

1 **BENNINGTON SELECT BOARD MEETING**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **FEBRUARY 21, 2022**

5 **MINUTES**

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

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

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Shannon  
10 Barsotti-Community Development Director; Jonah Spivak-Communication Coordinator; Margae  
11 Diamond, April Dunham, Gail Harbour, Lynn Mazza, Clark Adams, Marsh Hudson-Knapp-Safety  
12 and Equity Task Force; Brian Corr-NACOLE; Nancy White; Kevin Hoyt; Kelly Carroll; 10 citizens;  
13 Jim Vires-CAT-TV; and Nancy H. Lively-Secretary.

14 At 6:00pm, Chair Jeannie Jenkins called the meeting to order.

15 **1. SAFETY AND EQUITY TASK FORCE PRESENTATION**

16 Ms. Jenkins noted that we will be hearing the recommendations from the Safety and  
17 Equity Task Force and there will be discussion/questions from the Select Board and public. The  
18 recommendations have been available for public comment on the Town website since February  
19 7, 2022 and we will continue to take written comments until March 7, 2022. The  
20 recommendations will be on the March 14, 2022 Select Board agenda for further consideration  
21 and discussion with the final discussion and decision made at the March 28, 2022 meeting.  
22 Kudos to the Task Force for the diligent work they have put into their charge.

23 The Task Force did the following presentation:

- 24 • Task Force members present are - Margae Diamond and April Dunham-Co-  
25 Chairs; Gail Harbour; Lynn Mazza; Clark Adams; and Marsh Hudson-Knapp.
- 26 • Task Force members not present are - Lauren Wilcox; Sarabeth Ward; and Ben  
27 Cassavaugh.
- 28 • Others that attended Task Force meetings are - Stuart Hurd-Town Manager and  
29 Jonah Spivak-Communication Coordinator.
- 30 • The Vision Statement was read - "Bennington is a welcoming, engaged, inclusive,  
31 resilient community where everyone regardless of identity shares in our vitality  
32 and benefits from an outstanding quality of life."

- 33 • The goal and charge of the Task Force was to develop recommendations for the
- 34 name, scope, structure, complaint process, membership and responsibilities of a
- 35 community safety and equity board.
- 36 • Their four areas of focus were:
- 37     ➤ Trainings on BPD and community collaboration.
- 38     ➤ Review of Complaints Process
- 39     ➤ Development of BPD Policies and Procedures
- 40     ➤ Analysis of Safe and Equity Data
- 41 • Why All This Effort? -
- 42     ➤ Incidents in our Community
- 43     ➤ Traffic Stops Studies over the course of several years and the reports of
- 44     the IACP that raised numerous other issues.
- 45     ➤ Nationwide Concerns
- 46     ➤ Rebuilding Trust between the BPD and our community moving forward
- 47     with a collaborative working relationship.
- 48 • Conducted interviews with 48 community members and the Town Survey which
- 49 brought the major concerns to the Task Force’s attention.
- 50 • How Has Bennington Responded -
- 51     ➤ IACP Review, Recommendations, and implementation
- 52     ➤ Curtiss Reed and the Vermont Partnership for Fairness and Diversity
- 53     helped us create a Vision Statement for our town, to coach police and for
- 54     them to attend fairness and diversity trainings.
- 55     ➤ The Select Board members that guided the review process with
- 56     community members were Jeannie Jenkins, Jeanne Conner, and Bruce
- 57     Lee-Clark.
- 58     ➤ Police have been working hard to increase a collaboration in efforts while
- 59     having a shortage of officers.
- 60     ➤ Work with the National Association for Civilian Oversight of Law
- 61     Enforcement (NACOLE).
- 62     ➤ Creation of the diverse and committed Task Force.
- 63 ➤ What Prepared the Task Force? -
- 64     ➤ Task Force Training - 3 sessions on justice, justice systems, and policing
- 65     practices.
- 66     ➤ IACP Report and NACOLE Presentation.
- 67     ➤ Ordinances and Practices from other Communities.
- 68     ➤ Vision, Timeline and Task Force Charge.
- 69     ➤ BPD Tenets, Policies and Procedures, Chart of Officers, Investigation
- 70     Process and Chart of Complaints.
- 71     ➤ BPD Presence on Task Force.
- 72 ➤ How Did The Task Force Proceed? -

- 73                   ➤ List of Task Force Concerns and Hopes for the System.
- 74                   ➤ Obtain a sense of the strengths and weaknesses of our present policing
- 75                   system.
- 76                   ➤ Interviews with Community Members (48) on their positive and negative
- 77                   police experiences.
- 78                   ➤ What Concerns Drove Efforts? -
- 79                   ➤ We broke into subcommittees of 3 people each to grab materials on
- 80                   purpose, outreach, complaint processes, etc..
- 81                   ➤ Balance complaints with compliments, concerns with encouragement, so
- 82                   we are not one sided.
- 83                   ➤ Safe feedback from all corners of the community and listening skills to
- 84                   those that were hearing the feedback.
- 85                   ➤ Create diverse paths so people with all abilities could express their
- 86                   concerns with safety and confidence.
- 87                   ➤ Establish accountable, transparent, and response tracking to formal and
- 88                   informal input - particularly complaints.
- 89                   ➤ Create a Board that is independent - neither dominating or powerless
- 90                   with respect to the BPD.
- 91                   ➤ Two-way Communications between Police and Community.
- 92                   ➤ Arrange and Evaluate Training for the Board and BPD.
- 93                   ➤ Gather and Utilize Data for the Board and BPD for continuous
- 94                   improvement.
- 95                   • What is the Purpose of the Board - the Community Police Advisory and Review
- 96                   Board (CPARB)?
- 97                   ➤ Rebuilding and Sustaining Trust
- 98                   ➤ Increase Levels of Communication, Collaboration, Even-Handedness
- 99                   ➤ Build Accountability
- 100                  ➤ Build Respect and Service Between the Community and the Police
- 101                  Department
- 102                  • What is the Main Work of the Board?
- 103                  ➤ Recommend Training for Police Department and Board
- 104                  ➤ Complaints Process for Formal and Informal Feedback
- 105                  ➤ Set a Calendar for Reviewing or Recommending Policies to the BPD to
- 106                  develop procedures.
- 107                  ➤ Monitoring BPD Data Collection - recommending new data collection and
- 108                  reporting on the results with recommendations.
- 109                  ➤ Facilitating Collaborations and Promoting Diversity
- 110                  ➤ Make Recommendations to the BPD and Select Board for Action and
- 111                  Funding.
- 112                  • How Would the Board be Formed?

- 113 ➤ Recruit 5-7 Members Chosen by Select Board to Serve 3-4 Year Terms
- 114 Based on:
- 115 ○ Strong ability to make impartial decisions.
- 116 ○ Deep commitment to strengthening BPD and community
- 117 relationships.
- 118 ○ Residency or Long-term relationship with the Town.
- 119 ○ Readiness to fulfill expectations for the Board with initial and
- 120 ongoing training, and regular presence and work with the Board.
- 121 ○ Seeking diversity.
- 122 ○ Bringing a range of awareness, experience and skill.
- 123 ● What Other Recommendations?
- 124 ➤ Extensive Initial and Ongoing Training
- 125 ➤ Compensation, Removal, and Filling Vacancies
- 126 ➤ Identifying Community Resources
- 127 ● Formal Complaints Process
- 128 ➤ A large part of our community do not feel heard with complaints or
- 129 compliments.
- 130 ➤ Processes and Methods for both Types of Complaints - importance of
- 131 finding good measures and mechanisms for the community and BPD to
- 132 address each other.
- 133 ➤ Formal complaints always trigger an internal BPD investigation where
- 134 informal complaints may not.
- 135 ➤ Formal complaints can go through the BPD directly or through the Town's
- 136 Communication Coordinator to record and feedback to the BPD and
- 137 Board simultaneously.
- 138 ➤ This shift ensures people are heard and creates a level of accountability.
- 139 ➤ Informal complaints would be handled the same way.
- 140 ➤ Solicit community members to aid those that are unable or
- 141 uncomfortable making their complaints.
- 142 ➤ After a complaint is filed, the BPD will respond in a specific timeline to
- 143 gain trust.
- 144 ➤ The Board will follow-up on complaints quarterly, identify trends, as well
- 145 as, review specific situations for consistent fair treatment.
- 146 ➤ The Board will review the complaint process and report on the findings
- 147 and make suggestions that would then be forwarded on for the next
- 148 steps.
- 149 ● Informal Complaints
- 150 ➤ There is no tracking of informal complaints or compliments.
- 151 ➤ There is confusion about what kind of complaint is being filed - formal or
- 152 informal - nor is there a standard response or response time.

- 153                   ➤ The recommendation is that CPARB develop the process and timeline for  
154 tracking, resolving, and integrating discoveries from informal complaints  
155 and compliments.
- 156           • What Remains to be Done?
    - 157                   ➤ Train the CPARB.
    - 158                   ➤ Develop Task Groups for data, feedback, policy review, training, and  
159 community relations.
    - 160                   ➤ Refine Formal/Informal Complaint Processes.
    - 161                   ➤ Recruiting and Training Community Partners to build trust among the  
162 marginalized segments of our community.
    - 163                   ➤ Data Collection and Continuous Improvement will be an integral part of  
164 the Board’s work.
  - 165           • Deep Appreciation To:
    - 166                   ➤ Select Board, Town Staff, Brian Corr from NACOLE, and the BPD  
167 Personnel.
    - 168                   ➤ Community Members for Sharing Experiences.
    - 169                   ➤ CAT-TV.
    - 170                   ➤ Task Force Members and the Community.
  - 171           • Conclusion
    - 172                   ➤ Our hope is to help bring our Town Vision to life.

173 *Board comments/questions answered by the Safety and Equity Task Force (SETF) and Brian*  
174 *Corr, NOCALE:*

175 Mr. Carroll: How did you arrive at the “Expectations, 3c., Active members of our police  
176 department and officers of the town government will not serve on the board until 4 years after  
177 their service is completed.” for the composition of CPARB, and was there a discomfort with a  
178 police officer serving on the Task Force? SETF: There was a police officer on the full Task Force,  
179 as well as, the Composition Task Force, who was very helpful. The intent was to have a  
180 separation between CPARB and the BPD so that police officers weren’t evaluating themselves.  
181 Otherwise, there will be much work and collaboration with the BPD.

182 Mr. Corey: How will the Board be involved in the complaints? SETF: The recommendation is for  
183 the CPARB to review the complaints quarterly, identify trends, and where we can be more  
184 proactive. The Board will not be receiving the complaints directly.

185 Mr. Corey: How often will the Board meet? SETF: We will let the Board decide that for  
186 themselves.

187 Mr. Corey: Do you feel the Board should be volunteer or receive compensation? SETF: Many of  
188 recommendations came from other towns that have a Board in place and most of them offer  
189 some compensation for the Board members.

190 Mr. Lee-Clark: A formal complaint would be a written, signed, not anonymous complaint.  
191 Would anything other than formal be informal? SETF: Correct, a formal complaint would be  
192 written, signed or submitted online and everything else is informal. Because there has been no  
193 tracking of the informal complaints we don't know how many there were or what the response  
194 to them was.

195 Mr. Lee-Clark: Is an informal complaint the same as informal feedback? SETF: Yes, and feedback  
196 can be either a complaint or a compliment.

197 Mr. Lee-Clark: "The CPARB serves as an independent board...". What is the meaning of  
198 'independent' here? SETF: This means that CPARB is independent from the police but not the  
199 Select Board who will be evaluating CPARB's recommendations. We were using independent to  
200 equal 'not under the influence of'.

201 Ms. Conner: On 3. Expectations, e., there should be clarification as to how many unexcused  
202 absences equal 'multiple', as well as, definitions for 'formal and informal'. SETF: Some of the  
203 vagueness in the recommendations was intentional so as not to "paint CPARB into a corner".

204 Ms. Conner: How did you establish the Board size of 5-7 members? SETF: This is a range of  
205 dedicated people that would be an attainable, realistic number.

206 Ms. Conner: On 1. Initial Training - do you have any idea who would be doing the training?  
207 SETF: We don't have a comprehensive list, however, Julio Thompson from the Attorney  
208 General's Office, has said that the State is in the process of developing trainings for the towns  
209 that are developing this process.

210 Ms. Jenkins: What is the general flow of a CPARB meeting? Ms. Corr answered the Board wants  
211 to be independent in terms of judgement - advocates for fair process and outcomes and not  
212 advocates for complaintants or the BPD. It's about clear lines of responsibility and authority  
213 and clear standards about how decisions are made.

214 Ms. Conner: How does the dynamic exist between the Board and the police department? Mr.  
215 Corr responded that it varies among the 200 oversight entities in the country. Where there's  
216 tension is when people assume "sides - we're the community side, we're the police side". "The  
217 two can work independently yet collaboratively." SETF: Agreed, and is how their Task Force  
218 functioned - in the spirit of supporting the police and community to both be better.

219 Ms. Conner: Will the recommendations evolve and change over time? Mr. Corr answered yes.  
220 Some oversight entities remain the same for decades but most do change either by ordinance,  
221 rules and regulations, etc., as well as, policing, itself, and communities changing. Start out the  
222 best you can and review it in 2-3 years as to how it is working.

223 Ms. Conner: Is it customary for boards to investigate and interview witnesses? SETF: No.

224 *Public comments/questions answered by the Safety and Equity Task Force (SETF) and Brian*  
225 *Corr, NOCALE:*

226 Kevin Hoyt: Will the CPARB have the power to suspend or arrest? SETF: No. Mr. Hoyt further  
227 continued with the Select Board lying, the Police Chief doesn't always have a badge, called for  
228 the resignation of Chad Schmidt and all Select Board members, multiple similar EIN numbers,  
229 shell companies, would not defund the police, and the letter from the Secretary of State. He  
230 was ruled out of order and escorted out of the room.

231 Nancy White: Appreciates the work put in by the Task Force but doesn't see anything in the 12  
232 pages of recommendations that will help make Bennington safer. The CPARB will be appointed  
233 by the Select Board and not elected so they're not accountable, the public did not have an  
234 opportunity to speak to the process, where will the money come from to pay them or for the  
235 trainings, some good ideas but anything in there that would cause us to lose officers should be  
236 removed, and do you need access to an attorney, and what will the Select Board have to do  
237 with the BPD in the future? SETF: There was a complete lack of attendance or questions posed  
238 to us at our meetings where there were 10 minutes dedicated to public comment at each  
239 meeting. We did not specifically discuss a budget - "if it's important enough to the community,  
240 it's important enough to find the money". "We made it quite clear that the role of this  
241 committee is not to supervise or direct the operation of the police department. The committee  
242 will review complaints and decisions, and review how the final decisions evolved - not to run  
243 the police department." Ms. Jenkins added that all Towns Boards and Commissions have access  
244 to the Town's attorney as needed.

245 Nancy White: Stated that making a comment isn't the same as asking a question and getting an  
246 answer.

247 Kelly Carroll: Encouraged that the process move forward so we can improve transparency and  
248 communication, build trust, and provide trainings to support the police and our community.

249 The Select Board thanked the Task Force for all of their work and invited them to the  
250 March 14, 2022 meeting for further discussion.

## 251 **2. RESOLUTION FOR DOWNTOWN TRANSPORTATION FUND APPLICATION**

252 Shannon Barsotti, Community Development Director, did the following presentation:

- 253 ❖ We are seeking approval for a Municipal Resolution grant application for the  
254 Downtown Transportation Fund for the Redevelopment of the Walloomsac Riverwalk.
- 255 ❖ The current pathway consists of an existing section completed in 1980 and three  
256 subsequent sections completed in the 1990's in varying states of pavement  
257 deterioration and cracking.
- 258 ❖ The redevelopment is intended to upgrade and revitalize a dated environment,  
259 enhance safety and comfort, and re-establish the Riverwalk as a Bennington  
260 Downtown people place.
- 261 ❖ Re-development includes:

- 262 ✓ Widen the 6-8 feet paved pathway to 10-foot-wide paved path to bike-ped  
263 specifications.
- 264 ✓ Construct a new 300-foot path to bike-ped specifications connecting the  
265 Riverwalk to the Walloomsac Valley Rail-Trail bike-ped pathway currently  
266 under construction.
- 267 ✓ Install new LED lighting along the easterly (Bennington Elementary) section of  
268 the Riverwalk with the Town match of 20%, or ~\$25,000. If the scope of work  
269 is \$200,000, then the match would be ~\$40,000.
- 270 ✓ Install safety rails at six concrete bridge abutments.
- 271 ✓ 7 pairs of trash and recycling receptacles; 6 new benches; 8 trees; and 9  
272 Walloomsac Walkway signs.

273 ***Jim Carroll moved and Bruce Lee-Clark seconded to approve the Municipal Resolution***  
274 ***for Downtown Transportation Funds up to \$200,000. The motion carried unanimously.***

275 **3. EXECUTIVE SESSION**

276 **A. CONTRACTS AND REAL ESTATE**

277 **B. PERSONNEL**

278 **At 7:31pm, Bruce Lee-Clark moved and Gary Corey seconded that the meeting was**  
279 **adjourned finding that an Executive Session be held on Contracts, Real Estate, and Personnel**  
280 **as premature public knowledge would place a person involved in the subject matter at a**  
281 **substantial disadvantage. There will be no actions taken on these items when going back into**  
282 **Open Session. The motion carried unanimously.**

283

284

285 Respectfully submitted,

286 Nancy H. Lively

287 Secretary