

1 BENNINGTON SELECT BOARD MEETING

2 130 RIVER STREET

3 BENNINGTON, VERMONT 05201

4 DECEMBER 12, 2022

5 MINUTES

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

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

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Jonah  
10 Spivak-Communications Coordinator; Wendy Sharkey-Bennington Free Library; Terance White-  
11 Green Mountain Community Network; Attorney Merrill Bent, Marsh Hudson-Knapp, Robert  
12 Ebert, Kelly Carroll, Clark Adams, Jack.....-Quality Control Internal Investigations and Discipline  
13 Policy; Donald Washum; Kelly Carroll; Debbie Mann; Nancy White; Jenny Dewar-BBC; Clark  
14 Adams; Mary Ellen Mahoney-Bennington Cares; Mr. Edelson-SRC Voc Rehab; 7 citizens; Josh  
15 Boucher CAT-TV; and Nancy H. Lively-Secretary.

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

17 **1. PLEDGE OF ALLEGIANCE**

18 The Pledge of Allegiance was recited.

19 **2. VISION STATEMENT**

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

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

24 **3. CONSENT AGENDA**

25 **A. MINUTES OF NOVEMBER 28, 2022**

26 **B. WARRANTS**

27 *Bruce Lee-Clark moved and Jim Carroll seconded to approve the Consent Agenda as*  
28 *presented. The motion carried with Sarah Perrin absent.*

29 **4. PUBLIC COMMENT**

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

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

44 \_\_\_\_\_  
45 \_\_\_\_\_  
46 Donald Washum: Announced that he will be running for the Select Board in March 2023. He  
47 added that he brings much experience to the table especially in the area of chemical  
48 dependency and homelessness, and hopes for the community's support.

49 Kelly Carroll: Announced that the monthly Riverwalk is December 17, 2022 beginning at  
50 People's Park at 10:00am. The High School Choir will be walking with us caroling along the way  
51 with stops at the Walloomsac Apartments, Bringing You Vermont, and ending at the Splash Pad.

52 Debbie Mann: Is concerned that the YMCA is "spread too thin" because there was no set up  
53 done for a preplanned pickle ball event. And, is also wondering what is to become of the  
54 Armory. *Ms. Jenkins: Stated that we will follow up with the YMCA on equipment responsibility.*  
55 *The Armory will be a future agenda item and the Public Hearing process will take place*  
56 *concerning the Armory.*

57 Nancy White: Questions/comments on Benn Hi:

- 58 • On Monday, there was a State official here to tour Benn Hi but there were no Select  
59 Board members there.
- 60 • The Lease Agreement on Benn Hi has taxpayers paying millions for the renovation, goes  
61 until 2052, says nothing about needing a partner, and says nothing about ARPA money.  
62 Wants this put on the next agenda.
- 63 • When will the decision be made to go forward with the project or "pull the plug"?

- 64 • How much will John Hale pay the Town to buy 70%, or all, of the building?
- 65 • A TIF Bond is necessary - when will that be voted on? How much will it be for? And
- 66 what will it be paying for? If voted down, what is the backup plan for the money?
- 67 • When will we know when, and from where, we are getting the \$9M for the Town's
- 68 portion of the renovation?
- 69 • These answers will not be available by the March 2023 vote so we should vote down the
- 70 Town Budget.
- 71 • There's nothing that we're going to get at the Benn Hi that we won't get for free at the
- 72 Armory.

73 *Ms. Jenkins: Recommended viewing the last Public Hearing on Benn Hi where timelines were*  
 74 *given that will answer many of these questions. Also, we do have a Benn Hi update on the*  
 75 *December 19<sup>th</sup> meeting agenda.*

76 Jenny Dewar-BBC:

- 77 • There is a Pop Up Shop at 441-443 Main Street from December 17<sup>th</sup> thru December 23<sup>rd</sup>
- 78 with 8 vendors from 10:00am-5:00pm and from 10:00am-8:00pm on Thursday. There
- 79 will be Pop Up dollars, Santa and the Winter Wonderland. Mission City Church doing
- 80 free gift wrapping from 11:00am-4:00pm on December 17<sup>th</sup> and from 6:00pm-8:00pm
- 81 on December 23<sup>rd</sup>.
- 82 • Voting on the Downtown Window Competition can be done at the stores or online.
- 83 • Caroling will take place on the Merchant Park Stage on December 21<sup>st</sup> at 5:30pm.
- 84 • Decorations are up in the parks and we encourage citizens to hang ornaments on the
- 85 tree at Merchants Park.
- 86 • The BBC is officially supporting the Benn Hi Project and hope to be able to hold winter
- 87 events there since most of our events are outside.

88 Mary Ellen Mahoney-Bennington Cares: Is concerned about the number of children that are  
 89 taken from the elementary schools by the police and appealed to the Select Board to engage in  
 90 preparing the community to support and help our schools. Bennington Cares will meet again  
 91 on January 8<sup>th</sup> at 11:30am at the Unitarian Fellowship Meeting House on School Street and we  
 92 can be e-mailed at [benningtoncares@gmail.com](mailto:benningtoncares@gmail.com) . *Ms. Jenkins: At least 6 times/year, the School*  
 93 *Board, Select Board and staff meet to have overlapping conversations to make sure we're all on*  
 94 *the same page. And, we included the SVSU as part of the IDEAL Vermont initiatives and we are*  
 95 *working on the Health Equity issues. The issue is more of a community-wide resource issue*  
 96 *because the police don't come unless they're called.*

97 **5. BENNINGTON FREE LIBRARY**

98 Wendy Sharkey from the Bennington Free Library did the following presentation:

- 99 ○ The Library has 2 new collections - Foreign Language and Memory Books.

- 100 ○ The second most common language in Bennington is Spanish and we now have ~70
- 101 Spanish books for all age groups and all subject matters.
- 102 ○ We also have one Dahri book that is a new Anne Frank novel which is a best seller in
- 103 Afghanistan. We hope to get more.
- 104 ○ We have a collection of Memory Books that are designed to spark an individual's
- 105 memory - large print, simple story lines, pictures only with specific themes, etc.
- 106 ○ We also have book bags containing 6 books for quick check outs.

107 *Board comments/questions answered by Ms. Sharkey:*

108 Ms. Conner: Have you displayed these two collections in the lobby? *No, they are housed in the*

109 *Reference Room, and we've been advertising in the Monthly Minutes and the Newsletter.*

## 110 **6. GREEN MOUNTAIN COMMUNITY NETWORK**

111 Terance White, Executive Director of the Green Mountain Community Network did the

112 following presentation:

- 113 ➤ Green Mountain Community Network is a non-profit, public transportation organization.
- 114 ➤ Our goal is to continue to provide affordable community transportation for those
- 115 residents that are in need.
- 116 ➤ Most of our funding sources are from federal and state grants.
- 117 ➤ Many people in Bennington County don't know what our services are and don't know
- 118 how to get our schedules.
- 119 ➤ Our riders have increased 12% since COVID.
- 120 ➤ We are partners with UCS, SVMC, BPI, Sunrise, and Turning Point that all give us a better
- 121 understanding of the needs in the community and are crucial to our success.
- 122 ➤ We have been able to provide our services to the Afghan families to their jobs and
- 123 daycares.
- 124 ➤ We service the elderly, those with disabilities, the Shopper's Express, gas cards to those
- 125 with cars but unable to buy gas, trips to Dartmouth, and those in rural areas.
- 126 ➤ We want to expand our "bus stop" service beyond Bennington County to North Adams,
- 127 Williamstown, Hoosick Falls, etc.
- 128 ➤ Our current federal and state funding isn't enough to be able to expand our services.
- 129 ➤ We currently employ 28 individuals that include 8 drivers.
- 130 ➤ We hope to expand to our Micro Transit Program which is more of a demand response
- 131 service - like a taxi service.
- 132 ➤ Phase 1 of Micro Transit is to kick it off in Manchester in January 2023 or shortly
- 133 thereafter.
- 134 ➤ Phase 2 is to bring Micro Transit to Bennington.
- 135 ➤ All of our transportation is free.
- 136 ➤ There are only 7 public transportation services in Vermont - some may remain with free
- 137 fares and some may go back to charging.

138       ➤ We met with legislators yesterday and we will be remaining fair free throughout 2023  
139       with the hope of carrying that over into 2024.

140       *Board comments/questions answered by Mr. White:*

141       Mr. Lee-Clark: Are there future plans to replace the fossil fuel vehicles with E-vehicles and their  
142       chargers? *Yes, we have 2 electric buses on order now and by the end of 2023 - or maybe in 2024*  
143       *they will be operational. We have charging stations in our bays now and Green Mountain*  
144       *Power will be setting a pole for service to those stations.*

145       Ms. Conner: Does ride the bus to work in Williamstown and encourages people to “just get on  
146       the bus” and try it. “It has been a wonderful experience” that connects people that would  
147       otherwise not know each other.

148       Ms. Jenkins: It sounds like you’re going to be addressing those that choose to ride the bus and  
149       don’t necessarily need to ride the bus so that you are encompassing the entire community. *Yes,*  
150       *and would like to come back to address the Board with future updates and partner together.*

151       Mr. Hurd: Can donations be earmarked to keep fairs free or for the Micro Transit in  
152       Bennington? *Yes, we do have a donation area on our website and will be doing fundraisers to*  
153       *ask the community for their support.*

154       *Public comments/questions answered by Mr. White:*

155       Mr. Edelson with SRC Voc Rehab: Would like to speak to Mr. White in the future concerning  
156       potential employment. *Absolutely.*

157       Wendy Sharkey: Encouraged making the Library one of their stops. *Yes, that’s what it’s all*  
158       *about.*

## 159       **7. IMPLEMENTING THE TOWN VISION**

160       Mr. Haley noted that the next CPARB Meeting is December 15<sup>th</sup> at 6:00pm and is open  
161       to the public.

## 162       **8. POLICY - QUALITY CONTROL INTERNAL INVESTIGATIONS AND DISCIPLINE**

163       Ms. Jenkins stated that this is the 1<sup>st</sup> reading of this policy and is grateful for the work  
164       that has gone into it. The Bennington Police Department (BPD) understands that there needed  
165       to be a partnership between the BPD and CPARB in how they approach the complaint process.

166       Mr. Hurd added that this policy was developed by working with the Police Chief, Police  
167       Lieutenant, the Assistant Manager, and Town Counsel. It outlines how complaints are handled,  
168       the role of the Chief and of Supervisors in the Department and disciplinary actions, and brings  
169       CPARB into the review process in place of the Select Board.

170 *Board comments/questions on the Policy answered by Attorney Merrill Bent, Stuart Hurd, or Ms.*  
171 *Jenkins:*

172 Mr. Lee-Clark: Page 1 - Assumes Related Policies, Applicable Vermont Statutes, and Code of  
173 Conduct will be filled in before the Select Board is asked to adopt and that the links to the  
174 Statutes throughout the policy will become "live" links.

175 Mr. Lee-Clark:, Why isn't there a section on Definitions in this policy? Having a Definition  
176 section at the beginning of a policy generally makes it easier to understand.

177 Mr. Lee-Clark: Page 4, C. Procedures, 5. - Is there really an Office of Quality Control? *Not at this*  
178 *time as we don't have sufficient staff, however, the Office of Quality Control is the Police Chief*  
179 *and/or the Police Lieutenant.*

180 Mr. Corey: Page 2, I. ORIGIN OF COMPLAINTS, B. - What if the complaint is about their  
181 supervisor or Police Chief? *They would go to the chain of command if it was about their*  
182 *supervisor and the 2<sup>nd</sup> in command or the Town Manager if it was about the Police Chief.*  
183 *Clarification will be made to the Policy.*

184 Mr. Haley: Page 5, III. QUALITY CONTROL & INVESTIGATIONS, H. - How does the Chief of Police  
185 compile a statistical summary of all complaints? *We now have software capability to track all*  
186 *complaints so they will be recorded and made available to CPARB on a monthly or quarterly*  
187 *basis.*

188 Mr. Haley: Page 6, V. DISCIPLINE, A. Line 3 - Change "tenants" to "tenets".

189 Ms. Conner: Page 5, III. QUALITY CONTROL & INVESTIGATIONS, H. - Clarification on how often  
190 those reports would be generated would be helpful. *We would need to bring this back to the*  
191 *Chief of Police for his input.*

192 Ms. Conner: Page 4, C. Procedures, 6. - Should we have more guidance on what should be  
193 contained in the report of findings that is generated? *It is highly dependent on the situation and*  
194 *what the complaint is that there has to be some discretion to the officer preparing the report to*  
195 *decide what is pertinent. The police are trained to do investigations so trying to outline what*  
196 *should be in the report isn't necessary.*

197 Mr. Monks: This policy provides that the report of the results of every complaint will be given to  
198 CPARB on an ongoing basis.

199 *Public comments/questions answered by Attorney Merrill Bent or Stuart Hurd:*

200 Marsh Hudson-Knapp: What are the major changes in this policy that allows the police and  
201 CPARB to do their work together? *This is incorporating the relationship between the police and*  
202 *CPARB within the Police Departments policies thus eliminating any tension/questions that may*  
203 *have previously existed. It also adds the responsibility to CPARB to, not only do the work, but to*  
204 *report to the public.*

205 Mr. Hudson-Knapp: On the Task Force we put complaints in 3 categories - 1. Unrelated to police  
206 initially; 2. Minor misunderstanding initially; and 3, Formal complaint. We need definitions  
207 when 1 becomes 2 and 2 becomes 3. *The continuum of the complaint is addressed under Origin*  
208 *of Complaints.*

209 Mr. Hudson-Knapp: The person making a complaint needs to be clear as to what the steps are  
210 to file a formal complaint and what their options are. *This is more of a procedure than a policy,*  
211 *however, the implementation of the policy is in the policy on Page 2, I. ORIGIN OF COMPLAINTS,*  
212 *C..*

213 Mr. Hudson-Knapp: Page 4, III. QUALITY CONTROL & INVESTIGATIONS, .C. Procedures, 7., Line 2  
214 - What is the definition of "may"? *The Chief of Police has the discretionary authority to give the*  
215 *Report of Findings to CPARB or CPARB also has the right to request it. CPARB will be getting the*  
216 *Report of All Complaints on a frequency to be determined.*

217 Mr. Hudson-Knapp: Hopes that there is a report of the compliments, as well.

218 Robert Ebert: Was the police union involved in the work on this policy? Yes.

219 Mr. Ebert: Is the working agreement with the Police Benevolent Association available to see?  
220 Yes.

221 Mr. Ebert: Page 2, GENERAL PHILOSOPHY - Delete this paragraph.

222 Mr. Ebert: Page 7, V. DISCIPLINE, D., Discipline Factors, Member Motivation, Last Sentence -  
223 What does it mean and why would an officer need to devise his/her own solution?

224 Mr. Ebert: Page 7, V. DISCIPLINE, D., Factors in Disciplinary Decisions, Paragraph 1, Line 3 -  
225 Change "minimizing abuse" to "eliminating abuse".

226 Mr. Ebert: Page 7, V. DISCIPLINE, D., Factors in Disciplinary Decisions, Paragraph 3 - Where did  
227 the definitions for consistency and fairness come from?

228 Mr. Ebert: Page 4, C. Procedures, 7., Line 2 - Change "may" to "shall".

229 Mr. Ebert: Page 5, Procedures, E. - What are the responsibilities of the Supervisors when  
230 Internal Affairs has been assigned?

231 Mr. Ebert: Page 4, IV. AUTHORITY OF THE CHIEF OF POLICE, B. - What is the purpose of this  
232 paragraph? *To ensure that there is a flow of information in both directions so that nothing is lost*  
233 *in the mix.*

234 Clark Adams: CPARB should be "free standing" and not connected to the BPD functions so  
235 CPARB should receive all complaints and not at the discretion of the Police Chief. What is a  
236 mundane complaint to one person is very important to another. The public should not feel that  
237 CPARB is at all involved with the operational internal policies of the BPD as that would  
238 undermine their trust in the process. *First, this doesn't put CPARB at the purview of the BPD at*

239 all, it just shows what could interplay between the BPD and CPARB who is acting to review as  
240 the Select Board would if allowed. And, second, it could be mandated for the BPD to send all  
241 complaints to CPARB including those that would not be considered for this type of review.

242 Kelly Carroll: It is important to put the definitions in and we don't know what that information  
243 from the BPD is going to look like. For transparency, the BPD should just give CPARB all of the  
244 information and let CPARB sort it out monthly. If we find that this is too much information, too  
245 often, we can change the policy at that time. We will take changing the "may" to "shall" back  
246 to the BPD.

247 Jack .....: The CPARB members here would like to see all of the complaints monthly. How many  
248 are there in a month? *Not many.*

249 Mr. Hurd stated that most of the comments and questions can be addressed by the next  
250 meeting on December 19, 2022.

## 251 9. MANAGER'S REPORT

252 Mr. Hurd did the following report:

253 Willow Park Playground Update - We still have some check list items that need to be completed  
254 and the contractors will be back to finalize these items weather permitting. There will be a  
255 spring opening.

256 Benmont Avenue/County Street Sewer Line Replacement - The project has moved onto County  
257 Street with a goal to finish before the Christmas Holiday. In the spring, the Town hopes to  
258 replace the County Street sidewalks in the project area and pave where needed.

259 Rail Cars - The Town has requested and is awaiting the waybill. We will get together with  
260 counsel when we have that.

261 Fiscal Year 2024 Budget - Will be presented to the Board on December 19<sup>th</sup>. Work sessions will  
262 take place on January 7, 14, and 21, if needed. The Annual Town Meeting Warning must be  
263 signed by the Board at its January 23 meeting.

264 Water System Projects Bond - MSK Engineering will be on hand at the January 9<sup>th</sup> meeting to  
265 present the two projects for which the Town is considering a bond vote - \$5.8M. They are the  
266 Gage Street Water Line replacement and finishing the South End Project.

## 267 10. UPCOMING AGENDA

268 The meeting on December 19, 2022 will be recorded by CAT-TV but will not be live.

269 December 19, 2022 - Policy-Quality Control Internal Investigations and Discipline - 2<sup>nd</sup>  
270 Reading

271 December 19, 2022 - Benn Hi Update



272 December 19, 2022 - Dr. Trey Dobson COVID Update  
273 January 9, 2023 - MSK Presentation on Bond Vote Projects  
274 January 7, 2023 - Budget Meeting  
275 January 14, 2023 - Budget Meeting  
276 January 21, 2023 - Budget Meeting (if necessary)

277 **11. OTHER BUSINESS**

278 Ms. Conner: Congratulations to the Park McCullough Library for completing their renovations.  
279 A Grand Opening will be on December 14, 2022.

280 Mr. Lee-Clark: Thank you to the Bennington Free Library for their work - especially for the  
281 children.

282 Ms. Jenkins: Thank you to Matt at Walt's Towing for their towing services when the tow trucks  
283 from Rensselaer County wouldn't come out because it was snowing too hard.

284 **12. EXECUTIVE SESSION**

285 **A. CONTRACTS**

286 *At 8:00pm, Bruce Lee-Clark moved and Tom Haley seconded that the meeting was*  
287 *adjourned finding that an Executive Session be held on Contracts as premature public*  
288 *knowledge would place a person involved in the subject matter at a substantial*  
289 *disadvantage. No action will be taken when going back into Open Session. The motion*  
290 *carried with Sarah Perrin absent.*

291

292

293 Respectfully submitted,

294 Nancy H. Lively

295 Secretary

296

**SELECT BOARD  
MINUTES ADDENDUM  
December 12, 2022**

Present: Jeannie Jenkins, Chair, Tom Haley, Jim Carroll, Bruce L Clark, Jeanne Conner, V. Chair, and Gary Corey. Absent: Sarah Perrin. Also present.: Stu Hurd, Town Manager, Dan Monks, Assistant Town Manager, and Shannon Barsotti, Community Development Director..

The Board went into executive session at 7:56 for a contract matter.

The Board came out of executive session at 8:10 pm. but took no action. There being no other business, the meeting adjourned at 8:10 pm.

Respectfully submitted,

  
Stuart A. Hurd