

1 **BENNINGTON SELECT BOARD MEETING**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **SEPTEMBER 13, 2021**

5 **MINUTES**

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

8 **SELECT BOARD MEMBERS ABSENT:** None.

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Dr. Trey
10 Dobson-Medical Director SVMC; Dara Zink and Lindsay Brillon-PAVE; Sarah Krinsky and Bri
11 Magnifico-W. Collective; Nancy White; 3 citizens; Josh Boucher-CAT-TV; and Nancy H. Lively-
12 Secretary.

13 At 6:02pm, Ms. Jenkins called the meeting to order and asked those not vaccinated to
14 wear a mask and social distance. If unable to wear a mask, please sit in the designated area.
15 There are wipes to wipe down the microphone if you wish to speak.

16 **1. PLEDGE OF ALLEGIANCE**

17 The Pledge of Allegiance was recited.

18 **2. VISION STATEMENT**

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

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

23 **3. CONSENT AGENDA**

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

25 **B. WARRANTS**

26 **C. LIQUOR LICENSES**

27 *Bruce Lee-Clark moved and Jim Carroll seconded to approve the Consent Agenda with*
28 *the Minutes of August 23, 2021 amended as follows:*

29 *Lines 10 and 201, Change "Mann" to "Matte"*

30 *The motion carried unanimously.*

31 **4. COVID UPDATE**

32 Dr. Trey Dobson, SVMC Medical Director, did the following COVID update:

- 33 • The virus is circulating within our community primarily among the unvaccinated with
34 50% in the under the age of 12 group.
- 35 • Testing in the State is at 3.5%-4% with our goal to be at 1%.
- 36 • Case numbers have been flat over the last 14 days, however, the State is in the mid-30's
37 of cases.
- 38 • Hospitals throughout the State are doing all surgeries, whereas, they were only caring
39 for COVID cases when cases were in the mid-60's.
- 40 • SVMC is averaging 5-7 COVID cases/day over the past few weeks.
- 41 • There are 5 unvaccinated people that test positive for every 1 vaccinated person that
42 does.
- 43 • There are 10 times the number of unvaccinated people to vaccinated people that are
44 hospitalized with 66% being over the age of 75.
- 45 • Vaccinated people can get, and give, COVID.
- 46 • We have positive tests in the schools but they don't appear to be transmitted in the
47 schools, themselves.
- 48 • It is expected that we will be able to vaccinate the 5-11 year olds within 60 days.
- 49 • There are differing opinions as to administering the third booster shot. We are ready to
50 do so and will know more on this next week.

51 *Board questions and comments responded to by Dr. Dobson:*

52 Mr. Carroll: Asked about the Delta and Mu variants. We follow all variants with some being
53 stronger than others. Delta replicates quickly so is more of a concern than Mu - this is how
54 viruses work.

55 Ms. Conner: When should people get tested? If a vaccinated person just wants to test for
56 surveillance, their false positive result numbers are close to their true positive results. There
57 should be a reason to test other than just being concerned on a given day.

58 Ms. Conner: When should we be getting the regular flu shot? You should get the regular flu
59 shot as soon as it's available which is now. If we begin to administer the third booster shot, we
60 will be doing both at the same time.

61 Mr. Corey: Are we admitting 5-7 people/day at SVMC? That is how many that are in the hospital
62 considering that when admitted, some may be staying for multiple days. The highest recently
63 has been 8 with 5 this morning.

64 Mr. Corey: Is Bennington considered high among the 30 in the State? It depends on the day and
65 varies among the 15 hospitals in the State. The whole State is in the red right now.

66 **5. PUBLIC COMMENT**

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

- 70 1. Public Comment is to allow residents an opportunity to share information or
71 make announcements that benefit the community at large.
- 72 2. The topic should **not** be related to an agenda item. If a member of the public
73 wants to comment on an agenda item they can do so during the discussion of
74 that item.
- 75 3. Comments should be 3 minutes or less.
- 76 4. You are required to state your real name and town of residence.
- 77 5. Sharing comments, announcements and concerns are encouraged rather than
78 asking questions. Public Comment is not a time for discussion. If you have
79 specific questions it is best to call the Town Manager to get a full explanation
80 and accurate information.
- 81 6. If the topic requires much discussion the item will be considered as an agenda
82 item at a future meeting.

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85 Dara Zink, PAVE Board President, and Lindsay Brillon, PAVE Executive Director, did the following
86 presentation:

- 87 ➤ PAVE is celebrating their 40th anniversary.
- 88 ➤ Donations will ensure that we can continue to provide guidance and shelter to the
89 victims of sexual and domestic violence, supervised visitations, as well as, assistance at
90 the Emergency Room at SVMC when needed.
- 91 ➤ We are the only organization that provides these services in the county.
- 92 ➤ A 40th Anniversary Raffle is being held with the following prizes:
 - 93 ○ \$500 cash.
 - 94 ○ \$100 gift certificate to Allegro Ristorante.
 - 95 ○ Subscription to Master Class.
 - 96 ○ 18 holes of golf at Mt. Anthony Country Club.
 - 97 ○ Tour of Hildene - The Lincoln Family Home.
 - 98 ○ Mani-Pedi and Eyelash extensions from Posh Place.
 - 99 ○ Electric toothbrush from Bennington Dental.
 - 100 ○ \$250 gift certificate from Madison Brewery.
 - 101 ○ Gift certificate from Thyme Tables.
 - 102 ○ Spring wildflower walk with Ruth Botzow.
 - 103 ○ Gift certificate for Maggi Randall bagels.
 - 104 ○ Gift certificate for 'comfort food'.
 - 105 ○ \$100 gift certificate from Wassick Tire, Inc.

- 106 ○ Gift certificate from Mighty Farm CSA.
- 107 ○ Tour of Bennington Museum.
- 108 ○ Outfit from Apricot Lane Boutique.
- 109 ○ \$500 cash - again.
- 110 ➤ The \$50 tickets can be purchased from PAVE staff, board members, or at
- 111 www.pavebennington.org by September 27th. Drawings will be done on October 1st.

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114 Nancy White requested the following three issues be on the next agenda:

- 115 ✓ The Benn High Project - owner - or someone else - should inform the community of
- 116 the costs involved with the renovations of the building and feels that the Town will be
- 117 paying for it through our Recreation Budget.
- 118 ✓ The Senior Center - she has been asking for a year about the future of the Senior
- 119 Center and doesn't feel that moving it to Benn High with multiple age groups is an
- 120 answer. Senior Center meetings should be at the Select Board meetings, November is
- 121 too late for discussion, and it isn't Bennington's responsibility to take care of seniors in
- 122 the rest of the county.
- 123 ✓ The Recreation Center - very disappointing to see all of the fencing on the property,
- 124 there's no room for parking expansion, and strangers from everywhere are allowed to
- 125 use the facilities. The Rec Center is not a YMCA building.
- 126 Ms. Jenkins stated that Appalachian Trail users have always been able to use the
- 127 showers at the Rec Center.

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130 Sarah Krinsky and Bri Magnifico, co-owners of W. Collective, did the following presentation:

- 131 ▪ We are trying to bring everyone together in the community by building up the arts
- 132 scene and work with Bennington College.
- 133 ▪ We've been working with many community based organizations and provide an
- 134 opportunity for artists to display and/or sell their work.
- 135 ▪ We are open Thursday thru Saturday from 10:00am-6:00pm, and Sunday from
- 136 10:00am-5:00pm.

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139 Sarah Perrin announced that the Bennington Food Truck Fest will take place on September 18th
140 from 11:00am-6:00pm. We will have music, come hungry, come early, stay late, have a good
141 time, and please bring your own chairs. We will not have a tent to sit under because we will try
142 to social distance and are encouraging everyone to wear a mask.

143 **6. COMMUNITY POLICING UPDATE**

144 **A. CODE OF CONDUCT - SECOND READING**

145 Mr. Lee-Clark reiterated the changes that had been made but were not on the copy the
146 Board had received as follows:

- 147 ❖ Page 1, Related Policies; Delete "Response to Resistance" and "Duty to Intervene"
- 148 ❖ Page 1, Related Policies; Add "Fair and Impartial Policing"
- 149 ❖ Page 5, Line 4, Change "BOD" to "BPD"
- 150 ❖ Page 5, Line 14, Change "maintain" to "maintaining"
- 151 ❖ Page 5, Line 23, Change "H" to "K".

152 This language comes directly from the IACP and was requested to be added by
153 community members and the Committee used this a great deal to construct this policy.
154 Note that the Fair and Impartial Policing Policy has been sited.

- 155 ❖ Page 4, Line 32, Change "rust" to "trust"

156 ***Bruce Lee-Clark moved and Gary Corey seconded the adoption of the Policy on Code of***
157 ***Conduct with the corrections as stated.***

158 Ms. Jenkins noted that Page 5, K. CONDUCT TOWARD THE PUBLIC, Line 27, "Members
159 shall treat individuals with courtesy, respect, and dignity." is what we're after and that Line 28,
160 "Members shall not employ an officious or overbearing attitude or use language that might
161 belittle, ridicule, or intimidate individuals." is unnecessary and offensive.

162 Mr. Lee-Clark stated that the argument is that it's easier for someone to understand the
163 language of Line 28 when they've experienced it than for them to understand the lack of the
164 positive.

165 Ms. Conner added that it is assuming that is what the police officer would do, and Mr.
166 Lee-Clark disagreed stating that it is giving a positive and a negative without any assumptions
167 either way.

168 Ms. Conner asked if it could be put in procedures, and Mr. Lee-Clark noted that we don't
169 know if it will be addressed in procedures.

170 The presence of this statement doesn't bother Mr. Haley or Ms. Perrin.

171 ***The motion carried unanimously.***

172 Mr. Lee-Clark thanked Committee members Dan Monks, Dan Ferrara, Lynn Mazza, Beth
173 Sausville, Peter Lawrence and Lauren Wilcox for their work on this policy.

174 **B. UPDATES**

175 Ms. Conner reported the following:

- 176 • There are 7 sets of procedures that are very close to being ready for the Board's review.
177 • The interview process for the Task Force Candidates began last week and will be
178 finished this week. We will appoint the Task Force by September 20th.

179 **7. INFRASTRUCTURE/ECONOMIC DEVELOPMENT STRATEGY SUBCOMMITTEE**

180 Ms. Jenkins stated that we have hired White and Burke to assess infrastructure,
181 economic needs in the community and to look at a range of funding streams. They are very
182 interested in seeing our list of projects to compile with the lists from BCRC and the BBC. We
183 have formed a subcommittee made up of Ms. Conner, Mr. Corey, and Ms. Jenkins to create the
184 Town's list. We will know more at our September 27th meeting and the public will ultimately be
185 involved, as well.

186 **8. MANAGER'S REPORT**

187 Mr. Hurd reported the following:

188 *Bruce Lee-Clark moved and Tom Haley seconded to appoint the Town Manager as*
189 *Bennington's voting delegate to the VLCT Annual Meeting via Zoom on September 26, 2021.*
190 *The motion carried unanimously.*

- 191 ✓ New Police Officers - We have hired 4 new officers that were recently sworn in at the
192 BPD. Forest Hayden, James Macaulay, Ryan Racana, and Brandon Rumley begin their
193 training this month and look to gain full certification to be able to patrol without
194 supervision by April 2022. We have been down 6 positions plus the dispatch position
195 so, if interested, check out the BPD website.
- 196 ✓ Furnace Brook Property Clean Up - The site is just off of Chapel Road and is visible from
197 the highway. The Town was named the responsible party because the Furnace Brook
198 ran through the property. The Town and VTRANS are working with the State and the
199 project is nearly completed. Topsoil is being applied over this week into next if needed.
200 Kudos to the Bennington highway crew members that were either already certified, or
201 we had certified, to work on an EPA project who have worked on this site. EPA led
202 projects tend to be more complicated and difficult, and they are satisfied with the
203 completion. All of the costs, except for our employees, have been paid for by the State
204 of Vermont.

205 *Additional comments:*

206 We have hired Jonah Spivak as the Towns Communications Coordinator. This position
207 will be a part of the Community Development division. He will start on September 20th and we
208 look forward to harnessing his energy.

209 **9. UPCOMING AGENDA**

210 September 27, 2021 - YMCA Update - Including Use of Greenspace

211 September 27, 2021 - Senior Center Report - Mr. Hurd. (Mr. Hurd will not report on the
212 privately owned Benn High Project.)

213 **10. OTHER BUSINESS**

214 Mr. Haley: Thanked everyone involved with putting on Garlic Town - "it was spectacular".

215 Mr. Haley: Dragon bags are now available from the Bennington Free Library Children's Room.
216 They have 5 riddles in them to solve and can get supplies to sculpt and decorate their own
217 dragons. On September 18th there is a dragon puppet workshop at 10:30am. To register call
218 the Library at 442-9051 or e-mail children@bfli.org .

219 Mr. Haley: As a collaboration between the Bennington Free Library and Bennington Museum,
220 on September 16th at 1:30pm there will be the Museum ABC's for Preschoolers and Grownups
221 at the George Aiken Wildflower Trail.

222 Ms. Jenkins: Thanked the Town and all that participated in the moving tribute to 9/11.

223 **10. EXECUTIVE SESSION**

224 **A. CONTRACT**

225 *At 7:04pm, Bruce Lee-Clark moved and Sarah Perrin seconded that the meeting was*
226 *adjourned finding that an Executive Session be held on a Contract as premature public*
227 *knowledge would place a person involved in the subject matter at a substantial*
228 *disadvantage. There will be no actions taken on these items when going back into Open*
229 *Session. The motion carried unanimously.*

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231 Respectfully submitted,

232 Nancy H. Lively

233 Secretary

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