

1 **BENNINGTON SELECT BOARD MEETING**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **AUGUST 23, 2021**

5 **MINUTES**

6 **SELECT BOARD MEMBERS PRESENT:** Jeannie Jenkins-Chair; Jeanne Conner-Vice Chair; Bruce  
7 Lee-Clark; Jim Carroll; Tom Haley; and Gary Corey.

8 **SELECT BOARD MEMBERS ABSENT:** Sarah Perrin.

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Michael  
10 McDonough; Jim Vires; Bruce Lierman; Debbie Mann; Rose Telford; Josh Boucher-CAT-TV; and  
11 Nancy H. Lively-Secretary.

12 At 6:00pm, Ms. Jenkins called the meeting to order and asked those not vaccinated to  
13 wear a mask or social distance if unable to wear a mask, and that there are wipes to wipe down  
14 the microphone if you wish to speak.

15 **1. PLEDGE OF ALLEGIANCE**

16 The Pledge of Allegiance was recited.

17 **2. VISION STATEMENT**

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

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

22 **3. CONSENT AGENDA**

23 **A. MINUTES OF AUGUST 9, 2021**

24 **B. WARRANTS**

25 *Jim Carroll moved and Bruce Lee-Clark seconded to approve the Consent Agenda with*  
26 *the Minutes of August 9, 2021 amended as follows:*

27 *Line 21, Change "recited by" to "recited."*

28 *Line 99, Change "Pike." to "Dyke and Kate Canning."*

29 *The motion carried with Sarah Perrin absent.*

30 **4. PUBLIC COMMENT**

31 The following Public Comment Practices to make the experience for all involved a  
32 productive and informative use of the Public Comment period at Select Board meetings was  
33 placed on the podium for those that wish to make Public Comments to reference:

- 34 1. Public Comment is to allow residents an opportunity to share information or  
35 make announcements that benefit the community at large.
- 36 2. The topic should **not** be related to an agenda item. If a member of the public  
37 wants to comment on an agenda item they can do so during the discussion of  
38 that item.
- 39 3. Comments should be 3 minutes or less.
- 40 4. You are required to state your real name and town of residence.
- 41 5. Sharing comments, announcements and concerns are encouraged rather than  
42 asking questions. Public Comment is not a time for discussion. If you have  
43 specific questions it is best to call the Town Manager to get a full explanation  
44 and accurate information.
- 45 6. If the topic requires much discussion the item will be considered as an agenda  
46 item at a future meeting.

47 Bruce Lierman, coordinator of Window Dressers, an organization to help people winterize their  
48 houses. Window inserts - built by volunteers - go in the interior of your house next to existing  
49 windows to provide two dead air spaces and cut out drafts. The inserts last about 10 years, and  
50 if one gets damaged, one will be rebuilt for you at minimal cost. These are available for both  
51 residential and commercial properties, and if you sign up for a workshop, your building will be  
52 evaluated as to your needs with a price given at the time of the visit. Pricing of an average  
53 sized window is ~\$40 with special pricing available as needed, and some scholarships available,  
54 as well. Also, as long as something is paid toward the inserts, Efficiency Vermont will send you  
55 a rebate of up to \$200. There will be a workshop at 239 Main Street to build the anticipated  
56 200 inserts from November 4-7, 2021. Sign up can be done at [www.windowdressers.org](http://www.windowdressers.org) or at  
57 our local website.

## 58 **5. COMMUNITY POLICING UPDATE**

### 59 **A. SECOND READING - EMPLOYEE NEPOTISM AND FRATERNIZATION**

60 *Bruce Lee-Clark moved and Jim Carroll seconded the adoption of the Policy on*  
61 *Employee Nepotism and Fraternization as presented. The motion carried with Sarah Perrin*  
62 *absent.*

63 Mr. Lee-Clark thanked Committee members Lon McClintock, Kara Lusa, John Dyke and  
64 Kate Canning for their work on this policy.

### 65 **B. FIRST READING - CODE OF CONDUCT**

66 Mr. Lee-Clark stated:

- 67 • Thanked Committee members Lynn Mazza, Beth Sausville, Peter Lawrence and Lauren  
68 Wilcox for their work on this policy with Dan Monks, Dan Ferrara and himself.
- 69 • Our Town Attorney has reviewed the policy and “for the most part, left it alone”.
- 70 • Code of Conduct policies, in general, are how we expect our law enforcement officers to  
71 behave.
- 72 • This policy speaks to performance and discretion - sometimes action is needed and  
73 sometimes no action is needed.

74 *Board comments/suggestions:*

- 75 ○ In foreshadowing of the Use of Force Policy (Statewide), Page 1, Related  
76 Policies, should be deleted.
- 77 ○ Page 4, Line 14, Change “Council” to “Center”
- 78 ○ Page 5, Line 4, Change “BOD” to “BPD”
- 79 ○ Page 5, Line 14, Change “maintain” to “maintaining”

80 Any additional Board comments/suggestions need to be to Mr. Lee-Clark just after Labor  
81 Day, September 6<sup>th</sup>.

82 **C. USE OF FORCE POLICY (STATEWIDE)**

83 Mr. Lee-Clark noted the following on the Use of Force Policy (Statewide):

- 84 ➤ The Statewide Policy on Police Use of Force that is to go into effect on October 1, 2021  
85 must be adopted by all police departments in the State of Vermont.
- 86 ➤ We cannot change it, however, in many ways it mirrors our policy in terms of  
87 fundamental definitions.
- 88 ➤ It addresses use of force and not response to resistance which Mr. Lee-Clark finds  
89 favorable.
- 90 ➤ The Committee that reviewed our policy also reviewed this policy with positive  
91 comments finding a statewide standard favorable.
- 92 ➤ This policy covers both policy and procedure, as well as, both Use of Force and Duty to  
93 Intervene that we had separated in our policies.

94 ***Bruce Lee-Clark moved and Jeanne Conner seconded to adopt the Statewide Policy on***  
95 ***Police Use of Force as presented. The motion carried with Sarah Perrin absent.***

96 Mr. Lee-Clark feels that the presentation of this policy should be consistent with our  
97 policies and will ask our attorney if that is acceptable.

98 **D. OTHER**

99 Ms. Conner reported the following:

- 100 ❖ The application period to apply for the Safety and Equity Task Force is closed.

- 101 ❖ We received 14 applicants - thank you to them and the Town Office Staff who helped us
- 102 with the process.
- 103 ❖ Interviews will begin in mid-September and Ms. Jenkins, Mr. Lee-Clark, and Ms. Conner
- 104 are in the process of writing the interview questions.
- 105 ❖ The Task Force is expected to be chosen the week of September 20<sup>th</sup>.

106 **6. COVID RELATED ISSUES**

107 Ms. Jenkins shared the following:

- 108 ▪ This is on the agenda because of the changing climate with COVID.
- 109 ▪ We had asked questions of Dr. Trey Dobson, Medical Director at SVHC, that he has
- 110 responded to in an e-mail that encourages wearing masks for everyone during meetings
- 111 or any inside event.
- 112 ▪ Town Counsel has stated that we can set aside an area of the room for those that
- 113 cannot, or choose not to, wear a mask for the protection of everyone.
- 114 ▪ The Town Office has signage on the door asking the unvaccinated to wear a mask.
- 115 ▪ From the Vermont Department of Health (VDH), the vaccination rate in Bennington is at
- 116 80.4% of eligible population and the State is at 85.1%.
- 117 ▪ From the VDH, current 4-day rate of new cases of COVID in Bennington County is 73
- 118 which is consistent with neighboring counties.
- 119 ▪ From the VDH, the average 7-day statewide positivity rate is 3%.
- 120 ▪ Dr. Dobson will be attending the September 13<sup>th</sup> Board Meeting.

121 *Board comments:*

- 122 ▪ Mr. Lee-Clark: Wears a mask in other inside environments and encourages the Board to
- 123 do so for Board meetings.
- 124 ▪ Ms. Conner: Currently was exposed to an individual that tested positive, all that were
- 125 exposed tested negative, and feels that being outside was the reason for the negative
- 126 tests. Also wears her mask in other inside environments and will wear it at the meetings
- 127 regardless of the Board decision. There are no down sides to wearing a mask, except its
- 128 slight discomfort, but there are down sides to not wearing one.
- 129 ▪ Ms. Conner: Should we also be social distancing in addition to masking, and Mr. Hurd
- 130 answered not at this time.
- 131 ▪ Mr. Carroll: Wears a mask at all inside venues and has no problem with wearing it at the
- 132 meetings.
- 133 ▪ Mr. Haley: Began wearing a mask inside again so as not to give anyone else COVID and
- 134 favors wearing a mask at the meetings. A mask will not stop who's wearing it from
- 135 getting COVID.
- 136 ▪ Mr. Corey: Feels that the case rate of 18-19/day may continue so it is smart to protect
- 137 ourselves and those around us.

138       ▪ Mr. Corey: Would like to ask Dr. Dobson if he feels we should also social distance in  
139           addition to masking, and Ms. Jenkins said we will ask him.

140   *Public comments:*

141   Michael McDonough: The Better Bennington Corporation has resumed wearing masks because  
142   they deal with visitors from everywhere but will also be wearing them for internal meetings.

143   Jim Vires: Wears a mask to protect those that he loves, himself and those that cannot get  
144   vaccinated such as those under the age of 12.

145           ***Jeanne Conner moved and Bruce Lee-Clark seconded to ask that everyone be masked***  
146   ***at the Board meetings, including the Board members, and to set aside an area for those that***  
147   ***cannot, or chose not to be vaccinated, beginning at the September 13, 2021 Board Meeting.***  
148   ***The motion carried with Sarah Perrin absent.***

149           Mr. Monks added that the Development Review Board and Planning Commission are  
150   already wearing masks.

151   **7. MANAGER'S REPORT**

152           Mr. Hurd reported the following:

153       ❖ *Garlic Town Road Closures* -

154           ***Bruce Lee-Clark moved and Tom Haley seconded to approve the following road***  
155   ***closures from 6:30am-6:00pm for the Garlic Town event on September 4, 2021 after all***  
156   ***abutting land owners have been notified:***

157                           ***School Street from Main Street to Pleasant Street***

158                           ***Valentine Street (the whole length) from Union Street to Pleasant Street***

159                           ***Depot Street from Main Street to the Entrance to GBIC's***

160   ***The motion carried with Sarah Perrin absent.***

161       ❖ *Senior Programs* - The Senior Center Director has shared the number of visits to the  
162   Senior Center during June and July with Bingo and Bone Builders very important  
163   offerings. However, it would also be helpful to know the range of ages, number of male  
164   and female, what programs are desired, how to better communicate with the senior  
165   community, what other centers are doing, the role of Meals on Wheels, how does the Y  
166   fit in, what other space may serve us better, and how other agencies may assist us in  
167   meeting the needs of the Seniors. We have begun to collect some of this data, and my  
168   goal is to report back to the Board no later than November 8, 2021 to consider changes  
169   and to better understand budgetary impacts for the following fiscal year.

170           Ms. Jenkins had done some research with the following results:

- 171 ✓ Our Senior Center is the only designated senior center in Bennington
- 172 County, whereas, Rutland County has four.
- 173 ✓ We have an obligation to seniors in the entire county.
- 174 ✓ The age range is almost entirely 70-89 years old with four 90 year olds
- 175 and a few 50-60 year olds.
- 176 ✓ Over 90% are women with a small number of men. The Art Program has
- 177 the most male participants.
- 178 ✓ There were 100 people that had any interaction with the Center from the
- 179 beginning of June to the end of July.
- 180 ✓ Most participants are from the Town of Bennington.
- 181 ✓ More than 50% of those that had anything to do with the Center had
- 182 either attended Bingo or Bone Builders with very little crossover of
- 183 programs.
- 184 ✓ Card games are not an official activity yet but groups are being
- 185 developed.
- 186 ✓ We don't know how many seniors are also utilizing the YMCA activities.
- 187 ✓ Other towns with senior centers stated that "talking up" the activities is
- 188 important.
- 189 ✓ All of the 30 senior centers in the State are in the process of reimagining
- 190 their programing. Rutland changed their name from Senior Center to
- 191 Adult Center and offer e-bike rentals.
- 192 ✓ Many are becoming more inclusive with the population that they serve
- 193 by offering programs for those with physical and mental disabilities.
- 194 ✓ Those that are affiliated with their towns are "seamless" with their
- 195 budgets and other town programming.
- 196 ✓ Everyone should visit the Rutland GODNIK website to see what they have
- 197 done.
- 198 ✓ A consideration for the Board as they look into our fee structure is to not
- 199 base it on age but rather on usage or another criteria.

200 *Public comments/questions:*

201 Debbie Mann: Is concerned about mixing age groups at the Senior Center since the older  
202 members will not be receptive to it, more help is needed for the Director as she isn't able to  
203 cover everything, and the hardship of relocating away from Meals on Wheels. Also, Silver  
204 Sneakers used to be offered at the Center but is now part of the YMCA programing that is an  
205 additional charge.

206 Rose Telford: Need more help at the Senior Center with activities.

207 ❖ Highway Discontinuance Issues - Two issues have arisen regarding two roads brought to  
208 my attention by VTRANS. The first involves highway mileage (TH29) and the second

209 involves E911 addressing (the drive into the Brookside Apartments). Those impacted by  
210 the recommended changes have been notified and have no objections.

211 *It was the consensus of the Board for Mr. Hurd to proceed to formally warn a public*  
212 *hearing for late October.*

213 ❖ Morgan Spring Delivery System Relocation - We are very close to an agreement on this -  
214 perhaps by September 15<sup>th</sup>. If we close this negotiation, construction could start in  
215 September 2021 and conclude before March 2022, possibly by December 2021. Select  
216 Board approval will ultimately be needed for any new contracts for water purchases.  
217 The current contract expires on January 3, 2023.

218 In addition:

219 ✓ The Town Clerks Office and Secretary of State's Office were recently sued for  
220 voter fraud which has been dismissed by the courts. There is a 30-day appeal  
221 process to go to the Supreme Court, however, that is unlikely.

222 **8. UPCOMING AGENDA**

223 September 13, 2021 - Policy 2<sup>nd</sup> Reading - Code of Conduct

224 September 13, 2021 - Dr. Trey Dobson - COVID Update

225 **9. OTHER BUSINESS**

226 Mr. Carroll: Thanked the Fire Department for the Battle Day Parade that they put on.

227 Ms. Conner: Thanked the community for their patience with the road construction  
228 projects that are ongoing in Town, as well as, the upcoming cleanup from Tropical Storm Henri.

229 Mr. Corey: Update on Energizer - BCRC is reviewing the report from Camoin Associates  
230 310 and should have a recommendation by Labor Day.

231 Ms. Jenkins: The ribbon cutting for the Headstart Spring Center will be August 25<sup>th</sup> at  
232 2:00pm.

233 **10. EXECUTIVE SESSION**

234 **A. CONTRACTS**

235 *At 7:12pm, Jeanne Conner moved and Bruce Lee-Clark seconded that the meeting was*  
236 *adjourned finding that an Executive Session be held on Contracts as premature public*  
237 *knowledge would place a person involved in the subject matter at a substantial*  
238 *disadvantage. There will be no actions taken on these items when going back into Open*  
239 *Session. The motion carried with Sarah Perrin absent.*

240

241 Respectfully submitted,

242 Nancy H. Lively

243 Secretary

244