

M E E T I N G N O T I C E
BENNINGTON SELECT BOARD
February 8, 2021
A G E N D A
6:00 PM

For public health reasons, Select Board members will participate in the meeting by videoconference. Members of the public are urged to watch the meeting on CAT-TV or Cat-TV Facebook. If one wishes to participate, please call 1-646-558-8656 enter Meeting ID when prompted: 837 5397 6549 followed by #. Callers will come into a "waiting room" and be taken in the order of the call. Time will be allotted before action on all agenda items where citizen input is warranted.

1. Consent Agenda
 - A. Minutes of 1/25/21 and 1/9/21 6:00 PM - 6:05 PM
 - B. Warrants
 - C. Liquor Licenses
2. Vermont Department of Health - COVID Update 6:05 PM - 6:10 PM
3. Public Comment 6:10 PM - 6:30 PM
4. Public Hearing 6:30 PM - 7:00 PM
 Mayoral Question
5. Community Policing
 - A. Domestic Violence Policy - 2nd Reading 7:00 PM - 7:30 PM
 - B. Traffic Enforcement - 1st Reading
 - C. Responding to a Mental Health Crisis - 1st Reading
6. Ladder Truck Bond Documents 7:30 PM - 7:35 PM
7. Manager's Report 7:35 PM - 7:40 PM
8. Upcoming Agenda 7:40 PM - 7:45 PM
9. Other Business 7:45 PM - 7:50 PM
10. Executive Session
 - A. Contracts

BENNINGTON SELECT BOARD
MEETING HELD REMOTELY VIA ZOOM
BENNINGTON, VERMONT 05201
JANUARY 25, 2021
MINUTES

SELECT BOARD MEMBERS PRESENT BY VIDEOCONFERENCE: Donald Campbell-Chair; Jeannie Jenkins-Vice Chair; Jeanne Conner; Jim Carroll; Bruce Lee-Clark; and Sarah Perrin.

SELECT BOARD MEMBERS ABSENT: None.

ALSO PRESENT BY VIDEOCONFERENCE: Stuart Hurd-Town Manager; Daniel Monks-Assistant Town Manager and Planning Director and Director of the COVID-19 Response; Lori Vadakin-UCS and Kristi Cross-SVHC; Jason Dolmetsch and Pat Smart-MSK, and Celia Riechel-VDEC; Josh Boucher-CAT-TV; and Nancy H. Lively-Secretary.

PUBLIC CALL INS: Angela Emerson; Spencer Jared; Sam Restino; Mike Bethel; Jordan Krawczyk; Nancy White; Charlie Murphy; and Edward Chinese.

At 6:00pm, Chair Donald Campbell called the meeting to order and explained that, due to the COVID-19 Pandemic State of Emergency declared by Governor Scott, and pursuant to Addendum 6 to Executive Order 01-20, Act 92, this public body is authorized to meet electronically. There is no physical location to attend this meeting, however, the public may view it on CAT-TV and call in at 1-646-558-8656 and enter the meeting ID, 860 8122 6196 when prompted to do so. The call in information will be periodically posted on the screen and the process for calling in was explained. If technology fails us, the meeting will be continued at a time and place to be determined and all votes that are not unanimous will be done with a roll call vote in accordance with the law.

1. CONSENT AGENDA

A. MINUTES OF JANUARY 11, 2021 AND JANUARY 9, 2021

B. WARRANTS

C. LIQUOR LICENSES

Bruce Lee-Clark moved and Jeanne Conner seconded to adopt the Consent Agenda amended as follows:

Delete "Minutes of January 9, 2021"

Add "2A. Health Update"

The motion carried unanimously.

2. PUBLIC COMMENT

Angela Emerson, Rector of St. Peters Episcopal Church, and Spencer Jared, Director at Congregation Bethel: Have scheduled a walk for Monday, 2/1/21 from 5:30pm-6:30pm beginning at St. Peters in recognition of the death of Emily Hamann and the fears that are in the community.

Sam Restino: In light of the two recent deaths, he supports the formation of a Crisis Intervention Team and the use of Facebook for community communication and motivation.

Sam Restino: Why is it costing \$25,000 for a dog park? Mr. Campbell explained that the dog park is being privately funded.

Sam Restino: With the help of Mr. Carroll, the public documents were produced for Hans Heck's family.

Mike Bethel: Would like to set up a Task Force to fight drugs and violence in our community.

Jordan Krawczyk: Shared his dissatisfaction with the police concerning the investigation of the missing person, Hans Heck, his ultimate death, and their disrespectful treatment of his family.

Charles Murphy: Is in favor of putting the Cannabis issue to the voters and notes that there is information available with the State for those that would be interested in opening a cannabis retail business.

Nancy White: Why didn't the public know that Southern Vermont College owed the Town \$.5M for the water line that the Town put on their property in 2015? Mr. Hurd explained that the \$.5M is what is left of a \$3M bond agreement that was decided at multiple public meetings. They are making annual payments and the debt has been passed onto the new owners.

Edward Chinese: Feels that public records should be more easily accessed.

2A. HEALTH UPDATE

Lori Vadakin, United Counseling Service (UCS) Director of Outpatient, CRT, and Substance Abuse, and Kristi Cross, Southwest Vermont Health Care (SVHC) Director of Bennington Blueprint and Project Director of the Bennington Opioid Response Team, did the following presentation:

- Fire Heroin is a new heroin on the streets.
- Fire Heroin is a new form of fentanyl in pill form that is causing a spike in non-fatal overdoses.
- Some of our strategies would be amplified with a Community Task Force.
- We have received a Community Action Grant from ADAP that we plan on using for community education, school education, an RN liaison, Messages for Me Platform, and a Community Health Navigator position.
- We have also just rolled out our Outreach for Overdose Projects that involves Turning Point for brief intervention and referrals to UCS.

- UCS has bags equipped with fentanyl testing ability, masks, etc., an Intensive Outpatient Program for people that want to stop using drugs, as well as, a new substance abuse clinical position.
- The Police and Rescue Squad are calling UCS when they receive a call so we can start treatment immediately.

3. PUBLIC HEARING - NOTICE OF INTENT-NO SIGNIFICANT IMPACT LEAD SERVICE LINE REPLACEMENT PROJECT

Jason Dolmetsch, MSK Engineering, Pat Smart, MSK Engineering, and Celia Riechel, State of Vermont did the following presentation:

- The Department of Environment Conservation (DEC) has found no significant impact with the Lead Service Lines Replacement Project, Contract 1.
- Public comments can be made to the State through February 22, 2021.
- Due to the size of the project the full environmental review process had to be followed.
- The direct and indirect environmental and socio-economic effects of the Project are both minimal.
- The purpose of the Project is to remove and replace lead service lines that connect Bennington's municipal water system to individual connections.
- This effects approximately 1,500 service lines.
- Phase 1 will replace 140 connections on 10 different streets in Town.
- There is no cost to the Town for the Project.

The Public Hearing was closed.

4. COMMUNITY POLICING - DOMESTIC VIOLENCE INVESTIGATIONS POLICY

Mr. Lee-Clark stated the following on the 1st reading of this policy:

- ✓ The Domestic Violence Investigations Policy has been reviewed by the State's Attorney and our Town Attorney.
- ✓ Thanks to the Committee Members - Lauren Wilcox, Janice Largo, Peter Lawrence, and Eleanor Hilton, as well as, the three regulars of Mr. Lee-Clark, Mr. Monks, and Officer Farrara.
- ✓ The following changes were made:
 - II. POLICY, A., Line 5, Change "is of" to "is responsible for enforcement of"
 - II. POLICY, A., Line 10, Change "to for" to "to Community Service Providers (See Definition-III.E. for"
 - III DEFINITIONS, D. Protection Order, Line 4, Change "orders whether" to "orders, issued in a domestic docket, whether"

Board comments/questions:

Ms. Conner: The police should have a list of referral agencies to leave with the victims and that should be within the Procedures. Mr. Lee-Clark stated that they have that now and agreed that it should be in the Procedures.

Ms. Jenkins: Made the following suggestion:

II. POLICY, C., Line 4, Change "may provide" to "Providers will work collaboratively including on BPD needs and will provide"

II. POLICY, C., Line 5, Delete "The BPD is encouraged to actively participate in collaborative efforts to address domestic violence."

Ms. Conner reported the following:

- ✓ We have interviewed 12 applicants + 8 have already served so were not interviewed again + 2 have come forward recently and need to be interviewed which leaves a minimum of 2 open seats with possibly 3 open seats for the next Committee at this time.
- ✓ If interested, contact Ms. Conner or Ms. Jenkins with a Letter of Interest.
- ✓ We have 4 on Social Media, 3 on Special Events, 3 on Body Worn Cameras, 3 on Collaborative Partnerships, 4 on Nepotism and Fraternization, and 3 on Code of Conduct.
- ✓ The Social Media Committee will take place on January 27th with the others following at 2-week intervals with the last one being April 7th.
- ✓ All information that the Committee members need is on the Town's website.
- ✓ Meetings are open to the public to attend only as observers and are not allowed to participate. Public comments can be made to Mr. Lee-Clark prior to a meeting for him to bring them to the meeting.
- ✓ The documentary "Ernie and Joe" was very impressive.

Ms. Jenkins reported the following:

- ✓ As we adopt the fall series of policies, the police have been writing the procedures that go with them.
- ✓ Those procedures will be released after all 9 fall policies have been adopted and the public will have a 10-day comment period.
- ✓ We hope to have these adopted by March 2021 at the latest so the procedures will be out soon after that with both the approved policies and procedures on the Police website.
- ✓ The same process will be followed with the spring policies.

5. TIF PRESENTATION

Mr. Monks stated that we must submit a report to the Vermont Economic Progress Council each year. We have not bonded for any improvements yet, no tax increment has been retained, and, due mostly to the demolition of buildings associated with Phase 1 of the Putnam Project, the TIF District taxable values have decreased by about \$970,840. The only requirement is Board acknowledgement of receipt of the report.

The Select Board acknowledges receipt of the FY2020 Annual TIF District Report at the January 25, 2021 Select Board Meeting.

6. AUTHORIZE THE CHAIR TO SIGN ANNUAL MEETING WARNING

A. SET SELECT BOARD PAY

The Warning will be amended based on Board actions tonight.

Mr. Hurd explained that the Select Board pay is usually voted on at the Floor Meeting but, because we are meeting via Zoom, this cannot be done that way this year. The current compensation is \$1,400/person.

Jeannie Jenkins moved and Bruce Lee-Clark seconded ARTICLE 2. SELECT BOARD MEMBERS COMPENSATION: read "Shall the voters decrease the Select Board pay by \$100 per person to \$1,300 per person per year?" The motion carried with Jim Carroll and Sarah Perrin opposed.

Ms. Conner asked why the opposing votes, and Mr. Carroll noted the extensive hours that Select Board members spend beyond the meetings and Ms. Perrin stated that willing to accept a decrease in pay would hinder people from running in the future.

B. PENNY FOR PARKS

The Warning will be amended based on Board actions tonight.

The Community Built Park at Willow Park needs to be taken down and the Penny for Parks is an option so as not to ask the voters to support the cost or replacement all at once. Replacing the Community Built Park is the first project but this will be to set up a reserve fund for the maintenance of all of the Town Parks. At the current Grand List amount the penny will generate ~\$100,000. In the long run as the reserve builds, it will allow us to reduce the amount budgeted in the General Fund for maintenance of the parks. We will do the best we can to educate the public as to what this is for.

Bruce Lee-Clark moved and Jeanne Conner seconded to amend ARTICLE 2. as follows:

ARTICLE 2. Shall the Town of Bennington add \$0.01 to the General Fund tax rate for the purpose of creating a reserve fund to support Town Parks, so designated as "A Penny for Parks"?

The motion carried unanimously.

174 **C. CANNABIS RETAILERS**

175 The Warning will be amended based on Board actions tonight.

176 The legislation that was passed is an "opt in" legislation for municipalities that wish to
177 have Cannabis Retailers in their community. Licensing will be done by a State Board appointed
178 by the Governor. The language in ARTICLES 4 and 5 is language developed by the League of
179 Cities and Towns. If these both pass, Bennington and North Bennington will not see any of
180 these businesses until sometime in 2022. Also, there is a 2% tax benefit to the Town that could
181 be used to fight drug abuse.

182 *Sarah Perrin moved and Bruce Lee-Clark seconded to let the voters decide on ARTICLE*
183 *4. and ARTICLE 5. amended as follows:*

184 *ARTICLE 4., Line 3, Change "state Board" to "state Cannabis Control Board"*

185 *The motion carried unanimously.*

186 *Bruce Lee-Clark moved and Sarah Perrin seconded to authorize the Chair of the Select*
187 *Board to sign the Annual Warning 2021 Town Meeting as approved.*

188 Ms. Conner asked if we could always have a sign interpreter at the meetings instead of
189 having the hearing impaired request one, and Mr. Hurd answered that it is difficult to find a
190 certified interpreter.

191 *The motion carried unanimously.*

192 **7. ADOPT FY22 BUDGET**

193 *Jeanne Conner moved and Jeannie Jenkins seconded to adopt the FY22 Budget as*
194 *presented. The motion carried with Sarah Perrin opposed.*

195 **8. MANAGER'S REPORT**

196 Mr. Hurd reported as follows:

197 It is unfortunate that social media "takes rumors and innuendos and runs rampant with
198 it and that becomes the facts that we're dealing with". We are allowed 72 hours by statute
199 before releasing some information and have a longer period of time if the information warrants
200 it. It has to be put into a record request response and then brought back to the individual
201 requesting the information. In the Hans Heck case, the Police Department has met with the
202 family on several occasions and have provided them everything that they could. The crash
203 report is not done so that could not be provided. It is a very sad situation for everyone involved
204 - of course, the family, but also the police officers, as well. "We do our best to provide the
205 information requested in a timely fashion."

- 206 ■ March Town Meeting Ballots - The ballots are being printed and, if you want an
207 absentee ballot, they can be requested by phone or e-mail at the Town Clerk's Office

802-442-1043 or cbarbeau@benningtonvt.org . When received the ballots will then be mailed to those that have requested them. We are not mailing a ballot to all voters.

- COVID Update - Meals on Wheels is concerned for those individuals that don't have access to a computer being able to register for the vaccine. Meals on Wheels has offered to help those register on their computers. Their number is 802-442-8012, ext. 1 from 8:00am-5:00pm. Computers are also available at the Library. The sign up process is cumbersome now because so many are trying to get in. Patience is of the essence. There will be a vaccination sight at the Southern Vermont College gymnasium.
- Tax Penalty Waivers - The Town has waived \$20,440.67 in penalties impacting 69 properties. There are currently 8 agreements in place with a total of \$1,804.10 in penalties to be waived should all involved conform to the agreement.
- PFOA Construction - All but one contractor have finished for the season. Casella Construction has continued work on Contract 9.
- Additional Information
 - Ms. Conner: Noted that the Pathway Projects are coming along with the farthest one out to be 2022.
 - Ms. Conner: Where are we at with the Morgan Springs Relocation Project? Mr. Hurd answered that that should be out to bid in a couple of weeks. There has been some delay due to redesign.

9. UPCOMING AGENDA

February 1, 2021 - Public Hearing #1 - Mayoral Ballot Item

February 8, 2021 - Public Hearing #2 - Mayoral Ballot Item

February 8, 2021 - 1/9/21 Minutes

February 8, 2021 - Domestic Violence Policy - 2nd Reading

February 8, 2021 - Energy Committee Recommendations

10. OTHER BUSINESS

Ms. Perrin: Stay safe, stay warm

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

Respectfully submitted,

Nancy H. Lively

Secretary

TOWN OF BENNINGTON

2021 LIQUOR LICENSE RENEWAL APPLICATIONS

2021 1st Class Renewal

1. Kevin's

2021 2nd Class Renewals

1. Bennington Jolley #117
2. Bennington Jolley #145
3. Walmart #2289

2021 3rd Class Renewal

1. Kevin's

*The Bennington Select Board hereby approves the above
2021 Liquor License Renewal Applications.*

Dated: February 8, 2021

Donald A. Campbell, Chair

Jeannette Jenkins, Vice Chair

Jim Carroll

Bruce Lee-Clark

Jeanne Conner

Sarah B. Perrin



Domestic Violence Investigations	Related Policies: Ethics, Code of Conduct
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this agency for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable State Statutes: 13 VSA §1041, 15 VSA §§1101, 1103	
Date Adopted:	Date Reviewed:

I. PURPOSE

The purpose of this policy is to establish the Bennington Police Department's (BPD) priorities, guidelines, and procedures to be followed by law enforcement officers and all other personnel in response to domestic violence calls, including when the subject is a law enforcement officer.¹

II. POLICY

- A. The BPD shall provide a proactive, survivor, and family-centered approach when responding to domestic violence. Additionally, the BPD takes a position of zero tolerance on domestic violence. While prioritizing the safety of victims and others involved in the incident, officers should inform all parties that the State of Vermont is responsible for enforcement of all existing Abuse Protection Orders (APO's) and for making decisions regarding prosecution. Officers should not: (1) make any statements that discourage survivors/victims from reporting acts of domestic violence; (2) suggest, or otherwise indicate the possibility of arrest of all parties to discourage reporting an act of domestic violence; or (3) avoid taking any action because the victim stated prosecution was not desired. Officers should direct survivors to Community Service Providers (See Definition III. E.) for assistance in creating a safe environment.
- B. Effective domestic violence prevention requires a team approach. Dispatchers should gather information to safeguard responding officers and all other persons involved in the incident. Responding officers should restore order and conduct thorough on-scene investigations. Supervisors should motivate, teach, and direct their personnel, so that

¹ For the purposes of this discussion, the term "officer" is used throughout. However, agencies should utilize the same procedures for any individual, whether civilian or sworn, employed by a law enforcement agency.

1 they perform their jobs in a compassionate, professional manner. Any domestic violence
2 incident will be thoroughly investigated, including when law enforcement officers or
3 individuals in positions of power or influence are involved.
4

- 5 C. The BPD will work with Community Service Providers that provide safety and support for
6 the survivor(s)/victim(s) and others affected, including, when appropriate, entering into
7 Memoranda of Understanding (MOU) to better define agencies' respective roles.
8 Additionally, the BPD will engage with Community Service Providers to provide training
9 and other resources for BPD personnel. The BPD will actively participate in
10 collaborative efforts to address domestic violence.
11
12

13 III. DEFINITIONS

- 14
15 A. **Domestic Violence:** Abusive behavior in any relationship, as defined by Vermont
16 Statute.² [15 V.S.A. §1101 (1)]
17
18 B. **Intimate Partners or Family or Household Members:** As defined by Vermont Statute
19 these include people who are related, whether by blood, marriage, or adoption, live
20 together or have lived together, have children together, or have dated. [13 VSA §1041,
21 15 VSA §1101]

22 C. **Predominant Aggressor:** The individual who poses the most serious, ongoing threat,
23 who might not necessarily be the initial aggressor in a specific incident.
24
25 C. **Preferred Arrest Response:** Law enforcement officers are expected to arrest any
26 person who commits a crime related to domestic violence as defined by law, unless
27 there is a clear and compelling reason not to arrest, such as self-defense or lack of
28 probable cause, after a comprehensive investigation to identify the predominant
29 aggressor.
30
31 D. **Protection Order:** any injunction or other order issued for the purpose of preventing
32 violent or threatening acts or harassment against, or contact or communication with or
33 physical proximity to, another person, including temporary and final orders issued by civil
34 and criminal courts, other than support or child custody orders issued in a domestic
35 docket, whether obtained by filing an independent action or as a *pendente lite* order in
36 another proceeding so long as any civil order was issued in response to a complaint,
37 petition or motion filed by or on behalf of a person seeking protection.
38
39 E. **Community Service Providers:** Agencies providing local support and services for
40 Survivor/Victims of Domestic Violence, their household members, and others affected by
41 violence. They also provide educational services to the larger community regarding
42 Domestic Violence and its long lasting effects on the community and its individuals. In
43 Bennington they include, but are not limited to, P.A.V.E., U.C.S., Bennington District
44 DCF, and Bennington County Child Advocacy Center.
45

² Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

1 F. **Victim/Survivor/Complainant:** means any person who has been subjected to domestic
2 violence. This includes persons who are unwilling to participate in any investigation.
3

4 G. **Self-Defense:** A person's justifiable use of physical force upon another person when a
5 the person believes such force is necessary to defend themselves or a third party from
6 what he/she reasonably believes to be the use, or imminent use, of unlawful physical
7 force by .another person.

8 * * * * *

9
10 This policy is adopted by the Select Board of the Town of Bennington, Vermont, this ____ day of
11 _____, 2021, and is effective as of this date until amended or repealed.
12

13 _____, Chairperson

14 Donald Campbell
15
16



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Domestic Violence Investigations	Related Policies: Ethics, Code of Conduct	Formatted: Font: 11 pt
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this agency for non-judicial administrative action in accordance with the laws governing employee discipline.</i>		Formatted: Font: 11 pt
Applicable State Statutes: 13 VSA §1041, 15 VSA §§1101, 1103		Formatted: Font: 11 pt
Date Adopted:	Date Reviewed:	Formatted: Font: (Default) Arial, 11 pt
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I. PURPOSE		Formatted: Font: 11 pt
The purpose of this policy is to establish the Bennington Police Department's (BPD) priorities, guidelines, and procedures to be followed by law enforcement officers and all other personnel in response to domestic violence calls, including when the subject is a law enforcement officer. ¹		Formatted: Font: (Default) Arial, 11 pt
II. POLICY		Formatted: Font: 11 pt
A. -The BPD shall provide a proactive, -survivor, -and family-centered approach when responding to domestic violence. Additionally, -the BPD takes a position of zero tolerance on domestic violence. While prioritizing the safety of victims and others involved in the incident, officers should inform all parties that the State of Vermont is responsible for enforcement of all existing Abuse Protection Orders (APO's) and for making decisions regarding prosecution. Officers should not: (1) make any statements that discourage survivors/victims from reporting acts of domestic violence; (2) suggest, or otherwise indicate the possibility of -arrest of all parties to discourage reporting an act of domestic violence; or (3) avoid taking any action because the victim stated prosecution was not desired. Officers should direct survivors to Community Service Providers (See Definition -III. E.) for assistance in creating a safe environment.		Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"
		Comment [MB1]: Debatable whether they "enforce all" APOs, but fair to say they are responsible for their enforcement.
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		Comment [MB2]: Defined term
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B. -Effective domestic violence prevention requires a team approach. Dispatchers should gather information to safeguard responding officers and all other persons involved in the incident. Responding officers should restore order and conduct thorough on-scene investigations. Supervisors should motivate, teach, and direct their personnel, so that		Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

¹ For the purposes of this discussion, the term "officer" is used throughout. However, agencies should utilize the same procedures for any individual, whether civilian or sworn, employed by a law enforcement agency.

they perform their jobs in a compassionate, professional manner. Any domestic violence incident will be thoroughly investigated, ~~to include~~ including when law enforcement officers or individuals in positions of power or influence are involved.

C. The BPD will work with Community Service Providers that provide safety and support for the survivor(s)/victim(s) and others affected, including, when appropriate, entering into Memoranda of Understanding (MOU) to better define agencies' respective roles. Additionally, ~~the BPD will engage with~~ Community Service Providers ~~may to~~ provide training and other resources for BPD personnel. The BPD ~~is encouraged to~~ will actively participate in collaborative efforts to address domestic violence.

III. DEFINITIONS

A. **Domestic Violence:** Abusive behavior in any relationship, as defined by Vermont Statute.² [15 V.S.A. §1101 (1)] ~~V.S.A. inserted here~~

B. **Intimate Partners or Family or Household Members:** As defined by Vermont Statute ~~these~~ include people who are related, whether by blood, marriage, or adoption, live together or have lived together, have children together, or have dated. [13 VSA §1041, 15 VSA §1101]

C.

Predominant Aggressor: The individual who poses the most serious, ongoing threat, who might not necessarily be the initial aggressor in a specific incident.

C. **Preferred Arrest Response:** Law enforcement officers are expected to arrest any person who commits a crime related to domestic violence as defined by law, unless there is a clear and compelling reason not to arrest, such as self-defense or lack of probable cause, after a comprehensive investigation to identify the predominant aggressor.

D. **Protection Order:** any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil and criminal courts, other than support or child custody orders, ~~issued in a domestic docket~~ whether obtained by filing an independent action or as a *pendente lite* order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of a person seeking protection.

~~D.E.~~ **Community Service Providers:** Agencies providing local support and services for Survivor/Victims of Domestic Violence, their household members, and others ~~effected~~ affected by violence. They also provide educational services to the larger community regarding Domestic Violence and its long lasting effects on the community

² ~~Please refer to your state or provincial statute's definition of domestic violence.~~ Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

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Comment [MB3]: Defined term

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and its individuals. In Bennington they include, but are not limited to, P.A.V.E., U.C.S., Bennington District DCF, and Bennington County Child Advocacy Center.

F. Victim/Survivor/Complainant: means any person who has been subjected to domestic violence. This includes persons who are unwilling to participate in any investigation.

G. Self-Defense: means A person's justifiable use of physical force upon another person when a the person believes such force is necessary to defend themselves or a third party from what he/she reasonably believes to be the use, or imminent use, of unlawful physical force by .another person.

* * * * *

This policy is adopted by the Select Board of the Town of Bennington, Vermont, this ____ day of _____, 2021, and is effective as of this date until amended or repealed.

_____, Chairperson
Donald Campbell

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TRAFFIC ENFORCEMENT	<u>Related Policies: Fair and Impartial Policing, Body Worn Cameras</u>
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Vermont Statutes: 23 V.S.A §§ 674, 1133 (a,b), 1091 (a,b,c), 1094(a,b), 1128 (a,b,c), 1201 (a)(2), 1261.	
CALEA Standard:	
Date Implemented:	Review Date:

1.	TRAFFIC ENFORCEMENT
I.	Types of Enforcement Action
II.	Other Considerations
III.	Informing the Operator of Court Appearance/Fine
IV.	Uniform Traffic Law Enforcement Policies
V.	Officer's Conduct Toward Traffic Violators
2.	TRAFFIC ENFORCEMENT – DETECTING VIOLATIONS
I.	Traffic Law Enforcement Practices
II.	Speed Enforcement
III.	Maintenance of Speed Measuring Equipment
IV.	Automatic License Plate Reader (ALPR)
3.	STOPPING AND APPROACHING TRAFFIC VIOLATORS
I.	Stopping and Approaching Traffic Violators
II.	Stopping and Approaching Known Suspects or Felons
4.	DUI ENFORCEMENT
I.	Applicable Statutes
II.	Training
III.	Equipment
IV.	Officer Contact
V.	Sobriety Checkpoints

- VI. Investigatory Questions
- VII. Standardized Field Sobriety Exercises
- VIII. Arrests
- IX. Passengers
- X. Suspect Vehicles
- XI. Processing
- XII. Release From Custody
- XIII. Paperwork

5. DLS ENFORCEMENT

- I. Driving While License Suspended
 - A. Civil
 - B. Criminal

PURPOSE: To establish policies and procedures for traffic law enforcement through proactive and preventive enforcement and reactive patrols by outlining acceptable methods and establishing guidelines for proper detection, investigation, processing and reporting of traffic law violations, reducing vehicle crashes, and assisting the Bennington Police Department (BPD) in identifying criminal activity. While utilizing these methods, officers will strive to enhance the relationship between the community and the Police Department.

1. TRAFFIC ENFORCEMENT

POLICY:

- A. It shall be the policy of the Bennington Police Department to enforce all traffic laws within the community without prejudice and/or bias. The detection of traffic law violations may be: reactive by an officer on patrol, proactive/preventive in response to community concerns, or may be an effort to reduce the number of traffic crashes in a specifically identified area. Enforcement of the traffic laws of Vermont is a responsibility of every officer and supervisor. Nothing in this policy shall be construed to limit an officer or supervisor exercising his or her discretion in the issuance of a written warning in lieu of a Vermont Civil Violation complaint, where appropriate. All officers will treat every citizen with dignity and respect in furtherance of building and maintaining good relations with the public.
- B. Data for every vehicle stop shall be documented by completion of the written forms made available to the Officer. Additionally, all vehicle stops shall be recorded on the dispatcher's radio log.
- C. Data collected from vehicle stops shall be reported on a basis required by law to the State of Vermont Department of Public Safety (DPS). The Chief of Police shall obtain, to the extent available, reports of all vehicle stops by BPD Officers and Supervisors for review and analysis, and share the results regularly with the Town Manager's Office. DPS reports of BPD vehicle stop data shall be published at least annually on the Town website.

2. TRAFFIC ENFORCEMENT METHODS – DETECTING VIOLATIONS

1 **POLICY:** The BPD shall employ numerous methods of traffic law enforcement in order
2 to detect violations and maximize the safety of the traveling public within the Town of
3 Bennington, Village of Old Bennington, and Village of North Bennington.
4
5

6 **IV. AUTOMATIC LICENSE PLATE READER (ALPR)**

7

8 **A. PURPOSE:** To provide uniform and proper use of Automatic License Plate
9 Reader (ALPR) equipment by members of the Bennington Police Department.
10 ALPR technology uses specialized digital cameras and computers to quickly
11 capture large numbers of photographs of license plates, convert them to text and
12 compare them quickly to a large list of plates of interest. ALPR systems can
13 identify a target plate within seconds of contact with it, allowing law enforcement
14 to identify target vehicles that might otherwise be overlooked.
15

16 **B. POLICY**

17

- 18 1. All members using ALPR equipment shall be properly trained in its
19 operation and be familiar with this policy.
20
- 21 2. All data and digital images contained in the ALPR system are the property
22 of DPS and shall not be released or disseminated without the approval of
23 the Chief of Police or his/her designee. All data and images will be stored
24 on a secure DPS server.
25

26 **C. DEFINITIONS**

27

- 28 1. Target plate – The registration plate of a motor vehicle identified and
29 photographed by the ALPR.
30
- 31 2. List of Plates of Interest – Information that can come from a variety of
32 sources, including but not limited to, stolen vehicle information from the
33 National Insurance Crime Bureau and the National Crime Information
34 Center (NCIC), as well as national AMBER Alerts and Department of
35 Homeland Security watch lists. Departments of Motor Vehicles can
36 provide lists of expired registration tags and law enforcement agencies
37 can also interface their own, locally-compiled list(s) of plates of interest to
38 the ALPR system.
39
40

41 **3. STOPPING AND APPROACHING TRAFFIC VIOLATORS**

42

43 **POLICY:** The BPD requires that all officers remain astutely aware of the inherent
44 danger of motor vehicle stops and will take the utmost care to provide for the continued
45 safety of themselves and the community.
46

47 **4. DUI ENFORCEMENT**

48

49 **POLICY:** The BPD will take aggressive action in the enforcement of all Operating
50 Vehicle Under the Influence (DUI) laws. All officers have the responsibility to be familiar
51 with and remain up to date on the latest applicable court rulings concerning DUI. The
52

1 BPD has a zero tolerance policy towards DUI operation in order to ensure the safety of
2 the community.
3
4
5

6 **5. TRAFFIC ENFORCEMENT – *DRIVING WITH LICENSE SUSPENDED [DLS]***
7

8 **POLICY:** The BPD officers shall check the driver's license status of all persons
9 suspected of violating a motor vehicle law, and take appropriate action upon identifying
10 an operator with a suspended license.
11

12 * * * * *

13
14 This Policy is adopted by the Select Board of the Town of Bennington, Vermont,
15 this _____ day of _____, 2021 and is effective as of this date until
16 amended or repealed.
17

18
19 _____
20 Donald Campbell, Chairperson
21



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<u>TRAFFIC ENFORCEMENT</u>	<u>Related Policies: Fair and Impartial Policing, Body Worn Cameras</u>
<u><i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i></u>	
<u>Applicable Vermont Statutes: 23 V.S.A §§ 674, 1133 (a,b), 1091 (a,b,c), 1094(a,b), 1128 (a,b,c), 1201 (a)(2), 1261.</u>	
<u>CALEA Standard:</u>	
<u>Date Implemented:</u>	<u>Review Date:</u>

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~~**BENNINGTON POLICE DEPARTMENT**~~

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GENERAL ORDER

TRAFFIC ENFORCEMENT

~~**PURPOSE: To establish policies and procedures for traffic law enforcement through proactive enforcement, preventive enforcement and reactive patrols by outlining acceptable methods and establishing the guidelines for proper detection, investigation, processing and reporting of traffic law violators, reducing vehicle crashes, and assisting the Bennington Police Department (BPD) identifying criminal activity. While utilizing these methods, officers will strive to enhance the relationship between the community and the Police Department.**~~

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- CONTENTS: 1. TRAFFIC ENFORCEMENT
- I. Types of Enforcement Action
 - II. Other Considerations
 - III. Informing the Operator of Court Appearance/Fine
 - IV. Uniform Traffic Law Enforcement Policies
 - V. Officer's Conduct Toward Traffic Violators
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- I. Traffic Law Enforcement Practices
- II. Speed Enforcement
- III. Maintenance of Speed Measuring Equipment
- IV. Automatic License Plate Reader (ALPR)

3. STOPPING AND APPROACHING TRAFFIC VIOLATORS

- I. Stopping and Approaching Traffic Violators
- II. Stopping and Approaching Known Suspects or Felons

DATE: December 27, 2004 Subject: Traffic Enforcement
Amended: July 15, 2011
Amended: March 4, 2016

To: All Personnel General Order # 04-04

By: _____
Paul J. Doucette, Chief of Police

4. DUI ENFORCEMENT

- I. Applicable Statutes
- II. Training
- III. Equipment
- IV. Officer Contact
- V. Sobriety Checkpoints
- VI. Investigatory Questions
- VII. Standardized Field Sobriety Exercises
- VIII. Arrests
- IX. Passengers
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- I. Driving While License Suspended
 - A. Civil
 - B. Criminal

PURPOSE: To establish policies and procedures for traffic law enforcement through proactive and preventive enforcement, preventive enforcement and reactive patrols by outlining acceptable methods and establishing the guidelines for proper detection, investigation,

1 processing and reporting of traffic law violations, reducing vehicle crashes, and
2 assisting the Bennington Police Department (BPD) in identifying criminal activity.
3 While utilizing these methods, officers will strive to enhance the relationship
4 between the community and the Police Department.

5 6 **1. TRAFFIC ENFORCEMENT**

7
8 **POLICY:** It shall be the policy of the Bennington Police Department to enforce all
9 traffic laws ~~without prejudice throughout within~~ the community ~~without prejudice and/or~~
10 ~~bias~~. The detection of traffic law violations may be reactive by an officer on patrol, ~~or,~~
11 ~~may be~~ proactive/preventive in response to community concerns, or may be an effort to
12 reduce the number of traffic crashes in a specifically identified area. Enforcement of the
13 traffic laws of Vermont is a responsibility of every officer and supervisor. Nothing in
14 this ~~order-policy~~ shall be construed to limit an officer or supervisor with ~~exercising his or~~
15 ~~her~~ discretion in the issuance of a written warning ~~as opposed to in lieu of~~ a Vermont
16 Civil Violation complaint, where appropriate. ~~The~~ All officers will treat every citizen
17 with dignity and respect ~~and do their part in furthering~~ in furtherance of building and
18 maintaining good relations with the public.

19
20 All vehicle stop data for every vehicle stop shall be documented by completion of on
21 the written forms made available to the Officer. Additionally, all vehicle stops shall be
22 recorded on the dispatcher's radio log.

23
24 Data collected from vehicle stops shall be reported on an [state increment] basis to the
25 State of Vermont Department of Public Safety (DPS) of the State of Vermont. The
26 Chief of Police shall obtain, to the extent available, reports of all vehicle stops by BPD
27 Officers and Supervisors for review and analysis, and share the results regularly with the
28 Town Manager's Office. DPS Reports from the Dept. of Public Safety of BPD vehicle
29 stops data shall be made public published at least annually on the Town website.

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30
31 Public access to these records by Officer. Research and discussion

32 33 **I. TYPES OF ENFORCEMENT ACTION**

34
35 Enforcing traffic law violations will result in one of the following actions
36 by the officer. These enforcement actions may be used with discretion by
37 the officer depending on the circumstances and the severity of the offense.

- 38
39 A. **Warnings** – A written warning may be issued to the violator of a
40 minor traffic law violation, a unique or unknown law to the
41 violator or for minor equipment violations. The officer should take
42 into account the time of day, the vehicular traffic, weather
43 conditions, and the pedestrian traffic when deciding to give a
44 warning or VCV. All data will be entered and completed on the
45 face of the written warning.
46
47

- 1 B. **Written Warning For Equipment Repair** – An equipment repair
2 order may be issued for defective equipment violations. These
3 violations may include, but are not limited to, headlights not
4 working, taillights not working, defective muffler or a cracked
5 windshield. If the repair order is not returned to the officer in five
6 days, the officer may issue a VCVC. All data will be entered and
7 completed on the face of the written warning.
8
9 C. **Vermont Civil Violation Complaint (VCVC)** – A VCVC may be
10 issued to an operator who is in violation of any provision of Title
11 23 VSA or rule adopted under Title 23. A VCVC should be issued
12 to a violator who is jeopardizing the safe and efficient flow of
13 vehicular and pedestrian traffic. These violations may include
14 hazardous moving violations, or operating unsafe and improperly
15 equipped vehicles. VCVCs are civil complaints and recipients are
16 not subject to arrest. When issuing a VCVC, officers must comply
17 with the Soldiers and Sailors Relief Act. Notes will be completed
18 and the issuing officer will enter all required data on the
19 department copy of the VCVC.
20
21 D. **Vermont Criminal Citation (VCC)** – An operator who is in
22 violation of any of the provisions of Title 23 VSA listed under sub-
23 section E of this chapter shall be issued a VCC to appear in
24 Bennington Superior Court-Criminal Division at a specified time
25 and date. The officer shall read the VCC to the operator and ask
26 him/her to sign and date it. If the operator refuses to sign, the
27 officer will write, “refused to sign” in the space provided for the
28 operator’s signature and give a copy to the operator. If the
29 operator falls into one of the Vermont Rules of Criminal Procedure
30 (Rule 3) criteria for physical arrest, then the operator shall be taken
31 into custody.
32
33 E. **Physical Arrest** – A physical arrest of an operator will be made
34 for a misdemeanor criminal violation of Title 23 VSA if the
35 operator falls into one of the Vermont Rules of Criminal
36 Procedures (Rule 3) criteria for physical arrest. The operator will
37 be physically arrested for any felony criminal violation of Title 23
38 VSA. An operator of a motor vehicle may be given a VCC or be
39 physically arrested in accordance with Rule 3 for the following
40 violations of Title 23:
41
42 1. Attempting to elude
43 Title 23 VSA 1133(a/b).
44 2. Careless & Negligent Driving
45 Title 23 VSA 1091(a/b).
46 3. Driving to Endanger
47 Title 23 VSA 1091(b).
48 4. Careless & Negligent Driving (Serious Bodily Injury Occurring)

- 1 Felony – Title 23 VSA 1091(c).
2 5. Driving While License Suspended (Criminal) –
3 Title 23 VSA 674.
4 6. Driving While Intoxicated (.02% persons under 21 years of age)
5 Title 23 VSA 1261.
6 7. Driving While Intoxicated (alcohol or drugs or both)
7 Title 23 VSA 1201(a)(2).
8 8. Leaving the Scene of an Accident
9 Title 23 VSA 1128(a).
10 9. Leaving the Scene of an Accident (Serious Bodily Injury)
11 Title 23 VSA 1128(b).
12 10. Leaving the Scene of an Accident (Death Resulting)
13 Title 23 VSA 1128(c).
14 11. Operating Without Owner's Consent
15 Title 23 VSA 1094(a/b).

16
17 **II. OTHER CONSIDERATIONS**

18
19 ~~Bennington Police~~ **While BPD** officers will enforce all State and Local
20 traffic laws equally, without regard to the person's actual or perceived
21 gender, age, race, color, religion, national origin, sexual orientation or
22 socio-economic status. ~~The~~ the following categories may require some
23 special considerations.;

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24
25 A. **Nonresidents of Bennington** – Nonresidents will be treated in the
26 same manner as residents. ~~It will be at the officer's discretion as to~~
27 ~~The type of action taken in each case~~ will be at the officer's
28 discretion.

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29
30 B. **Juveniles** – Juveniles will be treated in the same manner as adult
31 offenders. If the juvenile is to be physically arrested, then the
32 officer will follow the procedures set forth by Vermont Law. (33
33 VSA §5510.)

34
35 C. **Elected or Appointed Government Officials** – Government
36 officials will be treated in the same manner as any other traffic
37 violator. Although not exempt from civil traffic penalties,
38 legislators may not be arrested or imprisoned during their
39 necessary attendance at, and in going to or returning from, the
40 general assembly, except that they may be arrested for treason, a
41 felony or breach of the peace.

42
43 D. **Foreign Diplomats/Consular Officials** – Officials, their family,
44 or servants may be issued a VCV, but may not be physically
45 arrested as per Federal Law in the Diplomatic Relations Act of
46 1978. The officer may detain the person until his/her diplomatic
47 immunity is established. The officer should contact the State
48

1 Department to establish the diplomat's immunity and to inform
2 them of the violation that has been committed.

- 3
4 E. **Military Personnel** – Military personnel will be treated in the
5 same manner as any other violator. Special attention must be paid
6 to the Soldiers and Sailors Relief Act of 1940 if the operator is on
7 or is going into active military duty.
8

9 **III. INFORMING THE OPERATOR OF COURT APPEARANCE/FINE**

10
11 A. **Court Appearance**

- 12
13 1. **Physical Arrest/Lodging** – A person who has been
14 physically arrested and lodged will be informed of the
15 charge(s) that they are being incarcerated for, and the day
16 and approximate time that they will be arraigned. The
17 operator will also be advised of the bail that has been set
18 forth by the court as soon as possible.
19
20 2. **Citation** – If an operator is given a citation to appear in
21 Vermont Superior Court, Criminal Division, he/she must be
22 read the entire Vermont Criminal Citation. The Citation
23 lists reasons they are being brought to court; the date, time
24 and place of the appearance as well as the criminal charge.
25 The Citation also states that appearance is mandatory and
26 that if the operator does not appear an arrest warrant may
27 be issued. The officer should also explain the information
28 sheet that is given with the Citation. If the operator is a
29 juvenile, under the age of 16, the officer will petition the
30 Family Court for charges to be brought forward against the
31 juvenile.
32
33 3. **Vermont Civil Violation Complaint** – The officer shall
34 inform the operator that he/she may appear in Vermont
35 Traffic court if they desire to do so by checking the
36 appropriate box on the reverse side of the VCVC and
37 sending it to the Vermont Judicial Bureau. The Bureau will
38 then assign a court date for the case to be heard.
39

40 B. **Fines**

- 41
42 1. **Physical Arrest** – Advise the operator that the fine will be
43 set by the judge when a plea of guilty or a determination of
44 guilt has been made by the court.
45
46 2. **Citation** – Follows the same guideline as Physical Arrest.
47

- 1 3. Vermont Civil Violation Complaint – The officer may tell
2 the violator the specific charge for which they are receiving
3 the Traffic Complaint, the number of points and the fine as
4 it is printed. The officer may then explain that if the
5 violator does not wish to contest the Complaint, he/she may
6 pay the fine, check the appropriate box on the back of the
7 Complaint, or go on line to www.vermontjudiciary.org and
8 send it in to the Vermont Judicial Bureau within 20 days.
9

10 **IV. UNIFORM TRAFFIC LAW ENFORCEMENT POLICIES**
11

- 12 A. **Driving While Intoxicated/Under the Influence of Drugs –**
13 Officers should detain all persons suspected of driving under the
14 influence of alcohol or drugs for the purpose of obtaining an
15 evidentiary test. Once a person has been taken into custody for
16 Driving While Intoxicated, a violation of Title 23 VSA 1201, the
17 officer will follow the procedures and use the forms that have been
18 set forth through the Vermont Criminal Justice Training Council
19 and the State of Vermont for properly administering the
20 evidentiary breath or blood test through either the DataMaster
21 DMT, or a laboratory technician drawing the blood.
22
23 B. **Speeding Violations –** Officers may determine the speed of a
24 vehicle by pacing it, or using some type of speed measuring device
25 (radar, laser, visual estimation). Officers shall enforce speeding
26 violations by use of written warnings, or VCVCs.
27
28 C. **Other Hazardous Moving Violations –** A hazardous moving
29 violation shall mean violation of any provision of Title 23, while
30 the motor vehicle is being operated on a public highway, over
31 which the operator has control as to commission of the act.
32 Officers may observe a hazardous moving violation. This
33 violation may be enforced through the VCVC, a Criminal Citation,
34 or a written warning. Any criminal offender shall be given a
35 Criminal Citation or the person may be physically arrested if the
36 person meets Rule 3 criteria or if a felony has been committed.
37
38 D. **Equipment Violations –** Officers observing equipment violations
39 should stop the vehicle and give a verbal or written warning or
40 issue a VCVC. If a written warning is issued, the officer must tell
41 the violator that he/she has 5 days to have the violation repaired,
42 have the slip signed by a certified mechanic and returned to the
43 officer. If the officer does not hear from the violator within 5 days,
44 the officer may issue a VCVC to the violator.
45
46 E. **Public Carriers/Commercial Vehicle Violations –** Officers
47 trained in the detection of public carrier/commercial vehicle
48 violations shall enforce such violations as he/she would any other

1 violation. The officer may enforce these laws with written
2 warnings, VCVCs or Criminal Citations. Any officer may enforce
3 violations related to driving a commercial vehicle without a CDL
4 or driving while intoxicated with a CDL endorsement.
5

6 **F. Non-hazardous Violations** – Non-hazardous violations shall mean
7 any violation of a provision of Title 23 pertaining to parked
8 vehicles, equipment, size, weight, inspection or registration of the
9 vehicle, or other similar violations deemed to be non-hazardous by
10 the officer. These violations will be enforced by the use of
11 warnings or VCVCs.
12

13 **G. Multiple Violations** – Officers may use their discretion when
14 dealing with multiple violations. The officer may issue written
15 warnings, VCVCs or Criminal Citations for any or all of the
16 violations. If a criminal act has occurred, the officer may issue a
17 Criminal Citation. If there are other violations that are observed,
18 the officer may issue any of the above enforcement actions.
19

20 **H. Off Road Vehicle Violations** – Off road vehicles include mini
21 bikes, motorcycles, four-wheelers, three-wheelers, and
22 snowmobiles. Any violation of Vermont law may be enforced
23 through written warnings, VCVCs, or Criminal Citations.
24

25 **I. New Enacted Laws and/or Regulations** – When a new law or
26 traffic control device is put into effect, the officer should use
27 his/her discretion for the first week or two and consider using
28 written warnings when enforcing the law. Nothing in this policy
29 shall prevent the officer from issuing a VCVC.
30

31 **J. Seat Belt and Child Passenger Safety Laws** – The Bennington
32 Police Department has a “zero tolerance” enforcement of Seat Belt
33 and Child Passenger Safety Laws. Officers, while enforcing motor
34 vehicle laws, shall check to see if seat belts and child restraints are
35 being used. If a violation is noted, the officer shall enforce the law
36 without exception.
37

38 1. **Seat Belt Laws** – Seat Belt Laws are secondary in nature,
39 which means that another violation must occur before the
40 stop is made. The VCVC for the original violation must be
41 issued before the \$25 progressive seat belt fine can be
42 assessed.
43

44 2. **Child Passenger Safety Laws** – These laws are primary in
45 nature, which means that a violation of this section is a
46 separate violation. A separate VCVC may be issued for
47 this violation.
48

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- 1 9. Assist the violator in reentering the flow of traffic safely
2 after the stop is completed, by allowing the violator to enter
3 back into the public highway before you do.
4

5
6 **2. TRAFFIC ENFORCEMENT METHODS – DETECTING**
7 **VIOLATORS/VIOLATIONS**
8

9 **POLICY:** ~~It is the policy of this Department~~ *The BPD shall* to employ numerous
10 methods of traffic law enforcement in order to detect violations and maximize the safety
11 of the traveling public within the Town of Bennington, Village of Old Bennington, and
12 Village of North Bennington.
13

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14 **I. TRAFFIC LAW ENFORCEMENT PRACTICES**
15

- 16 A. **Visible Traffic Patrol** – Uniformed patrol officers will be
17 involved in visible traffic patrol during the normal course of their
18 patrol duties which include observation and enforcement of traffic
19 violations.
20
21 1. **Area Enforcement** – involves traffic enforcement in an
22 officer's assigned patrol area for that shift.
23
24 2. **Special Enforcement** – Involves traffic enforcement on
25 particular streets in the Town or enforcement of particular
26 violations.
27
28 3. **Directed Enforcement** – Specifies traffic enforcement at a
29 precise location for an explicit reason.
30
31 B. **Stationary Observation** – Officers may use covert or overt
32 observations in the enforcement of traffic law violations. Officers
33 should be visible to the general public while they are filling out
34 paperwork so that the public will be reminded and encouraged to
35 obey all traffic laws. Officers should be encouraged to use overt
36 observation rather than covert. The use of covert observation is
37 generally less well accepted by the public. The use of covert
38 observation is sometimes needed to enforce specific violations in
39 specific areas.
40
41 C. **Use of Marked/Unmarked Vehicles** – Uniformed patrol officers
42 shall utilize marked and unmarked patrol vehicles when enforcing
43 traffic law violations. The unmarked vehicle must be equipped
44 with blue and white lights and a siren and be driven by a
45 uniformed officer.
46
47 D. **Use of Smart Cart** – At the direction of the supervisor, the Smart
48 Cart will be set up in areas where speed may be a factor. The Cart

1 will monitor the flow of traffic and record speeds of vehicles. The
2 Cart will be used as a tool to determine areas where speed may be
3 a problem.
4

5 **II. SPEED ENFORCEMENT**

6
7 The Bennington Police Department utilizes speed measuring devices for
8 several reasons, including high or potentially high accident locations when
9 speed is a factor; in areas where speed limit violations are prevalent; in
10 response to citizen complaints concerning speeding motorists; and to
11 conduct traffic volume and speed percentile studies.
12

13 **A. Radar/Laser Units** – All radar and laser units used by the
14 Bennington Police Department will meet or exceed the
15 specifications of the National Highway Traffic Safety
16 Administration, and the International Association of Chiefs of
17 Police.
18

19 1. All units shall comply with all local, state and Federal
20 regulations.
21

22 **B. Operation of Radar/Laser Units** – The following guidelines are
23 established for the use of radar and laser equipment, which will
24 always be operated in compliance with the manufacturer's
25 instructions.
26

27 1. All officers utilizing the units will be properly certified
28 through the Vermont Criminal Justice Training Council and
29 will have periodic training administered by a certified
30 instructor.
31

(Traffic Enforcement) Page 11 of 29

32 2. The radar/laser unit must be properly installed and
33 connected to the appropriate power supply, if required.
34

35 3. The effective range of the particular unit must be
36 thoroughly understood by the operator, so visual
37 observations can support the speed meter readings.
38

39 4. The operator must choose an appropriate location where
40 speed has been identified as a factor through personal
41 experience or through direction of a supervisor. The officer
42 should choose a spot that is conducive to the effective and
43 safe operation of speed measuring devices.
44

45 5. The radar or laser unit will be properly checked to ensure
46 accuracy in checking speed. This check will be performed
47 prior to use at a location. Most manufacturers recommend

specific methods of checking the unit. These methods will be followed without exception.

6. An operational check of the radar unit will be made at the beginning and end of each shift. The laser units will be checked at the beginning and end of each shift.
7. If a radar or laser unit fails the operational check, the officer will immediately take it out of service and notify the vehicle maintenance officer and supervisor.
8. Officers will not perform any repair work on the radar unit except for the replacement of the fuse with a same powered fuse or replacement of batteries.

C. **Pacing** – When establishing a speed violation by “pacing”, the officer should follow the vehicle being paced for at least ¼ of a mile while keeping a constant interval between them, in order to obtain a reading on the speedometer indicating that the vehicle being paced is exceeding the posted speed limit.

D. **Enforcement of Speeding Laws** – To ensure consistent enforcement of speeding laws, the following general guidelines will apply:

1. 1 to 9 mph over posted speed – violators will generally be issued a written warning.
2. 10+ mph over posted speed – violators will generally be issued a VCVC.

E. **Elements for Court** – The officer must establish the time, place and location of the vehicle that was checked, the identity of the operator, the speed of the vehicle, and the visual and radar or laser check of the vehicle. The officer must also establish the following:

1. his/her qualifications and training;
2. that the radar or laser unit was operating and was operated properly;
3. the radar or laser unit was tested for accuracy prior to and after use of the unit by the approved method;
4. that the posted speed limit signs in the area in which the vehicle was stopped were properly posted at the time of the infraction.

1
2 **III. MAINTENANCE OF SPEED MEASURING EQUIPMENT**
3
4

- 5 A. The vehicle maintenance officer is responsible for the periodic and
6 required maintenance and repair that is needed to the radar and
7 laser units. The vehicle maintenance officer will keep all records
8 and certificates that are necessary for all repairs and calibrations
9 that are done.
10
11 B. Speed measuring devices will be checked and calibrated by
12 officers at the beginning of each tour of duty. The officer should
13 note any problems on a cruiser maintenance form.
14
15 C. Speed measuring devices will be checked and calibrated by CW
16 Electronics once yearly.
17

18 **IV. AUTOMATIC LICENSE PLATE READER (ALPR)**
19

20 **A. PURPOSE:** To provide uniform and proper use of Automatic License Plate Reader
21 (ALPR) equipment by members of the Bennington Police Department. ALPR technology
22 uses specialized digital cameras and computers to quickly capture large numbers of
23 photographs of license plates, convert them to text and compare them quickly to a large
24 list of plates of interest. ALPR systems can identify a target plate within seconds of
25 contact with it, allowing law enforcement to identify target vehicles that might otherwise
26 be overlooked.
27

28 **A.B. POLICY**
29

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- 30 1. All members using ALPR equipment shall be properly trained in
31 its operation and be familiar with this policy.
32
33 2. All data and digital images contained in the ALPR system are the
34 property of the ~~Department of Public Safety~~ **DPS** and shall not be
35 released or disseminated without the approval of the Chief of
36 Police or his/her designee. All data and images will be stored on a
37 secure DPS server.
38

39 **B.C. DEFINITIONS**
40

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- 41 1. Target plate – The registration plate of a motor vehicle identified
42 and photographed by the ALPR.
43
44 2. "Hot" list List of Plates of Interest – Information that can come
45 from a variety of sources, including but not limited to, stolen
46 vehicle information from the National Insurance Crime Bureau and
47 the National Crime Information Center (NCIC), as well as national
48 AMBER Alerts and Department of Homeland Security watch lists.

Departments of Motor Vehicles can provide lists of expired registration tags and law enforcement agencies can also interface their own, locally-compiled ~~hot-lists~~list(s) of plates of interest to the ALPR system.

C.D PROCEDURE

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1. Officers selected for use of the ALPRs will have an overall good driving record.
2. Officers assigned to the patrol vehicle equipped with ALPR equipment shall ensure that all required pre-operational checks are performed in accordance with the manufacturer's recommendations.
3. Officers utilizing ALPR equipment shall be sure that the most current "hot" list has been downloaded to the MDC unit.
4. Officers utilizing LPR equipment shall confirm hits through an active database (VLETS/NCIC) before enforcement action is taken on any stolen vehicles, delinquent citation, expired registration, suspended operator or warrant.
5. Positive responses or hits from the ALPR system are not to be considered reasonable suspicion for stopping, searching, or detaining a vehicle and its occupant(s) and that further investigation, reasonable suspicion and/or confirmation must take place prior to stopping, searching or detaining a vehicle and its occupant(s).

D ACCESS TO STATEWIDE ALPR SERVER

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1. The State of Vermont, Department of Public Safety, Division of Criminal Justice Services will maintain a statewide ALPR server.
2. The statewide ALPR server will be made available to law enforcement agencies and other interested justice partners as approved by the State of Vermont VIBRS Board or ALPR subcommittee.

E OPERATION: RESPONSIBILITIES OF OPERATORS

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1. Officers shall be responsible for operation, care and maintenance of assigned ALPR equipment. Maintenance

shall be performed in accordance with manufacturer's recommendations.

2. At the start of each shift, officers shall determine that ALPR equipment is working satisfactorily and complete a standard pre-operational system check. Operational system checks will be done as necessary during the course of the shift (i.e., if maintenance is required, completion of such maintenance should be noted.)
3. A shift supervisor and vehicle maintenance coordinator will be notified, as soon as possible, if any problems are discovered with operation of the ALPR equipment.
4. The ALPR should be active at all times while on duty except for maintenance issues and any conflicts that do not allow other programs to work on the MDC.
5. Officers shall not erase or alter any ALPR information.
6. The use of the ALPR equipment shall be noted on all traffic tickets, written warnings and affidavits. The circumstance code "LPR" will be utilized in the CAD/RMS system on all cases that involved the use of an ALPR system.
7. In the event an officer with an ALPR becomes involved in a pursuit, they will, at the direction of their supervisor, become a secondary pursuit vehicle as soon as is reasonably feasible.

F. OPERATION: RESPONSIBILITIES OF SUPERVISORS

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1. Supervisors shall ensure that officers who utilize ALPR equipment comply with established policies, procedures and guidelines.
2. Supervisors will randomly review cases and data produced by members who utilize ALPR equipment for the purpose of ensuring compliance with established policies, and to identify material that would be appropriate for training.
3. The Office of Technology Services shall be responsible for the maintenance of the statewide ALPR server. Records shall be maintained for a period of four years.

3. STOPPING AND APPROACHING TRAFFIC VIOLATORS

1 **POLICY:** ~~It is the policy of this department~~ *The BPD requires* that all officers will
2 remain astutely aware of the inherent danger of motor vehicle stops and will take the
3 utmost care to provide for the continued safety of themselves and the community.

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4 5 I. STOPPING AND APPROACHING TRAFFIC VIOLATORS

6
7 Stopping and approaching traffic violators is one of the most dangerous
8 functions that officers perform. The following procedure is intended to
9 provide the officer, the violator, and the general public the maximum
10 protection possible during a traffic stop. This procedure may vary
11 according to road and traffic conditions, bearing in mind that the following
12 procedures are for ideal conditions.

13 14 A. Stopping a Vehicle

- 15
16 1. A traffic stop begins when an officer observes a violation
17 and positions his/her cruiser behind the traffic violator's
18 vehicle.
- 19
20 2. The officer will notify dispatch of the license number and
21 state of the vehicle that is going to be stopped, and the
22 intended stop location. If there is no plate on the vehicle,
23 the officer will give a thorough description of the vehicle.
- 24
25 3. The officer should be familiar with the patrol area and
26 anticipate an appropriate location for the stop giving
27 consideration to traffic flow, lighting, road design and
28 space. Officers should be mindful not to stop vehicles on
29 curves or hills, or in intersections, private drives or parking
30 lots with limited parking.
- 31
32 4. The officer should signal the violator with the emergency
33 blue and white lights and horn or siren if necessary.
- 34
35 5. The violator should be signaled to pull to the right side of
36 the roadway close to the curb or on the shoulder, if the
37 roadway has one.
- 38
39 6. Should the violator stop abruptly or in an unsafe area, the
40 officer should advise the violator to move to an appropriate
41 location. The officer should use the public address system
42 to instruct the violator where to stop. If the violator is on a
43 multi-lane roadway, the officer should assist the violator
44 while making lane changes until the violator is on the right
45 side of the road.
- 46
47 7. Once the violator has stopped in an appropriate location,
48 the officer should position his/her vehicle behind the

1 violator's vehicle. The cruiser should be positioned in
2 either the left angle or offset position so that it offers the
3 officer and violator maximum protection from oncoming
4 traffic, and so that it affords the officer cover.
5

- 6 8. Prior to exiting the vehicle, the officer should observe the
7 violator's vehicle, looking for suspicious activity. The
8 officer should then get out of the cruiser after checking for
9 approaching traffic, and continue to watch for suspicious
10 actions by the violator or other occupants.
11
- 12 9. The officer shall approach the violator's vehicle from either
13 the left or right side, using such factors as traffic flow,
14 number of occupants, violation, etc. to determine the type
15 of approach used. The officer must be alert for any unusual
16 actions on the part of the occupants and should choose a
17 path so that the doors cannot be used as a weapon against
18 the officer.
19
- 20 10. If a second officer is sent to back up the initial officer, the
21 second officer will exit his/her vehicle and cover the
22 contact officer.
23
- 24 11. At night, the officer shall exercise extreme caution in
25 selecting an appropriate place for the traffic stop, signaling
26 the violator and positioning the police vehicle. After the
27 stop, the headlights should be on low beam for the safety of
28 oncoming traffic. Spotlights, take down lights, or any other
29 available lights may be used for illuminating the inside of
30 the violator's vehicle.
31

32 **B. Stopping an Approaching Vehicle –** If the officer observes a
33 traffic violation occur in oncoming traffic, the officer will take the
34 following actions:
35

- 36 1. Drive the cruiser to the extreme right hand side of the
37 roadway.
38
- 39 2. As the violator approaches, signal the violator to stop. Do
40 not leave the cruiser in an attempt to use hand signals as
41 this places the officer in a hazardous position.
42
- 43 3. If the violator observes the officer's signal and stops, the
44 officer will turn the cruiser around and position it
45 appropriately to the rear of the violator's vehicle.
46

4. If the violator does not see the officer's signal to stop, the officer will turn the cruiser around and follow the vehicle, stopping and approaching in the aforementioned manner.

C. **Stopping a Following Vehicle** – If the officer observes a motor vehicle violation occur behind him/her, the following procedure will be used:

1. The officer will drive to the right side of the road.
2. As the violator approaches, the officer will remain in the cruiser and signal the operator to stop.
3. If the violator fails to stop, the officer will follow and stop the violator in the aforementioned manner.

II. **STOPPING AND APPROACHING A KNOWN SUSPECT OR FELON**

A. **Stopping a Known Suspect or Felon** – If an officer locates a vehicle perceived to be driven by a known or suspected felon, the officer will immediately notify the dispatcher of his/her location, the description of the vehicle (including plate number and state, make, model and color), and the number and description of the occupants. The officer will then keep the suspect vehicle in view, and request assistance from other patrol units.

While awaiting assistance, the officer will keep the dispatcher and other units informed of the location and direction of travel to facilitate their approach and minimize use of the emergency equipment. The suspect vehicle will not be stopped unless absolutely necessary until adequate support units are available and in position. The following procedures will be used in effecting the stop:

1. The officer will plan to stop the suspect vehicle in a location that will minimize danger to other citizens.
2. When conditions are appropriate, and support units available, the officer will move into position to stop the suspect vehicle.
3. The officer will signal the suspect vehicle to stop, utilizing all emergency equipment to warn other traffic.
4. When the suspect vehicle begins to stop, the officer will turn off his siren and actuate the public address system.

When the suspect vehicle stops, the officer will notify dispatch of the location.

5. The officer will park the cruiser so that it provides maximum cover for him/her, and protects both the officer and suspect.
6. At night, all lights will be focused on the interior of the suspect vehicle, to the disadvantage of the violator.
7. The officer will exit the cruiser quickly, but remain behind the door post and within reach of the public address system microphone, if needed.
8. The officer initiating the stop (the lead officer) will direct each occupant, utilizing the public address system, if needed to remove him/herself from the vehicle individually, according to specific directions, and into the appropriate search position, after which the approach may be made.
9. The back up units will cover the lead officer and assist as directed to by the lead officer. Back up units shall stop and redirect vehicle and pedestrian traffic as necessary.
10. The lead officer will be the only one to give commands to the suspects to alleviate any confusion.

4. DUI ENFORCEMENT

POLICY: ~~It is the policy of the Bennington Police Department to~~ *The BPD will take* aggressive action in the enforcement of all Operating Vehicle Under the Influence (DUI) laws. ~~It is the responsibility of all officers~~ *have the responsibility-* to be familiar with and remain up to date on the latest applicable court rulings concerning DUI. ~~This Department~~ *The BPD* has a zero tolerance policy towards DUI operation *in order to ensure the safety of the community.*

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I. APPLICABLE STATUTES

- A. Title 23 VSA §1201 Operating Vehicle Under the Influence of Intoxicating Liquor or Other Substance.
 1. A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway when:
 - a. the person's alcohol concentration is 0.08 or more; or

- 1 b. a person is under the influence of intoxicating liquor; or
- 2
- 3 c. a person is under the influence of any other drug or under
- 4 the combined influence of alcohol and any other drug to a
- 5 degree which renders the person incapable of driving
- 6 safely.
- 7
- 8 2. The fact that a person charged with a violation of this section is or
- 9 had been entitled to use a drug under the laws of this state shall not
- 10 constitute a defense against any charge of violating this section.
- 11
- 12 B. Title 23 VSA §1216 Persons Under 21, Alcohol Concentration of
- 13 0.02 or More.
- 14
- 15 1. A person under the age of 21 who operates, attempts to
- 16 operate, or is in actual physical control of a vehicle on a
- 17 highway when the person's alcohol concentration is 0.02 or
- 18 more, commits a civil traffic violation.
- 19
- 20 2. If a law enforcement officer has reasonable grounds to
- 21 believe that a person is violating this section, the officer
- 22 may request the person to submit to a roadside test. Unless
- 23 inconsistent with this section, the provisions of §§1202,
- 24 1203 and 1203a of this Title shall apply to this section. A
- 25 refusal to submit to an evidentiary test shall be considered a
- 26 violation of this section.
- 27
- 28 C. Title 23 VSA §1218 Commercial Motor Vehicles; 0.04.
- 29
- 30 1. A person shall not operate, attempt to operate or be in
- 31 actual physical control of a commercial vehicle when:
- 32
- 33 a. the person's alcohol concentration is 0.04 or more; or
- 34
- 35 b. the person is under the influence of intoxicating liquor; or
- 36
- 37 c. the person is under the influence of any other drug or under
- 38 the combined influence of alcohol and any other drug to a
- 39 degree that renders the person incapable of driving safely.
- 40
- 41 D. Title 23 VSA §1219 Commercial Motor Vehicle; Detectable
- 42 Amount, Out-Of-Service.
- 43
- 44 A person who is operating, attempting to operate or in actual
- 45 physical control of a commercial motor vehicle with any
- 46 measurable or detectable amount of alcohol in his or her system
- 47 shall immediately be placed out-of-service for 24 hours by an
- 48 enforcement officer. A law enforcement officer who has

1 reasonable grounds to believe a person has a measurable or
2 detectable amount of alcohol in his/her system on the basis of the
3 person's general appearance, conduct or other substantiating
4 evidence, may request the person submit to a test, which may be
5 administered with a preliminary screening device.
6

7 The law enforcement officer shall inform the person at the time the
8 test is requested that refusal to submit will result in his/her
9 disqualification from driving a commercial motor vehicle as
10 provided in Section 4116 of Title 23. If the person refuses to
11 submit to the test, the person shall immediately be placed out of
12 service for 24 hours and shall be disqualified from driving a
13 commercial motor vehicle as provided in Section 4116 of Title 23.
14

15 **II. TRAINING TITLE 23, VSA §1203 (S-7)**
16

- 17 A. All officers processing an operator for DUI shall be certified by the
18 Vermont Criminal Justice Training Council in DUI detection, field
19 sobriety exercises, and the use of the Data Master breath testing
20 machines.
21

22 **III. EQUIPMENT**
23

- 24 A. The Department will be equipped with:
25
26 1. a BAC Data Master breath-testing machine.
27
28 2. evidentiary and independent blood kits.
29
30 3. preliminary breath-testing devices (Alco-sensors).
31

32 **IV. OFFICER CONTACT**
33

- 34 A. Officers should be familiar with the indicators of impaired
35 operations that would give reason for the officer to believe that the
36 operator is operating under the influence.
37
38 B. Officers should continue, as long as safely possible, to observe
39 operation to substantiate the officer's suspicion that the driver is
40 operating under the influence. Motorists suspected of operating
41 under the influence should be stopped as soon as safely practical.
42
43 C. Officers shall not arrange for, nor give, a ride home in lieu of arrest
44 for a DUI offense.
45

46 **V. SOBRIETY CHECKPOINTS**
47

- 1 A. The checkpoint sites and times are to be pre-selected by the
2 sobriety checkpoint supervisor. Supervisors will be certified in
3 sobriety checkpoint operations. Consideration shall be given to:
4
5 1. safety of the public and officers involved in the checkpoint;
6
7 2. roadways that have a history of alcohol-related accidents;
8
9 3. times when the presence of alcohol-impaired drivers is
10 highest (times of day, days of week, etc.).
11
12 B. Sites should have sufficient visibility from both directions and
13 should have sufficient illumination. This should be accomplished
14 through the use of:
15
16 1. at least two marked police cars displaying all emergency
17 lights.
18
19 2. warning devices such as flares or signs located a minimum
20 of 1000 feet away (or as close to 1000 feet as possible)
21 from the checkpoint in each direction.
22
23 C. A minimum of five (5) officers will be used at a roadside sobriety
24 checkpoint. All officers shall be in uniform, wear reflective vests
25 and use flashlights for traffic control.
26
27 D. Signs, as provided by the Department, should be posted a
28 minimum of 1000 feet away from the checkpoint in the direction
29 of operations.
30
31 E. Three days prior to the actual date of sobriety checkpoints, the
32 supervisor should attempt to make notification to the news media
33 that sobriety checkpoints will be run in the Bennington area. The
34 actual date of the intended checkpoint(s) or their actual location(s)
35 should not be revealed.
36
37 F. Vehicles shall be stopped in a pre-determined manner. The funnel
38 method is the preferred type of checkpoint as the motorist is not
39 requested to leave the highway unless there is a specific violation.
40 It is preferable that all vehicles be stopped. If the checkpoint is
41 located at a site with a high volume of traffic and congestion may
42 occur if every vehicle were stopped, the supervisor shall pre-
43 determine a uniform manner of selecting vehicles to stop, such as
44 every second or third vehicle. This method is not to be changed by
45 those officers making actual stops.
46
47 G. Officers may request the following documents: driver's license,
48 vehicle registration, proof of inspection (window sticker), proof of

1 liability insurance. Questions such as, "Where are you going?" or
2 "Where are you coming from?" shall not be asked. If there is no
3 immediate evidence of intoxication, a sobriety checkpoint handout
4 may be given to the motorist and the officer will suggest to the
5 driver that he/she reads the handout at a later time.
6

7 H. If, during the course of making stops, a backup of traffic appears
8 which creates noticeable congestion, activities should be stopped
9 and the congested vehicles waived through. As a guide, traffic
10 should be waived through if it appears the rear-most vehicle will
11 be delayed more than 2 or 3 minutes.
12

13 I. Information used as the basis for the selection of specific
14 checkpoint sites shall be recorded by the sobriety checkpoint
15 supervisor and filed for use, should the checkpoint be challenged
16 in court. A record of all checkpoint assignments will also be
17 maintained.
18

19 VI. INVESTIGATORY QUESTIONS

20
21 A. Drivers should be identified and only those inquiries related to
22 alcohol consumption should be made as permitted by current law.
23

24 B. When the incident involves a non-witnessed accident, the officer
25 should ask the operator if he/she has consumed alcohol after the
26 accident and how much.
27

28 VII. STANDARDIZED FIELD SOBRIETY EXERCISES (SFSE)

29
30 A. Operators suspected of being impaired may be asked to exit the
31 vehicle for sobriety exercises. The operator should be asked if
32 he/she has any physical problems that would prevent the taking of
33 the test.
34

35 B. The officer shall attempt to administer at least three standardized
36 Field Sobriety Exercises which have a high validity in establishing
37 probable cause for DUI. If the operator cannot perform the tests,
38 or refuses to, the officer should note this in his/her report.
39

40
41 C. A preliminary breath-testing device (Alco-sensor) may then be
42 administered following the SFSE.
43

44 D. The operator should be processed for DUI if the officer develops
45 probable cause to believe that the driver had been operating while
46 under the influence.
47

48 VIII. ARREST

- A. Rule 3 (a) (5) allows an officer to arrest an operator for DUI without an arrest warrant if the officer has probable cause to believe that the operator has committed or is committing the crime of DUI. The arrestee may only be detained for the limited purpose of obtaining a sample of blood or breath.
- B. Persons arrested shall be handcuffed and properly secured in a police cruiser for transport to the Department or other agency to administer an evidentiary test. Whenever possible, police unit with a protective barrier will be used.
- C. Officers participating in DUI selective enforcement programs will utilize marked and unmarked, police vehicles.

IX. PASSENGERS

- A. Passengers should be identified and reasonable attempts should be made to obtain a written statement from the passenger(s) using the standard Passenger Statement Form.
- B. Incapacitated passengers who are a danger to themselves or others should be taken into protective custody and handled in accordance with the provisions of Title 33 VSA §708, Section B through J. Incapacitated juvenile passengers shall be turned over to a parent or guardian, or custody maintained pursuant to Title 33 VSA §5510.
- C. Officers may arrange for transportation from the scene for any passengers who require it.

X. SUSPECT VEHICLES

- A. Vehicles stopped in the traveled portion of the roadway or in a location where the vehicle cannot be left safely should be moved in the following manner:
 - 1. Moved by a non-impaired passenger, with permission from the operator, to a legal parking area.
 - 2. Moved by an officer, with permission from the operator.
 - 3. Removed by a wrecker of the operator's choice at the operator's request or by the on-call wrecker service if the operator has no preference.

1 B. If possible, vehicles left unattended at the scene will be secured.
2

3 **XI. PROCESSING**
4

5 A. Persons taken into custody will be brought to the Bennington
6 Police Department, or other agency, for the administration of an
7 evidentiary breath test.
8

9 B. A sample of blood will be requested when:
10

- 11 1. breath-testing equipment is not reasonably available; or
- 12 2. a person is unable to give a sufficient sample of breath for
13 testing; or
- 14 3. there is reasonable grounds to believe that the person is
15 under the influence of a drug other than alcohol; or
- 16 4. the person is incapable of making a decision, unconscious
17 or dead; or
- 18 5. the person is the surviving operator of a motor vehicle
19 involved in a fatal accident and is unable to provide a
20 sample of breath; or
- 21 6. the person is the operator of a motor vehicle involved in an
22 accident resulting in serious bodily injuries and the officer
23 has reasonable ground to believe that person has any
24 amount of alcohol in his/her system or the person is unable
25 to provide a sample of breath.
26

27 C. A sample of blood will be drawn by a laboratory technician at the
28 Southwestern Vermont Medical Center.
29

30 D. Arrest and bail will be completed in accordance with normal
31 department procedure.
32

33 E. DUI processing forms provided by the State of Vermont will be
34 used. Officers will select the appropriate forms for the person
35 being processed:
36

- 37 1. DUI Processing Form – Infrared
- 38 2. DUI Processing Form – Blood

39 F. The forms will be used in the order and manner currently
40 prescribed by the Bennington County State's Attorney.
41
42
43
44
45
46
47
48

1 **XII. RELEASE FROM CUSTODY**

- 2
- 3 A. Continued custody or release on a citation will be dependant on the
- 4 VRCP RULE 3C, which allows for continued custody of persons
- 5 with a previous conviction of 23 VSA §1201. If the person is to be
- 6 lodged, the appropriate section of the processing forms must be
- 7 completed and the officer must arrange for an independent blood
- 8 test if requested.
- 9
- 10 B. If the person is released on a citation, the officer must inquire
- 11 whether the person intends to seek an independent blood test. If
- 12 so, the officer shall provide the person with an independent blood
- 13 kit and a list of local facilities that will perform the test.
- 14
- 15 C. If, at the conclusion of processing, the officer determines the
- 16 operator is incapacitated, custody shall be continued pursuant to
- 17 Title 33 VSA §708, Section B through J. If the operator is
- 18 impaired, but not incapacitated, the officer should make reasonable
- 19 attempts to locate a responsible person to take charge of the
- 20 operator.
- 21
- 22 D. If the person is not impaired, they may be released into their own
- 23 custody.
- 24
- 25 E. Juveniles processed will be released to a parent or guardian.
- 26

27 **XIII. PAPERWORK**

- 28
- 29 A. On release from custody, the operator should be given the
- 30 following that applies to them:
- 31
- 32 1. Citation for appearance
- 33
- 34 2. Breath test results
- 35
- 36 3. Hospital list for independent (blood) tests
- 37
- 38 4. Independent Test Kit (with all request forms attached)
- 39
- 40 5. Intent to suspend (may be mailed)
- 41
- 42 6. Copy of Affidavit (may be mailed)
- 43
- 44 B. The DUI Affidavit and Intent To Suspend form will be completed
- 45 within three (3) days so the appropriate mailings can be made.
- 46
- 47 C. The remainder of the case should be completed as soon as possible.
- 48 The case must be completed in time to be copied, assembled, and

delivered to the Bennington County State's Attorney's Office ten (10) business days before the arraignment date.

5. TRAFFIC ENFORCEMENT – DRIVING WITH LICENSE SUSPENDED

[DLS]

POLICY: ~~It is the policy of this Department to~~ *The BPD officers shall* check the driver's license status of all persons suspected of violating a motor vehicle law, and ~~to~~ take appropriate action upon identifying an operator with a suspended license.

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I. DRIVING WITH LICENSE SUSPENDED

A. All traffic violators should have their license checked through the Department of Motor Vehicles computer. When an officer has identified that a person has a suspended or revoked license he/she will do the following:

1. Ascertain through the dispatcher whether the offense is criminal or civil.

a. Civil Suspension – The violator will be issued a VCVC and the schedule of fine will be explained. The operator will be told that this is a civil violation, but that he/she may request a hearing if desired. The issuing officer shall comply with the Soldiers and Sailors Relief Act when issuing any traffic ticket.

b. Criminal Suspension –

b-1. The violator will be given a Vermont Criminal Citation to appear in court. The operator will be told that this is a mandatory court appearance.

b-2. The violator may be physically arrested if he/she meets one of the Rule 3 criteria set forth in Vermont law.

B. If the violator displays a Vermont Operator's License and his/her privilege to operate in Vermont is under suspension, the officer shall confiscate the license. The officer shall use his/her discretion regarding issuing a Vermont Traffic Complaint for failure to return license after suspension.

C. If the violator displays an out of state license and his/her privilege to operate is suspended in his/her home state, the violator shall be issued a Vermont Traffic Complaint for Operating Without a License.

Responding to Persons experiencing a Mental Health Crisis	Related Policies: Response to Resistance / Use of Force; Transportation
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Vermont Statutes: 18 V.S.A. § 7505 (2010) 18 V.S.A. § 7511 (2010)	
CALEA Standard:	
Date Implemented:	Review Date:

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I. Purpose: To provide Law Enforcement Officers with the essential tactical and processing skills necessary to effectively intervene with persons experiencing a mental health crisis in a manner that provides assistance to persons in need, protects the individual(s), family, and community, and safeguards the officers involved in the encounter.

II. Policy:

The Bennington Police Department (BPD) shall:

A. Strive to maintain the safety and dignity of the individual(s) in crisis, the family member(s), the officer(s), and others responding, and as well as the community at large.

B. Ensure that BPD officers receive regular and comprehensive training in responding to persons experiencing a mental health crisis, and whenever possible, trainings should be taught by or include members of community agencies.

C. Collaborate and meet with appropriate community partners regularly to strengthen the community response and resources available to persons and family members in crisis. The goal of the collaboration is to more effectively respond to mental health crises regardless of time or location by utilizing community resources including, but not limited to United Counseling Service, Turning Point Recovery Center, Bennington Project Independence, and the Southwest Vermont Medical Center.

III. Definitions:

A. Mental Health Crisis: An event or experience in which an individual's normal coping mechanisms are overwhelmed, causing them to have an extreme emotional, physical, mental, and/or behavioral response. Symptoms may include emotional reactions such as fear, anger, or excessive giddiness; psychological impairments such as inability to focus, confusion, or nightmares, and potentially even psychosis; physical reactions like vomiting/stomach issues, headaches, dizziness, excessive tiredness, or insomnia; and/or behavioral reactions including the trigger of a "freeze, fight, or flight" response. Any individual can experience a crisis reaction regardless of previous mental health history.

B. Community Resources: Resources available to the police and/or members of the community including without limitation mental health professionals, emergency medical facilities, and detoxification centers (e.g. U.C.S., P.A.V.E., Southwestern Vermont Medical Center).

* * * * *

This Policy is adopted by the Select Board of the Town of Bennington, Vermont, this _____ day of _____, 2021 and is effective as of this date until amended or repealed.

Donald Campbell, Chairperson

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Dealing with Persons of Diminished Capacity Responding to Persons experiencing a Mental Health Crisis

Related Policies: Response to Resistance, / Use of Force; Transportation

This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.

Applicable Vermont Statutes: 18 V.S.A. § 7505 (2010) 18 V.S.A. § 7511 (2010)

CALEA Standard:

Date Implemented:

Review Date:

I. **Purpose:** To provide ~~field Law Enforcement~~ eOfficers with the essential tactical and processing skills necessary to effectively ~~deal~~ intervene with persons ~~of diminished capacities~~ experiencing a mental health crisis in a manner ~~to that~~ provides the required professional assistance these to persons in need, ~~to~~ protects the individual(s), family, and community, ~~as well as and to~~ safeguarding the officers involved in the encounter ~~and to enhance the agency's risk management.~~

II. **Policy:** ~~Every community can expect its law enforcement officers to encounter persons of diminished capacities. This group of special needs persons presents field officers with different and often complex issues. These types of persons, whether from intoxication, suicidal potential, medical complications or mental illness, present field officers with a wide range of behaviors usually different than those exhibited by other members of the community or persons involved in criminal activities. Persons of diminished capacities may display conduct that is bizarre, irrational, unpredictable and threatening. They may not receive or comprehend commands or other forms of communication in the manner that the officer would expect. They often do not respond to authoritative persons or the display of force. It is the primary task of the field officers confronting these special needs persons to resolve the encounter in the safest manner. It is the officer's task to bring these types of persons to professional resources, when necessary. It is not the mission of the field officer to diagnose the root cause for the person's behavior. Every officer can expect to encounter these types of special needs persons while performing their official duties. Officers are expected to control the incident. Proper tactical and intervention techniques can assist in resolving the immediate field implications of the encounter and hasten the intervention by professional resource persons.~~

The Bennington Police Department (BPD) shall:

A. Strive to maintain the safety and dignity of the individual(s) in crisis, the family member(s), the officer(s), and others responding, and as well as the community at large.

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B. Ensure that BPD officers receive regular and comprehensive training in responding to persons experiencing a mental health crisis, and whenever possible, trainings should be taught by or include members of community agencies.

II.—C. Collaborate and meet with appropriate community partners regularly to strengthen the community response and resources available for to persons and family members in crisis. The goal of the collaboration is to more effectively respond to mental health crises regardless of time or location and by utilizing community resources including, but not limited to United Counseling Service, Turning Point Recovery Center, Bennington Project Independence, and the Southwest Vermont Medical Center.

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III. Definitions:

A. Mental Health Crisis: An event or experience in which an individual's normal coping mechanisms are overwhelmed, causing them to have an extreme emotional, physical, mental, and/or behavioral response. Symptoms may include emotional reactions such as fear, anger, or excessive giddiness; psychological impairments such as inability to focus, confusion, or nightmares, and potentially even psychosis; physical reactions like vomiting/stomach issues, headaches, dizziness, excessive tiredness, or insomnia; and/or behavioral reactions including the trigger of a "freeze, fight, or flight" response. Any individual can experience a crisis reaction regardless of previous mental health history of mental illness.

B. Mental Illness: : An impairment of an individual's normal cognitive, emotional, or behavioral functioning, caused by physiological or psychosocial factors. A person may be affected by mental illness if they display an inability to think rationally (e.g., delusions or hallucinations); to exercise adequate control over behavior or impulses (e.g., aggressive, suicidal, homicidal, sexual); and/or to take reasonable care of their welfare with regard to basic provisions for clothing, food, shelter, or safety. This policy does not require officers to make a diagnosis of whether the subject is mentally ill or what form of mental illness the subject may have but rather to use reasonable judgment to recognize behavior which is outside the norm in which a person poses a danger to themselves or others.

Comment [MB1]: Not used anywhere else after existing strikeouts.

C. "Mentally Ill Person" means a person with substantially impaired capacity to use self-control, judgment, or discretion in the conduct of the person's affairs and social relations, associated with maladaptive behavior or recognized emotional symptoms where impaired capacity, maladaptive behavior, or emotional symptoms can be related to physiological, psychological or social factors.

D.C. Professional-Community Resources: These Resources are those available to the police and/or members of the community including without limitation such as, but not limited to, mental health professionals, emergency medical facilities, and detoxification centers, and including, but not limited to— (e.g. U.C.S., P.A.V.E., Southwestern Vermont Medical Center).

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E.D. Voluntary and involuntary commitments: These are the provisions within the State which the agency can use for the civil commitment of persons requiring professional psychological intervention.

1 ~~F. Prosecution guidelines: It is the policy of this agency to evaluate the necessity for and~~
2 ~~method of prosecution when dealing with a person of diminished capacity. Normally~~
3 ~~misdemeanor violations by the person committed during the police control of the~~
4 ~~incident will not subject the person to a physical arrest. The decision to cite or~~
5 ~~request a filing by the prosecutor will be determined by the field supervisor. A field~~
6 ~~supervisor will evaluate felony and/or other crimes committed upon non-agency~~
7 ~~personnel to determine whether a physical arrest is warranted. The ultimate mission~~
8 ~~of the agency is to encourage professional resource intervention for the person of~~
9 ~~diminished capacity. Physical arrest should be considered a last resort.~~

10 ~~G.E. Mentally Ill Dangerous Person: meaning the person is one who presents a~~
11 ~~substantial risk of serious harm to another person or persons within the near future as~~
12 ~~manifested by evidence of recent acts or threats of violence or by placing others in~~
13 ~~reasonable fear of such harm.~~

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16 This Policy is adopted by the Select Board of the Town of Bennington, Vermont, this
17 _____ day of _____, 2021 and is effective as of this date until amended or
18 repealed.

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22 Donald Campbell, Chairperson
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No. R-1

UNITED STATES OF AMERICA
STATE OF VERMONT
TOWN OF BENNINGTON
GENERAL OBLIGATION BOND

\$1,067,055

The Town of Bennington (hereinafter called the ("Municipality")), a body corporate and a political subdivision of the State of Vermont, promises to pay to the Vermont Municipal Bond Bank, or registered assigns, the sum of ONE MILLION SIXTY-SEVEN THOUSAND FIFTY-FIVE DOLLARS (\$1,067,055) in installments on November 1 of each year as set forth below, with interest on each installment at the rate per annum set forth below opposite the year in which the installment becomes due:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2021	-0-		2036	\$53,353	
2022	\$53,353		2037	\$53,353	
2023	\$53,353		2038	\$53,353	
2024	\$53,353		2039	\$53,353	
2025	\$53,353		2040	\$53,353	
2026	\$53,353		2041	\$53,353	
2027	\$53,353		2042	\$-0-	
2028	\$53,353		2043	\$-0-	
2029	\$53,353		2044	\$-0-	
2030	\$53,353		2045	\$-0-	
2031	\$53,353		2046	\$-0-	
2032	\$53,353		2047	\$-0-	
2033	\$53,353		2048	\$-0-	
2034	\$53,353		2049	\$-0-	
2035	\$53,353		2050	\$-0-	
			2051	\$-0-	

The interest rate of each installment shall run from the date of the original delivery of this Bond to the Vermont Municipal Bond Bank and payment therefor and until payment of each installment and such interest shall be payable semi-annually on November 1 and May 1 of each year in the amounts set forth in Exhibit A of the Loan Agreement with respect to this Bond between the Municipality and the Vermont Municipal Bond Bank dated March 1, 2021. Both principal and interest on this Bond are payable in lawful money of the United States at U.S. Bank National Association, in Boston, Massachusetts, or at its successor as Trustee under the General Bond Resolution of the Vermont Municipal Bond Bank. Final payment of the interest and principal of this Bond shall be made upon surrender of this Bond for cancellation at the bank or trust company at which this Bond is then payable.

MANAGER'S REPORT

February 8, 2021

ACTION

Nothing at this time.

INFORMATIONAL

COVID update Vaccines are now rolling out here. Our Police and Fire Departments have had the opportunity to get vaccinated as have all first responders. Those over 75 are now in line to be vaccinated. The next group are those over 65 probably a month away. Numbers of infected continue to increase locally and statewide principally due to gatherings wherein participants let their guard down or chose not to use safety precautions. As we will hear Monday evening the numbers in Bennington County are higher per capita than the rest of the State. We must remain vigilant. Please use precautions; wear a mask, stay apart; wash your hands. We have a long way to go.

FOLLOW-UP

Overtime Reports and Traffic Citations issued for December are attached.

Community Development and Permitting/Planning Reports are attached.

01/26/21
01:13 pm

Town of Bennington Payroll
Overtime Report
01/23/21 - 01/28/21

Page 1 of 1

DEPARTMENT	OT HRS	GROSS AMT	OVERTIME	PRCT
TOTALS FOR DEPT 321	0.00	3,470.00	0.00	0.00%
TOTALS FOR DEPT 340	0.00	288.54	0.00	0.00%
TOTALS FOR DEPT 341	0.00	3,393.61	0.00	0.00%
TOTALS FOR DEPT 343	0.00	1,999.64	0.00	0.00%
TOTALS FOR DEPT 344	0.00	2,123.20	0.00	0.00%
TOTALS FOR DEPT 350	0.00	2,546.00	0.00	0.00%
TOTALS FOR DEPT 362	0.00	4,373.60	0.00	0.00%
TOTALS FOR DEPT 365	0.00	2,135.20	0.00	0.00%
TOTALS FOR DEPT 371	11.00	8,268.10	490.38	5.93%
TOTALS FOR DEPT 410	250.50	59,312.28	10,402.44	17.54%
TOTALS FOR DEPT 510	88.50	20,691.37	3,283.18	15.87%
TOTALS FOR DEPT 540	58.50	10,173.44	2,281.84	22.43%
TOTALS FOR DEPT 590	47.00	8,183.73	1,859.33	22.72%
TOTALS FOR DEPT 790	0.00	164.80	0.00	0.00%
REPORT TOTALS	=====	=====	=====	=====
	455.50	**,***.**	18,317.17	14.41%

01/19/21
03:10 pm

Town of Bennington Payroll
Overtime Report
01/16/21 - 01/21/21

Page 1 of 1

DEPARTMENT	OT HRS	GROSS AMT	OVERTIME	PRCT
TOTALS FOR DEPT 321	0.00	3,470.00	0.00	0.00%
TOTALS FOR DEPT 340	0.00	288.54	0.00	0.00%
TOTALS FOR DEPT 341	0.00	3,393.61	0.00	0.00%
TOTALS FOR DEPT 343	0.00	1,980.45	0.00	0.00%
TOTALS FOR DEPT 344	0.00	2,123.20	0.00	0.00%
TOTALS FOR DEPT 350	0.00	2,858.00	0.00	0.00%
TOTALS FOR DEPT 362	0.00	4,373.60	0.00	0.00%
TOTALS FOR DEPT 365	0.00	2,135.20	0.00	0.00%
TOTALS FOR DEPT 371	14.00	8,268.93	491.21	5.94%
TOTALS FOR DEPT 410	22.50	40,161.16	949.96	2.37%
TOTALS FOR DEPT 510	56.50	18,518.02	1,905.82	10.29%
TOTALS FOR DEPT 540	20.50	8,674.93	783.33	9.03%
TOTALS FOR DEPT 590	20.50	6,828.20	735.35	10.77%
TOTALS FOR DEPT 790	0.00	123.60	0.00	0.00%
REPORT TOTALS	=====	=====	=====	=====
	134.00	**,***.**	4,865.67	4.71%

01/12/21
02:09 pm

Town of Bennington Payroll
Overtime Report
01/09/21 - 01/14/21

Page 1 of 1

DEPARTMENT	OT HRS	GROSS AMT	OVERTIME	PRCT
TOTALS FOR DEPT 321	0.00	3,470.00	0.00	0.00%
TOTALS FOR DEPT 340	0.00	288.54	0.00	0.00%
TOTALS FOR DEPT 341	0.00	3,393.60	0.00	0.00%
TOTALS FOR DEPT 343	0.00	1,980.45	0.00	0.00%
TOTALS FOR DEPT 344	0.00	2,123.20	0.00	0.00%
TOTALS FOR DEPT 350	0.00	2,546.00	0.00	0.00%
TOTALS FOR DEPT 362	0.00	4,373.60	0.00	0.00%
TOTALS FOR DEPT 365	7.75	2,412.81	277.61	11.51%
TOTALS FOR DEPT 371	2.50	7,861.32	83.59	1.06%
TOTALS FOR DEPT 410	40.00	41,652.69	1,565.66	3.76%
TOTALS FOR DEPT 510	29.00	17,764.13	1,113.11	6.27%
TOTALS FOR DEPT 540	27.00	8,991.08	1,099.48	12.23%
TOTALS FOR DEPT 590	7.50	6,585.87	253.47	3.85%
TOTALS FOR DEPT 790	0.00	824.00	0.00	0.00%
REPORT TOTALS	=====	=====	=====	=====
	113.75	** , *** . **	4,392.92	4.21%

01/05/21
03:09 pm

Town of Bennington Payroll
Overtime Report
01/02/21 - 01/07/21

Page 1 of 1

DEPARTMENT	OT HRS	GROSS AMT	OVERTIME	PRCT
TOTALS FOR DEPT 321	0.00	3,470.00	0.00	0.00%
TOTALS FOR DEPT 340	0.00	288.54	0.00	0.00%
TOTALS FOR DEPT 341	0.00	3,393.60	0.00	0.00%
TOTALS FOR DEPT 343	0.00	1,999.64	0.00	0.00%
TOTALS FOR DEPT 344	0.00	2,123.20	0.00	0.00%
TOTALS FOR DEPT 350	0.00	2,546.00	0.00	0.00%
TOTALS FOR DEPT 362	0.00	4,373.60	0.00	0.00%
TOTALS FOR DEPT 365	0.00	2,135.20	0.00	0.00%
TOTALS FOR DEPT 371	15.00	8,368.41	590.69	7.06%
TOTALS FOR DEPT 410	148.75	47,504.21	5,892.06	12.40%
TOTALS FOR DEPT 450	0.00	1,125.00	0.00	0.00%
TOTALS FOR DEPT 510	41.00	17,940.77	1,382.93	7.71%
TOTALS FOR DEPT 540	30.00	9,098.30	1,206.70	13.26%
TOTALS FOR DEPT 590	19.00	7,027.81	695.41	9.90%
TOTALS FOR DEPT 790	0.00	824.00	0.00	0.00%
REPORT TOTALS	=====	=====	=====	=====
	253.75	**,***.**	9,767.79	8.70%

Bennington Police Department

Total Traffic Citation Report, by Violation

<u>Violation</u>	<u>Description</u>	<u>Total</u>
23V1003	STATE SPEED ZONES	1
23V1004	INTERSTATE HIGHWAY REGULATIONS	3
23V1007	Municipal Ordinance Speed Zone	2
23V1008	REGULATIONS IN MUNICIPALITIES	1
23V1038	DRIVING ON ROADWAYS LANED FOR TRAFFIC	1
23V1222	INSPECTION OF REGISTERED VEHICLES	2
23V601	OPERATING WITHOUT A LICENSE	1
23V800(a)	OPERATING A VEHICLE WITHOUT LIABILITY INSURANCE	1

Report Totals

12

Report Includes:

All dates of issue between '00:00:01 12/27/20' and '23:59:00 01/02/21', All agencies matching '0202', All issuing officers, All areas, All courts, All offense codes, All dispositions, All citation/warning types

Recreation:

a. YMCA program planning:

The Rec Center is open with pool use by reservation only and limited use of the fitness room. The Y received a grant from the Department of Children and Families to be a School Age Hub to support children during online schooling. The school age hub operated at Lake Paran's recreation center through December and is now operating at the Town's Senior Center for the next few months until a new space at Benn High is available. The Town received a Vermont Community Development grant to support continued youth programming and is working with the owner of the old Benn High school to create a space for school age/after school programs there. Y fitness classes are also being offered at the Senior Center and outdoors on the Rec Center campus. The Town is also working on a plan to support the Y leasing the Benn High gymnasium later in 2021. I have also been working with Y staff to develop a teen leadership program in Bennington.

b. Bennington Outdoor Recreation Collaborative:

Camille Kaufmann, the new VISTA Volunteer at Lake Paran, is helping me with a needs assessment of outdoor recreation areas and a Google drive of shared resources for the Bennington Outdoor Recreation Collaborative. The Town of Bennington received a \$10,000 grant from the Vermont Community Foundation to support outdoor recreation with wayfinding signs, photography, graphic design, and print media. Camille is working with me and Jonah Spivak to redesign the recreation page on the Town's website to also be a hub for information about local recreation organizations.

c. Appalachian Trail Community designation:

The Appalachian Trail Conservancy officially designated Bennington as an Appalachian Trail Community, which will put Bennington on the map for their marketing and promotion to AT hikers. I am on the advisory committee for the Bennington AT Community, and we are working on educational events for Bennington residents, a hiker appreciation day for AT hikers, as well as trail improvements and wayfinding. The next AT Community meeting will be on February 16 at 6 p.m.

e. Recreational Facilities Grant:

The Town of Bennington received a Recreation Facilities grant from the State of Vermont to adding fencing around the green space next to the Morgan Springs water facility at Memorial Park (Rec Center). This is a sizable green space that will be used for youth programming as well as outdoor exercise classes by the BFYMCA. Town Buildings and Grounds staff will install the fencing next spring and summer. I am also working with the Bennington Area Arts Council to apply for an Animating Infrastructure grant that would support a more creative approach to a boundary fence, working with local artists and designers.

f. Trolley line path:

I am on the advisory committee for the Trolley Line path scoping study that is led by Cat Bryars and Mark Anders of BCRC. This study examines the feasibility of converting the abandoned electric trolley car bed in Southwestern Vermont into a 14-mile shared-use path for pedestrians and cyclists traveling between Bennington and Pownal, VT and Williamstown, MA.

Vermont Begins Here:

Eight Oh Two Marketing is continuing the digital marketing campaign to promote Bennington, but digital ads are cut to the bare minimum during this time of travel restrictions. We have continued a "Move to Vermont" ad which has gained traction since we have such an active real estate market right now. We also promoted a blog post about the Bennington real estate market with interviews with area realtors.

Local Food Security:

I continue to meet with the Bennington Mellon Advisory (food security) group, as well as the planning group for the Southern Vermont Regenerative Food Network. I will also be participating in a Bennington class on community kitchens and working with students to assess what community kitchens are available in Bennington and if they are commercially licensed.

Community Development Block Grants:

The Vermont Community Development Program has funded four of our Municipal Facility and Public Service program grant applications (about \$145,000 total funding). The Berkshire Family YMCA, UCS Head Start, Sunrise Family Resource Center, and the Bennington County Coalition for the Homeless will all receive grants to support Covid-19 related expenses and HVAC upgrades. The Town also received a VCDP grant for \$500,000 to support the Shire Housing Bennington Family Housing project at 300 Pleasant Street. I have been busy with all the paperwork for each grant agreement and subgrant agreement along with progress reports for the Putnam Block, 219 Pleasant Street, and Bennington Rental Rehab Program.

Historic Preservation Grants:

I am working with Jonah Spivak of Spectrum Design on a history/recreation/arts and culture panels for a new downtown kiosk funded with an historic preservation grant. The construction of the kiosk will go out to bid with local contractors and I am working on the RFP with Michael McDonough, chair of the HPC. I also submitted another historic preservation grant in partnership with Bennington College to put the college campus on the National Register of Historic Places, and we just received word from the state that we were awarded this \$5,000 grant.

Franklin Lane Improvement Project:

Dan and I have been meeting with MSK Engineering and BCRC to discuss MSK's conceptual design to improve Franklin Lane and we have also met with surrounding neighbors for their comments as we finalize the design. Improvements will begin in the spring. This project is funded with a \$50,000 Downtown Transportation Fund grant.

Municipal Planning Grant:

Bennington received a VT Department of Housing and Community Development Municipal Planning Grant to develop a re-use plan for the recently closed Energizer battery factory. The MPG award of \$22,000 will be combined with a \$20,000 state Brownfields grant to also do an environmental assessment of the property. BCRC will help the Town manage the project, conduct public outreach, and complete elements of the site and area assessment. I worked with Bill Colvin this month to submit the Town's RFP for the Brownfields grant.

Committee and regional group involvement:

In the past month, I have met with the Berkshire Family YMCA management team, the owner of Benn High LLC, Spectrum Design, Eight Oh Two Marketing, Historic Preservation Commission, Bennington College's Mellon Advisory group, Southern VT Regenerative Food Network, Paran Recreations, United Children's Services, Vermont Community Foundation, Bennington Outdoor Recreation Collaborative, Alliance for Community Transformations, Trolley Line advisory committee, MSK Engineering and BCRC, Vermont Arts Exchange and Bennington Area Arts Council, SVSU, Workforce and Education committee, and the AT Community advisory committee.

Summary of Building Permits Issued

January 2021

Construction Type	Month to date	Month to Date Volume	Year to date	Year to Date Volume
	Permit Totals		Permit Totals	
Single Family Dwelling	0	\$0.00	0	\$0.00
Duplex	0	\$0.00	0	\$0.00
Mobile Homes	0	\$0.00	0	\$0.00
Apartments	0	\$0.00	0	\$0.00
Apartment Renovations	1	\$12,000.00	1	\$12,000.00
Condominiums	0	\$0.00	0	\$0.00
Residential Renovations	0	\$0.00	0	\$0.00
Residential Additions	0	\$0.00	0	\$0.00
Commercial Construction	0	\$0.00	0	\$0.00
Commercial Renovations	2	\$80,000.00	2	\$80,000.00
Industrial Construction	0	\$0.00	0	\$0.00
Industrial Renovations	0	\$0.00	0	\$0.00
Garages	0	\$0.00	0	\$0.00
Sheds	1	\$500.00	1	\$500.00
Decks	1	\$5,000.00	1	\$5,000.00
Institutions	0	\$0.00	0	\$0.00
Signs	2	\$5,375.00	2	\$5,375.00
Use & Zoning	4	\$1,718,055.00	4	\$1,718,055.00
Subdivision	0	\$0.00	0	\$0.00
Home Occupation	0	\$0.00	0	\$0.00
Propane Tank/Storage Tank	0	\$0.00	0	\$0.00
Boilers/Furnaces/RTU's, A/C	0	\$0.00	0	\$0.00
Tents	0	\$0.00	0	\$0.00
Handicap Access/Ramps	0	\$0.00	0	\$0.00
Concrete Slabs	0	\$0.00	0	\$0.00
Cell Towers/Communications	0	\$0.00	0	\$0.00
Solar Installations	0	\$0.00	0	\$0.00
Camps	0	\$0.00	0	\$0.00
Withdrawn	0	\$0.00	0	\$0.00
Demolition	0	\$0.00	0	\$0.00
Total	11	\$1,820,930.00	11	\$1,820,930.00

**12-Years At a Glance
Permit Totals Only**

Month	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
January	2	6	12	11	5	8	15	10	5	6	5	11
February	7	7	7	6	7	15	8	5	7	5	8	
March	11	6	31	13	12	10	14	19	11	13	9	
April	32	34	31	18	22	27	14	15	15	23	11	
May	31	27	27	38	20	23	19	27	23	24	19	
June	32	34	32	20	19	21	19	10	14	12	25	
July	23	20	24	33	29	47	16	29	30	28	12	
August	26	14	30	21	29	20	18	25	25	16	27	
September	32	15	21	32	27	22	21	21	23	26	9	
October	22	19	38	30	21	28	9	19	20	20	17	
November	12	22	10	16	11	12	8	16	11	8	15	
December	7	17	18	18	7	10	5	8	11	11	5	
Total	237	221	281	256	209	243	166	204	195	192	162	

02/01/2021

11:39 am

Town of Bennington Planning and Zoning

Detailed Permit Report

Page 1

dmadden

Permit types included: Zoning

Approval status included: Granted

Occupancy status included: Any status

Decision dates included: Between 01/01/2021 and 01/31/2021

<i>Parcel number Land Record Book and Pages</i>	<i>Permit number</i>	<i>Owner's name Applicant's name Location</i>	<i>Permit type Cert. of Occ.</i>	<i>Decision</i>	<i>Fee paid Cost of project</i>
09012001	20-150	GH HOUSING LLC GH Housing LLC 1246 BURGESS RD seeking permission to remove a 5,728 SF bldg and	Zoning C.O. Pending	Granted 01/06/2021	350.00
36512200	20-153	BLS BENNINGTON OUTLOT LLC Carrols, LLC 216 NORTHSIDE DR Looking for DRB approval to construct a 3300+/- SF	Zoning C.O. Pending	Granted 01/19/2021	350.00
50547700	20-163	SHIRES HOUSING INC Shires Housing Inc 300 PLEASANT ST Add 2 addtl units for multi-family dwelling plus office	Zoning C.O. Pending	Granted 01/20/2021	350.00 1,660,000.00
55500100	21-001	SOUTHWESTERN VERMONT HEALTH Mark Lucas 100 HOSPITAL DR Erect a temporary 33' x 50' structure tent for staff to eat in and maintain social distancing due to Covid-19	Zoning C.O. Granted	Granted 01/07/2021	35.00 57,355.00

02/01/2021

03:40 pm

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Permit types included: Building

Approval status included: Granted

Occupancy status included: Any status

Decision dates included: Between 01/01/2021 and 01/31/2021

<i>Parcel number Land Record Book and Pages</i>	<i>Permit number</i>	<i>Owner's name Applicant's name Location</i>	<i>Permit type Cert. of Occ.</i>	<i>Decision</i>	<i>Fee paid Cost of project</i>
56502700	21-002	JEWETT CHARLES & NAGRETE VALERIE Charles Jewett 217 WASHINGTON AV 307.20 SF porch addition to front of the house	Building C.O. Pending	Granted 01/15/2021	46.08 5,000.00
50542900	21-003	SUNRISE FAMILY RESOURCE CENTER Cynthia Thomayer 226 UNION ST 160 SF addition	Building C.O. Pending	Granted 01/21/2021	74.00 45,000.00
50570200	21-004	BENNINGTON COUNTY COURT HOUSE BCBS - Assistant Judge James Colvin 207 SOUTH ST Interior stair relocation	Building C.O. Pending	Granted 01/15/2021	50.00 35,000.00
22503100	21-005	PETERSON WILLIAM J William J Peterson 1644 N BENNINGTON RD The construction of an 8' x 8' chicken coop	Building C.O. Pending	Granted 01/26/2021	35.00 500.00
51551300	21-007	CAT LLC Carson Thurber 819 MAIN ST Renovation of 600 SF of office space	Building C.O. Pending into an apartment	Granted 01/29/2021	108.00 12,000.00

02/01/2021

11:39 am

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Page 1
dmadden

Permit types included: Sign

Approval status included: Granted

Occupancy status included: Any status

Decision dates included: Between 01/01/2021 and 01/31/2021

<i>Parcel number Land Record Book and Pages</i>	<i>Permit number</i>	<i>Owner's name Applicant's name Location</i>	<i>Permit type Cert. of Occ.</i>	<i>Decision 01/07/2021</i>	<i>Fee paid Cost of project</i>
50521100	S21-001	BOLIO TONY A & STACY M Wayland Benbow 227 NORTH ST Replace the current sign with a wooden sign.	Sign C.O. Pending Current lighting will be used.	Granted 01/07/2021	75.00 1,000.00
44504301	S21-002	OSJ OF BENNINGTON VT LLC American Sign/Tony Lafo 95 BENNINGTON SQ 30.4 SF Flush-Mounted Sign with existing lighting	Sign C.O. Pending 16 SF Free-standing sign with existing internal lighting	Granted 01/28/2021	116.00 4,375.00