation, the Town of Bennington, and the Police
106 Department for their support and guidance.

107 *Board comments and questions:*

108 Mr. Carroll: Would like to see the car show in the downtown formatted similarly to Garlic Town.
109 Mr. Harrington added that we are working with a Pre-World War II Classic held at the Veteran's
110 Home and Riley Rink in Manchester for later in September.

111

112 Jonathan Dove: Congratulated the Police Department on their IACP review.

113

114 4. EXTENSION OF DESIGNATED DOWNTOWN

115 Shannon Barsotti and Michael McDonough did the following presentation on the extension of
116 the Designated Downtown:

- 117 ➤ For the recommended extension of the Designated Downtown, the Select Board must
- 118 approve a Resolution to Apply for an Amendment to the Designated Downtown District.
- 119 ➤ By extending the district along Main Street east to Pleasant Street, property owners will
- 120 be eligible for historic, state, and federal tax credits in addition to other downtown
- 121 grants and improvement programs.

122 *Board comments/questions:*

123 Mr. Lee-Clark: Are there any costs involved? Ms. Barsotti answered not at this time, however, it
124 would be the property owners' responsibility - and time - to fill out the tax credit applications.

125 Mr. Corey: Why not open this up to the entire Historic Central Business Design Review District?
126 Ms. Barsotti stated that it makes sense to include the old Benn High, but since much of Main
127 Street is commercial, "it's not as easy of a sell to the State". Mr. McDonough added that the
128 Designated Downtown District comes with certain statutory requirements. The BBC is working
129 on re-evaluating the downtown which may turn up areas that would require a future
130 conversation, however we felt it was important to "fast track" this area given the dynamic at
131 the old Benn High building.

132 ***Jim Carroll moved and Gary Corey seconded to approve the Resolution to Apply for an***
133 ***Amendment to the Designated Downtown District to extend Bennington's Designated***
134 ***Downtown District to include properties abutting Main Street up to Pleasant Street and to***
135 ***authorize the Chair to sign on behalf of the Board. The motion carried unanimously.***

136 Ms. Barsotti will correct the spelling of Ms. Conner's name from "Connor" to "Conner".

137 **5. COMMUNITY POLICING**

138 **A. BODY WORN CAMERAS - 2ND READING**

139 Mr. Lee-Clark reviewed the following:

- 140 ○ II Policy; Page 2, Line 8, Add “(See 1 V.S.A. § 317, and 5 U.S.C. § 592 (b) (7)
- 141 [Freedom of Information Act])”

142 ***Bruce Lee-Clark moved and Jeanne Conner seconded to adopt Policy Body Worn***

143 ***Cameras (BWC) as presented.***

144 Ms. Perrin wanted to note that she has no concerns with this policy as written

145 but does have a concern with a policy that it references - the Interim Citizen Advisory

146 Protocol - in that releasing a video or identity information puts a matter at risk and

147 retaliation, and discourages people from reporting. She will vote for this policy but

148 thinks that the goal of increasing trust with the community might be undermined by

149 what the policy refers to.

150 Ms. Jenkins state that the Citizen Advisory Protocol isn't a policy, it's an Interim

151 Protocol that is currently being reviewed.

152 Mr. Lee-Clark stated that the Protocol is not intentionally referred to in this

153 policy.

154 Ms. Perrin feels that it is implied and wants her concerns about it noted.

155 ***The motion carried unanimously.***

156 **B. SAFETY AND EQUITY COMMITTEE PROPOSAL**

157 Ms. Jenkins stated the following:

- 158 ○ This proposal is part of a 2-step process created by the Working Group - Ms.
- 159 Jenkins, Ms. Conner, and Mr. Lee-Clark - that we're asking for people to give us
- 160 feedback on.
- 161 ○ Part 1 is to create a Task Force of up to 11 community members to be
- 162 established to be facilitated by staff from the National Organization for Civilian
- 163 Oversight of Law Enforcement (NACOLE) to explore the name, charge,
- 164 membership, structure, and scope of a safety and equity board to accomplish
- 165 the charge as set by the Bennington Select Board.
- 166 ○ The arbitrary timeline for illustrative purposes only began on August 2nd but
- 167 could be earlier or later.
- 168 ○ The recommendations of the Task Force will be reviewed by the Select Board
- 169 and the final decision regarding the community safety and equity board remains
- 170 at the sole discretion of the Select Board.

- 171 ○ The Proposal was in the Board Packet, on the Town website, and there was an
172 article on it in the Banner. Comments on it will be taken until June 4th.
173 Bibliographies on Oversight Committees and Community Policing are available
174 for consideration.
175 ○ We have researched other communities as to how they have set up their
176 Oversight Committees.
177 ○ There will be an application process to participate on the Task Force and the
178 Select Board will choose the members.
179 ○ There will be another draft presented to the Select Board at our June 14, 2021
180 meeting.

181 Ms. Conner added the following:

- 182 ○ The name - Safety and Equity - is a work in progress and may change.
183 ○ Having an active BPD officer on our committees has been very beneficial.
184 ○ Public comments received so far are, and were received from, as indicated:
185 ▪ Nurse - training in mental health is critical.
186 ▪ Former Police Officer - an Oversight Board is a time honored and
187 appropriate and legitimate tool used in law enforcement agencies.
188 ▪ Clergy Member - include encouragement of the Police Department, 11
189 members is good and should reflect diversity in the community. The
190 concern was that expectations of the Board would be too high.
191 ▪ Citizen - pleased the Town was moving forward.
192 ▪ Citizen - thank you.

193 Mr. Lee-Clark added the following:

- 194 ○ The number of areas of expertise and experiences was intended to create as
195 much diversity as possible. It may be that there would be multiple applicants
196 from one area and none from another.

197 *Public comments/questions:*

198 Mia Schultz, Rutland Area NAACP President:

- 199 ○ Read a letter from the NAACP and ACLU that spoke against the Proposal as
200 submitted in that it is “deeply flawed including the lack of charge or
201 stakeholder inclusion”.
202 ○ They question that Town leadership is creating a “genuine system of police
203 accountability”.
204 ○ The proposed Task Force is unnecessary and squanders valuable time for
205 several more months. It’s already been over a year since the IACP
206 recommended an oversight board.

- 207 o Racial disparities in Bennington traffic data continue to go unabated, public
208 input has already been received, and NACOLE and others already have a
209 process for establishing Civilian Oversight.
210 o An Oversight Board should, at minimum, have subpoena powers,
211 independence, funding, diverse membership, transparency, and policy making
212 authority.
213 o Requiring criminal justice training will make the marginalized less likely to join.
214 o The Proposal does not mention anything about child care, transportation,
215 durations, dates of meetings, or a general time commitment expectation.
216 o The inclusion of a BPD officer on the Board will weaken accountability, one
217 BIPOC member is a token gesture when there should be as many BIPOC
218 members as possible, as well as, homeless and economically marginalized.

219

220 Mike Bethel: Is in favor of the Proposal, the Board should include as many BIPOC members as
221 possible, and have the panel make recommendations.

222

223 Jonathan Dove addressed by Ms. Jenkins: Time frame? Six months.

224 Jonathan Dove addressed by Ms. Jenkins: Number of categories? There are 13 categories but
225 the intent is not to have one from each category.

226

227 **C. OTHER**

228 No report.

229 **6. BOARDS AND COMMISSIONS - APPOINTMENTS**

230 **A. INTERVIEW SCHEDULE**

231 Ms. Jenkins reported:

- 232 ❖ We will not be making any appointments tonight.
233 ❖ There are 16 applications - more applicants than positions.
234 ❖ 10 were from those never having served on a board before or who wanted to run for a
235 different board.
236 ❖ We will schedule interviews for 12 applicants for the Historic Preservation Board - 10
237 new and 2 incumbents - so we can make the appointments at our June 14th meeting.

238 **7. SIDEWALK PAVING CONSIDERATION**

239 Mr. Hurd and RJ Joly, Public Works Director did the following presentation:

- 240 ✓ The cost comparison for concrete vs. pavement sidewalks as of January 2021 is
241 substantial - concrete is \$19.64/linear foot and hot mix (asphalt) is \$9.88/linear foot.
242 ✓ Asphalt should not be used in the Downtown - Main Street and North and South Streets.
243 An extension of this area can be re-evaluated as the Board wishes.
244 ✓ School Street, Pleasant Street, and Maple Street will be concrete.
245 ✓ The hope is that the Board will allow concrete curbing with asphalt sidewalks on
246 Washington Avenue and Dewey Street so we can utilize the waterline grants that we
247 have received this year.
248 ✓ In a good year, we may do 3,000 feet of concrete sidewalks and this year we have 5,743
249 feet of sidewalk and 8,170 feet of curbing that has to be done in this coming fiscal year.
250 ✓ We need to be able to have the option of asphalt to be able to complete the footage of
251 sidewalk work we have to do.
252 ✓ The asphalt sidewalks will have concrete curbing so it will be aesthetically appealing
253 when done.
254 ✓ Asphalt is a good finished product. We don't have to cut joints in it, it's easier to walk
255 on, and frost heaves and tree roots are non-issues. If we have to work on an individual
256 waterline break, we can just remove the necessary section and only get the amount we
257 need to replace it.
258 ✓ Concrete now has a 6.5 minimum load charge so the resident will have to pay \$810 to
259 fix a 5'x5' area with concrete.

260 *Board comments/questions answered by Mr. Joly:*

261 Ms. Conner: Is there a way to increase the life of concrete? We have proof that both concrete
262 and asphalt last a long time, and asphalt is less expensive and much faster to work with.
263 Through the years we have added fibers to strengthen concrete, the curing process is very
264 important to the end product, and we now spray it with sealer which has extended its life.

265 Ms. Conner: Why doesn't the asphalt sidewalk on Congress Street have a concrete curb? We
266 didn't put the concrete curbs in because the worker closeness required wasn't safe during
267 COVID.

268 Mr. Corey: Feels that, with a good base, concrete will last longer and is more aesthetically
269 pleasing on the streets in town. Mr. Joly stated that with budget cuts in repeated years and 40
270 miles of sidewalks to maintain, we can't "keep our heads above water" when 2,500 feet of
271 those sidewalks need to be concrete.

272 Mr. Carroll: Kudos to town staff for the work that they do, and, at a savings of more than half, it
273 would be foolish not to consider using asphalt in areas of the Town.

274 Mr. Carroll: Isn't it correct that repairing asphalt is easier? It is easier - forms are not needed -
275 and substantially cheaper. "There are many good savings as far as using black top. This doesn't
276 mean that I would want to do all black top and throw away the forms. Absolutely not."

277 Ms. Perrin: How long can asphalt sidewalks last compared to concrete? "It's a guess." Asphalt
278 has lasted 50-60 years, it may crack like a road but it will remain smoother. It doesn't heave
279 because it doesn't need expansion joints.

280 Ms. Perrin: How do you rate plowing asphalt vs. concrete sidewalks? The sun is drawn to the
281 darker asphalt material and asphalt is smoother so the worker isn't feeling every joint as they
282 plow. It is definitely easier to plow the asphalt sidewalks.

283 Ms. Perrin: Proposed the Board form a sub-committee.

284 *Public comments/questions answered by Mr. Joly:*

285 Mike Bethel: The joints in the concrete sidewalks are a problem for wheel chairs. Can
286 something be done about that? We try to make them as minimal as possible but the joints have
287 to be there.

288 Mike Bethel: Supports the use of black top away from the Downtown to save some money.

289 Nancy White: The residential neighborhoods deserve concrete unless it's on the edge of Town
290 and the citizens should have a list of when sidewalks will be done.

291 *It was the consensus of the Board that a Sidewalk Sub-Committee be formed made up of*
292 *Gary Corey, Sarah Perrin, and Jim Carroll who will contact Dan Monks and RJ Joly to set up a*
293 *meeting time at the earliest convenience of everyone with a report to be presented at the next*
294 *Select Board Meeting on June 14, 2021. Any Board questions will be sent to the Sub-Committee*
295 *prior to their meeting with Mr. Monks and/or Mr. Joly.*

296 **8. PUBLIC INFORMATION OFFICER**

297 Mr. Hurd did the following presentation:

- 298 • It has been a concern about our ability to get information out to the public.
- 299 • We have a Town website, Town Clerk's website, Police Department's website, and
300 Zoning Department website all acting independently from each other and cumbersome
301 to operate.
- 302 • We currently contract out website updates and presentation of what appears on the
303 Police website.
- 304 • It was pointed out during Mr. Hurd's evaluation that there needs to be improvements
305 with communication, and this position, will be the umbrella under which we can be
306 "proactive" instead of "slow to get information out" - good or bad.
- 307 • There are funds in the budget to fund a new position, Public Information Coordinator,
308 for the first year.
- 309 • This position was created by Ms. Barsotti, Mr. Monks, and Mr. Hurd.
- 310 • The Job Summary is:

311 o The Public Information Coordinator (PIC) is responsible for assisting with the
312 creation and implementation of all Town of Bennington public information
313 initiatives. The PIC will oversee project management and process issues for the
314 entire Town of Bennington municipality. Under management supervision, the
315 PIC prepares and provides public information to the community and coordinates
316 responses to Public Records requests. The position will oversee multi-
317 departmental and/or multi-town projects and ensure that the Town is in
318 compliance with all policies and procedures.

319 *Board questions/comments answered by Mr. Hurd:*

320 Mr. Carroll: Will this position have editorial and release control or will there be oversight by the
321 Town Manager? This individual should serve as an editorial professional capable of writing and
322 editing copy but the Town Manager is responsible for anything that leaves the office.

323 Mr. Haley: Noted that creating and updating a website are completely different skill sets and
324 the concern is that the person creating the website will ultimately not be fulfilled by the
325 updating process.

326 Mr. Haley: The Town’s website is the presentation of the Town to anyone who Googles it and
327 needs to be our best foot forward. He is excited about this new position.

328 Mr. Lee-Clark: Supports the position but it is not a substitute for making policy, and although he
329 is in support of the position, he will “be driving” to have a Public Information Policy in place.

330 Ms. Conner: Should this position report to Ms. Barsotti instead of the Town Manager? This
331 position will be a second person in the Community Development Department. Ms. Barsotti’s
332 responsibilities would remain the same and this person would be an equal partner to her for
333 the “development of a better community for all”. Ms. Barsotti added that all of the Town
334 departments are very busy and don’t have the time to stay on top of communication with the
335 community that may have existed 10 years ago.

336 Ms. Conner: Having one person that everyone goes to will create the consistency that is so
337 important.

338 Mr. Corey: Will updating the website be a precursor to this person being hired? It is not in the
339 works with the hope that this person would oversee the updating of our websites with the full
340 understanding that creating a website and updating an existing website are different skill sets.

341 Mr. Monks: Clarified that Ms. Barsotti, Mr. Hurd, and himself will need to provide the content
342 that goes into the website. The new person will be responsible for obtaining and organizing
343 what he/she is given and presenting it to the public in a user-friendly format.

344 *Public comments/questions:*

345 Mike Bethel: Feels that there is enough staff in the Town Office to do this without creating a
346 new position for a salary and benefits of \$80,000.

347 *It was the consensus of the Board that this position needs more discussion and Mr. Hurd*
348 *will bring it back to the Board at the June 14, 2021 meeting.*

349 **9. MANAGER'S REPORT**

350 Mr. Hurd reported the following:

- 351 ○ Events coming to the Rec Center property are:
 - 352 ■ Gardening events at the Community Garden.
 - 353 ■ New child recreation area at the Bradford/Gage Street corner.
- 354 ○ Groundwater Reclassification - The State has proposed a revised Reclassification Order
355 that is intended to remove the non-potable term from those wells that have been free
356 of PFOA for an extended period. The comment period ends May 28th.
- 357 ○ Mask Resolution - We are in conflict with the Governor if we do not repeal the
358 Resolution that mandated mask wearing on May 25, 2020 and was amended on June 8,
359 2020. Stores are already amending their requirements and we don't want to try
360 enforcing a mandate that is not supported by the CDC or the Governor. This will be on
361 the June 14th agenda.

362 Additional items:

- 363 ○ Ms. Barsotti: An event at the Red Center green space at noon on Saturday, May 29th.
- 364 ○ Ms. Barsotti: Workshops at the Community Garden on June 5th from 10:00am-Noon.
- 365 ○ Ms. Barsotti: Kickoff at the Merchants Park (Splash Pad Park) stage on June 8th from
366 6:00pm-8:00pm with Soul Steps the performers.

367 ***Jim Carroll moved and Sarah Perrin seconded to rescind the Resolution mandating***
368 ***mask wearing from May 25, 2020 and amended on June 8, 2020.***

369 Mr. Lee-Clark questioned if rescinding the masks Resolution is appropriately before the
370 Select Board since it was not an agenda item that the public had an opportunity to comment
371 on.

372 Mr. Carroll noted that it doesn't have to be an agenda item for the Board to vote on
373 something and we are leaving it up to the businesses to do as they wish.

374 Ms. Conner feels that the decision to rescind requires more thought.

375 ***Sarah Perrin withdrew her second and Jim Carroll withdrew the motion.***

- 376 ○ Ms. Conner: Are we all set with the text for the Rec Center signage? Yes.

377 ○ Ms. Conner: Is there going to be additional fencing on the Pleasant Street side of the
378 Splash Pad? Yes, and the Splash Pad is expected to be open to the public Memorial Day
379 Weekend.

380 **10. UPCOMING AGENDA**

381 June 14, 2021 - Mask Resolution

382 June 14, 2021 - Proposal for the Safety and Equity Board

383 June 14, 2021 - Sidewalk Sub-Committee Report

384 June 14, 2021 - Proposal for Recovery Housing

385 June 14, 2021 - Public Information Officer Position

386 **11. OTHER BUSINESS**

387 Ms. Conner: Went to Youth Appreciation Day on Saturday at the Lions Park in North Bennington
388 and shared 4 cards that the MAUMS Youth Leadership Group had created. DARE has a short
389 video that they would like the Select Board to show at a meeting in the future.

390 Mr. Carroll: Wondered if the paths at the former One World Conservancy could be paved to
391 help control the tick population, and Mr. Monks answered they cannot because that is a
392 wetland.

393

394

395 *At 8:22pm, Sarah Perrin moved and Bruce Lee-Clark seconded the adjournment of the*
396 *meeting. The motion carried unanimously.*

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400

401 Respectfully submitted,

402 Nancy H. Lively

403 Secretary

404