

M E E T I N G   N O T I C E

BENNINGTON SELECT BOARD

Monday, December 27, 2021

Bennington Fire Facility

Multi-Purpose Room - 3<sup>rd</sup> Floor

130 River Street

Bennington, VT 05201

A G E N D A

6:00 PM

1. Pledge of Allegiance
2. Vision Statement
3. Consent Agenda 6:00 PM - 6:05 PM
  - A. Minutes of December 13, 2021
  - B. Warrants
  - C. Liquor License
4. Public Comment 6:05 PM - 6:20 PM
5. Mask Mandate Discussion 6:20 PM - 6:30 PM
6. Upcoming Agendas 6:30 PM - 6:35 PM
7. Other Business 6:35 PM - 6:40 PM

1 **BENNINGTON SELECT BOARD MEETING**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **DECEMBER 13, 2021**

5 **MINUTES**

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

8 **SELECT BOARD MEMBERS ABSENT:** Tom Haley.

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Shannon  
10 Barsotti-Community Development Director; Jonah Spivak-Communications Coordinator; Matt  
11 Willey; Donald Washun; Seth Barrows; Amanda Bates; Ray Gifford; Jack Ripper-Mask Mandate  
12 Discussion; Betsy Rathbun-Gunn-United Children’s Service; Cyndi Thomayer-Sunrise Family  
13 Resource Center; Nancy White; Rose Telford-CDBG-CV Grants; 10 citizens; Jim Vires-CAT-TV;  
14 and Nancy H. Lively-Secretary.

15 At 6:02pm, Ms. Jenkins called the meeting to order and asked those not able to wear a  
16 mask to sit in the designated area and for everyone to be social distancing. There are wipes to  
17 wipe down the microphone if you wish to speak.

18 **Jeanne Conner moved and Bruce Lee-Clark seconded to amend the Agenda as follows:**

19 **Item #4. COVID UPDATE - Cancelled**

20 **Item #9. IMPLEMENTING THE TOWN VISION - Moved to the #4 slot**

21 **The motion carried with Tom Haley absent.**

22 **1. PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was recited.

23 **2. VISION STATEMENT**

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

26 “Bennington is a welcoming, engaged, inclusive, resilient community where everyone  
27 regardless of identity shares in our vitality and benefits from an outstanding quality of life.”

28 **3. CONSENT AGENDA**

29 **A. MINUTES OF NOVEMBER 22, 2021 AND DECEMBER 6, 2021**

30 **B. WARRANTS**

31 **C. LIQUOR LICENSE**

32 *Jim Carroll moved and Gary Corey seconded to approve the Minutes of November 22,*  
33 *2021 amended as follows:*

34 *SELECT BOARD MEMBERS PRESENT; Line 7, Add "Tom Haley"*

35 *Line 94, Change "BCRC" to "VCRD"*

36 *The motion carried with Tom Haley absent.*

37 *Bruce Lee-Clark moved and Jim Carroll seconded to approve the Minutes of December*  
38 *6, 2021, B. Warrants, and C. Liquor License. The motion carried with Tom Haley absent.*

39 **9. IMPLEMENTING THE TOWN VISION**

40 Mr. Lee-Clark reported that the Procedures for the last set of policies have been open to  
41 public comment and the Police Department is reviewing those comments. They expect to have  
42 them out on the website by the end of the month. Mr. Spivak is putting together an appendix  
43 for the public if they want to know something about a specific Procedure.

44 Ms. Conner reported that the materials the Task Force is working on for the Citizen  
45 Review Board structure are on the website under Boards and Commissions/Task Force.

46 Ms. Jenkins reported that she and Mr. Haley are still working on action steps for the  
47 Declaration of Inclusion. Many people have provided information that will be shared with the  
48 public when we have completed gathering it.

49 **5. PUBLIC COMMENT**

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

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

64 6. If the topic requires much discussion the item will be considered as an agenda  
65 item at a future meeting.

66

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67 Donald Washun: Where can I get an Agenda? Mr. Hurd answered they are available on the  
68 Town's website, at the Town Office, on the kiosk, and in the Banner. Going forward, there will  
69 also be agendas available at the meetings with fewer acronyms for better public understanding.

70 **6. MASK MANDATE DISCUSSION**

71 Ms. Jenkins stated that the Board has received many comments from the public on  
72 COVID, mask wearing, vaccinations, and anything else related to the disease. "We (the Board)  
73 all believe that COVID is a real health threat and can lead to death, and that we all believe that  
74 the suffering called 'long COVID' can be devastating, that vaccination is the best step that we  
75 can take to be safe and to get the booster is also important. That masking is an effective way to  
76 protect ourselves in the community from the spread of the virus and that COVID numbers in the  
77 county are through the roof."

78 The Legislature is allowing communities to institute a mask mandate that can last for up  
79 to 30 days at a time. However, we are seeing enforcement issues - as we did with the first  
80 mandate. Personal gatherings are the most prevalent way of contracting COVID and we are  
81 concerned with polarizing the community. The Resolution we are considering tonight "Strongly  
82 Recommends Wearing Face Masks in Public Indoor Spaces".

83 Ms. Conner read the Resolution as presented.

84 *Board questions/comments:*

85 Mr. Carroll: Doesn't like wearing a mask but feels that he has an obligation to everyone in the  
86 community to do so. "We as a Board have a moral, legal, and ethical obligation to serve the  
87 greater good."

88 Ms. Perrin: The recommendation from the Board "is the way to go and the mandate should  
89 come from the State going forward". Also feels that under "Exceptions" in this Resolution,  
90 "under age 5" should be changed to "under age 2".

91 Mr. Haley, is absent, but sent a statement: Favors a mask mandate - it isn't about people's  
92 rights, it's about neighbors protecting neighbors. "We should be better than this." "The Select  
93 Board should not be in this position - this is, once again, Governor Scott showing a lack of  
94 leadership. He should have declared a State of Emergency weeks ago. Instead, he chose  
95 politics over the safety of Vermonters." "I trust that every member of this Board has  
96 Bennington's best interests in mind and I will support whatever decision they will arrive at  
97 tonight provided that, in some way, promotes masking in public."

98 Mr. Lee-Clark: Would prefer stronger language but knows that cannot be enforced. "This is an  
99 issue of public health so there are no private rights to not wear a mask." This last surge has  
100 taken a big toll on health professionals in our community. Business owners can require that  
101 anyone entering their business must wear a mask, just like they can require shoes, shirts, etc.

102 Ms. Jenkins: Per the SVMC Update from Dr. Dobson, the hospital is postponing any elective  
103 surgeries that require an overnight stay and there are 15 of the 72 statewide hospitalized  
104 COVID patients at SVMC as of this morning.

105 *Public questions/comments:*

106 Matt Willey: Owns four businesses in Town and thanked the Board for recommending instead  
107 of mandating as it would have been very difficult to police that decision in the restaurant  
108 business.

109 Donald Washun: Where do you get your data from? Ms. Jenkins: The State Department of  
110 Health and the COVID Hotline at the Department of Health has health professionals that will  
111 answer any question you may have.

112 Seth Barrows: Was pleased with the decision to recommend and not mandate, and quoted the  
113 State Commissioner of Health in that "very few people are infected when going to the  
114 supermarket and other public places so requiring a mask in a low transmission environment  
115 doesn't really do much."

116 Amanda Bates: Wears a mask when required - at work and certain businesses, however, will  
117 avoid those businesses if I don't need what they're selling. "I believe in personal responsibility.  
118 I believe that if you believe that masks work and you want to wear one, then by all means,  
119 please do. I believe that if you want multi-masked people in your store or business you have  
120 calculated that it is not financially detrimental to alienate potential customers, you should be  
121 allowed to enforce that decision. What I don't believe in is any form of government telling me  
122 that I'm responsible for other people's health. Healthy people's rights do not end where other  
123 people's fears begin."

124 Jack Ripper: Since only 32 people have died in Bennington County - less than 1% - is an alarming  
125 number. "You have a better chance of winning the Mega-Lottery than dying from COVID." Is  
126 concerned that the SVMC posted false information by altering the Department of Health's  
127 graphs. On December 11<sup>th</sup>, the Department of Health had 12 hospitalized and 71 unvaccinated  
128 without any definition of what unvaccinated meant, where SVMC used the numbers 14 and 74.

129 ***Sarah Perrin moved and Gary Corey seconded to adopt the Town of Bennington Select***  
130 ***Board Resolution COVID-19 RULE Select Board Strongly Recommends Wearing Face Masks in***  
131 ***Public Indoor Spaces amended as follows:***

132 ***Exceptions; Change "age 5" to "age 2"***

133 ***The motion carried unanimously including the in writing absentee vote from Tom Haley.***

134 If anyone would like to use the Town of Bennington signage it can be obtained on the  
135 website or in the Town Office.

136 **7. FINAL PUBLIC HEARING FOR CDBG-CV GRANTS**

137 Ms. Barsotti presented the following:

- 138 • This is the Final Public Hearing on the Community Development Block Grant-COVID  
139 Grants.
- 140 • The grants flow through the Town to sub grant to other organizations after an in-depth  
141 selection process.
- 142 • Bennington businesses received 3 of these grants for responding, in some way, to  
143 COVID.
- 144 • The CARES Act funds have been used up but, hopefully, there will be other CDBG grants  
145 available in the future. Historically, those have been primarily for housing.
- 146 • One recipient - Betsy Rathbun-Gunn, Director of United Children's Services (UCH),  
147 explained their use of the funds - \$48,478:
  - 148 ➤ This grant helped UCH do two major things - upgrade the flooring to enhanced  
149 flooring that will last for years; and, air care filtration systems that keeps the air  
150 clean throughout the building.
  - 151 ➤ Before this building we used to serve 121 preschoolers - 80 of which were  
152 Bennington/Shafsbury residents.
  - 153 ➤ Because of the Gage Street addition, we now are able to serve 193 - with 160 of  
154 those being Bennington residents.
  - 155 ➤ We are pleased with the community kitchen and our relationship with the YMCA.
- 156 • A second recipient - the YMCA - \$30,000:
  - 157 ➤ The grants use was for school aged programs - daycare, after school, summer  
158 camp, and 6 months' rent for the old Benn High with cleaning and program  
159 supplies. Over 90 children were served.
- 160 • The third recipient - Cyndi Thomayer, Sunrise Family Resource Center - \$19,000:
  - 161 ➤ Explained the multiple services that Sunrise provides, and has provided, to  
162 families in Bennington County for over 50 years that include housing, high school  
163 diploma program, case management, and early care child program.
  - 164 ➤ They used their grant to buy heat pumps for all of their four buildings.
  - 165 ➤ They also have partnered with the Vermont Food Bank to keep their recently  
166 constructed Food Pantry stocked. One of the heat pumps went into that Pantry.

167 *Public questions/comments:*

168 Ray Gifford: Where is there a PDF of exactly how this money was spent? Contact  
169 [sbarsotti@benningtonvt.org](mailto:sbarsotti@benningtonvt.org) .

170 Donald Washburn: Is this program just designed for children? No, these dollars were specifically  
171 targeted to COVID response.

172 Rose Telford: Can this money be used for seniors, too? These funds were not available to  
173 seniors, however, some of the results of the funding will benefit the entire community,  
174 including seniors. Work should be done to obtain senior specific grants.

175 Debbie Matte: How do you know what grants are out there to apply for? Generally someone  
176 comes up with a plan and then you start looking for funding sources. Many times it is very last  
177 minute.

178 *At 7:07pm, the Public Hearing was closed.*

## 179 **8. VCRD AT 10 YEARS**

### 180 **A. ADVANCING A BENNINGTON COMMUNITY CENTER/IMPROVISING REC CENTER**

### 181 **B. COLLABORATING TO ADDRESS POVERTY**

182 Ms. Barsotti did the following presentation:

- 183 ○ At the last Select Board Meeting, we discussed our progress from the 2012 report to  
184 Develop a Bennington Vision Statement, Advance Community Communications and a  
185 Positive Town Image, Making Downtown Bennington a Destination, and Build a New  
186 Bennington Town Green.
- 187 ○ Advancing a Bennington Community Center/Improvising Rec Center -
  - 188 ■ With the Berkshire YMCA managing the Rec Center (now named the Bennington  
189 Community Center) we have expanded programs and facilities to accommodate  
190 our needs, i.e., the old Benn High, green spaces around the Rec Center, and the  
191 Bennington Sports Center (the old Catamount School).
  - 192 ■ There are programs that promote youth mentoring and team leadership.
  - 193 ■ The Bennington Community Garden is also more utilized with the UVM Master  
194 Gardeners as is the swimming pool which is well maintained by Town staff with  
195 its extended use.
  - 196 ■ The addition built by United Children's Services has also augmented the use of  
197 the Rec Center building and grounds.
- 198 ○ Collaborating to Address Poverty -
  - 199 ■ Some areas of help and guidance are The Bennington Area Hunger Free Council,  
200 the Continuum of Care Network (housing), the Alliance for Community  
201 Transformation (youth organizations and prevention), the School's Equity  
202 Committee, the Work Force in Education Committee, and the Bennington  
203 Equity and Safety Task Force - just to name a few.
  - 204 ■ Expanded dental care is spearheaded by the Greater Bennington Interface  
205 Community Services (GBICS) free clinic, as well as, the food and fuel for  
206 emergency needs, the Kitchen Cupboard Food Pantry, the Food Fit Kitchen

- 207 (cooking lessons), and Empty Bowls collaboration with Bennington College and  
208 the Middle School.
- 209 ■ GBICS has a list of the organizations that provide food to those in need most of  
210 which is distributed by volunteers, including the farmers that grow it.
  - 211 ■ The Mellon Foundation Mini-Grants have provided funding to ensure the  
212 availability of food in Bennington (Sunrise Food Pantry and Willy's Market).  
213 Plans are being considered for a downtown food market in the near future.
  - 214 ■ Meals on Wheels continues to serve and have quadrupled the number of meals  
215 they are providing during COVID.
  - 216 ■ Safe, Sober and Community Housing (Shires Housing), Bennington Coalition for  
217 the Homeless, Project Against Violent Encounters (PAVE), Turning Point, and  
218 Mission City Church have allied to help those with drug addictions and  
219 homelessness.
  - 220 ■ There are several houses that are/will be available for low income family  
221 occupancy.
  - 222 ■ Sunrise partners with 30 different organizations with the goal to provide a  
223 safety net for families and they serve over 1,600 families/year with 80% of  
224 those families coming from Bennington.
  - 225 ■ UCH has made great strides over the last 10 years by locating at the Rec Center  
226 to help families by having a walk in cooler for parents to pick up food from  
227 without having to go elsewhere, mentoring not only the parents but the  
228 extended family of grandparents, aunts, and uncles, providing child care so  
229 parents can work, and being able to serve an additional 72 children.

230 *Public questions/comments:*

231 Nancy White: The people of Bennington have waited 30 years for a gym and we still don't have  
232 it. Ms. Jenkins read from the report from 10 years ago - "we should have a big activity center  
233 like a field house, or the YMCA where activities could range from basketball to dances, from  
234 pool and weight room to a sparring committee. And, a community center could include  
235 features ranging from three outdoor activities and trips for youth to community gardening, a  
236 music room, gym, and skate park and other athletic facilities. The Community Center could also  
237 systematically invite college students to contribute their time and energy to youth programs."

238 *Board questions/comments:*

- 239 ■ Mr. Lee-Clark stated that this topic is the one that needs substantially more  
240 work and noted the work the Charlie Gingo had contributed to it. The housing  
241 needs are huge and getting people to recognize the impact of dental issues on  
242 their general health is a challenge.
- 243 ■ Ms. Jenkins stated that the work of the Seedlings Program that no longer exists  
244 due to COVID has now been rejuvenated by the YMCA with their youth  
245 programs.



246                   ▪ Ms. Conners noted that most of these organizations that are doing all of this  
247                   work now were not even formed 10 years ago. We have done a lot but there is  
248                   always more to do.

249   **10. MANAGER'S REPORT**

250                   Mr. Hurd reported the following:

251                   ✓ *Snow Plowing Protocol* - When it snows we focus on the hills first and for sidewalks we  
252                   start in the downtown area, the schools, the post office, and the churches first. Snow  
253                   removal is weather sensitive in that if a thaw is forecast, we may wait to judge its  
254                   impact before getting the crews out. Snow removal is labor and equipment intensive  
255                   and costly. We are one of the few major communities in Vermont that removes snow.  
256                   Remember, we maintain more than 120 miles of road and more than 40 miles of  
257                   sidewalks. Please be patient. If we damage your property by plowing, call the Town  
258                   Office and we will fix it. The parking ban runs from November 15<sup>th</sup> to March 15<sup>th</sup> or  
259                   April 1<sup>st</sup>. The police will place reminders on vehicles that are parked on the street after  
260                   November 15<sup>th</sup> and if you continue to leave your car on the street between 2:00am and  
261                   6:00am, you will ultimately be ticketed. And, if you continue to not respond, then your  
262                   vehicle will be towed.

263  
264                   ✓ *Workforce Vaccine Compliance* - We have achieved a 90% vaccination rate for the Town  
265                   employee workforce. Weekly testing is done on those that are unvaccinated.  
266

267   **11. UPCOMING AGENDA**

- 268                   December 27, 2021 - Short Business Meeting only.  
269                   January 3, 2022 - Budget Meeting at 6:00pm.  
270                   January 8, 2022 - Budget Meeting at 8:00am.  
271                   January 10, 2022 - Presentation on the Energizer Report.  
272                   January 10, 2022 - Presentation on the White and Burke ARPA Report.  
273                   January 15, 2022 - Budget Meeting at 8:00am - if needed.  
274                   January 24, 2022 - Audit Presentation.

275   **12. OTHER BUSINESS**

276                   None.

277   **13. EXECUTIVE SESSION**

278       **A. CONTRACTS**

279           **B. LEGAL MATTER**

280           *At 8:03pm, Sarah Perrin moved and Bruce Lee-Clark seconded that the meeting was*  
281 *adjourned finding that an Executive Session be held on Contracts and a Legal Matter as*  
282 *premature public knowledge would place a person involved in the subject matter at a*  
283 *substantial disadvantage. There will be no actions taken on these items when going back*  
284 *into Open Session. The motion carried with Tom Haley absent.*

285

286   Respectfully submitted,

287   Nancy H. Lively

288   Secretary

**FIRST/SECOND/THIRD CLASS LIQUOR LICENSE AND TOBACCO APPLICATION**

(License year is May 1<sup>ST</sup> through April 30<sup>TH</sup> of the following year)

T4C Inn, LLC  
Print Name of Person, Partnership, Corp., Club or LLC

Four Chimneys Inn  
Doing Business as – Trade Name

21 West Road Bennington, VT 05201  
Street

Bennington, VT 05201  
Town or City & Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Mailing Address (if different from above)

Email address: \_\_\_\_\_

APPLICATION FEES:

FIRST CLASS LICENSE - \$115.00 to DLC and \$115.00 to Town/City

SECOND CLASS LICENSE- \$70.00 to DLC and \$70.00 to Town/City

SECOND CLASS RETAIL DELIVERY PERMIT - \$100.00 to DLC

THIRD CLASS LICENSE - \$1,095 for a full year to DLC  
\$550 for 6 or fewer months to DLC

TOBACCO LICENSE- (there is no application fee for tobacco if applying for second class)

TOBACCO ENDORSEMENT PERMIT - \$50.00 to DLC

*\*If applying for Tobacco only license, please use the Tobacco Only form.*

**Please check appropriate categories**

<input checked="" type="checkbox"/> FIRST CLASS	<input type="checkbox"/> Retail Delivery Permit
<input type="checkbox"/> SECOND CLASS	<input type="checkbox"/> Tobacco Endorsement
<input checked="" type="checkbox"/> THIRD CLASS	<input checked="" type="checkbox"/> Restaurant
<input type="checkbox"/> TOBACCO	<input checked="" type="checkbox"/> Hotel
	<input type="checkbox"/> Club
	<input type="checkbox"/> Commercial Kitchen (a Liquor Control Commercial Caterer's License is needed with this license)

**TO THE CONTROL COMMISSIONERS OF THE TOWN/CITY OF Bennington**

Application is hereby made for a license to sell malt and vinous beverages under and in accordance with Title 7, Vermont Statutes Annotated, as amended, and certify that all statements, information and answers to questions herein contained are true; and in consideration of such license being granted do promise and agree to comply with all local and state laws; and to comply with all regulations made and promulgated by the Board of Liquor and Lottery. Upon hearing, the Board of Liquor and Lottery may, in its discretion, suspend or revoke such license whenever it may determine that the law or any regulations of the Board of Liquor and Lottery have been violated, or that any statement, information or answers herein contained are false.