

M E E T I N G   N O T I C E  
B E N N I N G T O N   S E L E C T   B O A R D

February 22 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: 824 7839 7938 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 2/1/21 and 2/8/21                   | 6:00 PM - 6:05 PM |
| B. Warrants                                       |                   |
| C. Liquor Licenses                                |                   |
| 2. Public Comment                                 | 6:05 PM - 6:20 PM |
| 3. Vermont Department of Health - COVID Update    | 6:20 PM - 6:40 PM |
| 4. Energy Committee Presentation                  | 6:40 PM - 7:00 PM |
| 5. Franklin Lane Conceptual Design                | 7:00 PM - 7:15 PM |
| 6. Community Policing - Policy Review             | 7:15 PM - 7:45 PM |
| A. Traffic Enforcement - 2nd Reading              |                   |
| B. Response to Mental Health Crisis - 2nd Reading |                   |
| C. Next Steps                                     |                   |
| 7. Manager's Report                               | 7:45 PM - 7:50 PM |
| 8. Upcoming Agenda                                | 7:50 PM - 7:55 PM |
| 9. Other Business                                 | 7:55 PM - 8:00 PM |

1                                   **BENNINGTON SELECT BOARD**  
2                                   **MEETING HELD REMOTELY VIA ZOOM**  
3                                   **BENNINGTON, VERMONT 05201**  
4                                   **FEBRUARY 1, 2021**  
5                                   **MINUTES**

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

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

9   **ALSO PRESENT BY VIDEOCONFERENCE:** Stuart Hurd-Town Manager; Daniel Monks-Assistant  
10   Town Manager and Planning Director and Director of the COVID-19 Response; Mike Cutler-CAT-  
11   TV Facebook Live; and Nancy H. Lively-Secretary.

12   **PUBLIC CALL INS:** Nancy White; Mike Bethel; and Sam Restino.

13           At 6:04pm, Chair Donald Campbell called the meeting to order and explained that, due  
14   to the COVID-19 Pandemic State of Emergency declared by Governor Scott, and pursuant to  
15   Addendum 6 to Executive Order 01-20, Act 92, this public body is authorized to meet  
16   electronically. There is no physical location to attend this meeting, however, the public may  
17   view it on CAT-TV Facebook Live and call in at 1-646-558-8656 and enter the meeting ID,  
18   82220041692, when prompted to do so. The call in information will be periodically posted on  
19   the screen and the process for calling in was explained. If technology fails us, the meeting will  
20   be continued at a time and place to be determined and all votes that are not unanimous will be  
21   done with a roll call vote in accordance with the law.

22           Mr. Campbell explained that callers will remain in the meeting because the CAT-TV  
23   Government channel was unavailable and we are being broadcast via CAT-TV Facebook Live.  
24   Those not speaking will mute themselves, there will be no interruptions, and, of course, no foul  
25   language or personal attacks. If there are interruptions, those interrupting will be back in the  
26   waiting room.

27           The sponsors of ARTICLE 3. §103-407. Mayoral Form of Government will have 10  
28   minutes between them to speak to why they have brought this forward. They will then mute  
29   themselves and any other callers will have 5 minutes to state their comments. During that  
30   time, the Assistant Town Manager will be keeping notes for any questions on legal verifications  
31   that we may need. These will be brought to our Town Attorney and brought back to the 2<sup>nd</sup>  
32   Hearing at the February 8, 2021 meeting. After everyone has had a chance to speak once, they  
33   will be offered another opportunity to speak for 3-5 minutes. After that, the Board will have a  
34   chance to speak, if they so choose. All discussion must pertain to ARTICLE 3.

35 **PUBLIC HEARING NOTICE**

36 **1. MAYORAL QUESTION**

37 Ms. Jenkins read the following:

38 "ARTICLE 3. §103-407. Mayoral form of government

39 (a) In lieu of a town manager, the voters may adopt a mayoral form of government, by  
40 vote at a duly-warned annual meeting, warned pursuant to a petition signed by five percent of  
41 the voters or on the Select board's own motion. Once a vote in favor of this form of  
42 government is successful, the voters shall elect a mayor at the next annual meeting for a three-  
43 year term. Once the mayor takes office, the Town Manager system of governance shall end for  
44 Bennington.

45 (b) The mayor shall be responsible for the management of the administrative affairs of the  
46 Town, in the same manner and with the same powers and responsibilities as the Town  
47 Manager, as stated in statute and this charter.

48 (c) The mayor shall have the power to veto any action of the Select board.

49 (d) The Select board shall have the authority to override the mayor's veto by a vote of five  
50 members of the board taken at a regular meeting. Within 30 days of the vote to override,  
51 voters may petition for a binding referendum on the issue by a petition signed by five percent  
52 of the voters. At a special meeting held within 60 days of the receipt of the petition, the voters  
53 shall decide whether to uphold the mayor's veto.

54 (e) The compensation for the mayor shall be set by the Select board based on comparable  
55 salaries and benefits for a town manager.

56 (f) The mayor shall serve as the voice of the Town of Bennington, taking responsibility for  
57 implementing the policies of the Select board, leading the Town toward greater prosperity and  
58 a healthy economy, and a better life for all its residents."

59 Nancy White stated the following:

- 60 • The citizens don't have a voice, we have been waiting for our issues to get addressed  
61 that aren't getting addressed, Bennington is not affordable, and the Town has lived  
62 beyond its means for years.
- 63 • Over the past decades, deals have been made without the citizens knowing anything  
64 about them.
- 65 • The majority of the citizens have no clue as to what the four priorities of our Town have  
66 been since 2012.
- 67 • Citizens have had enough, they want results and someone who will make them feel  
68 included.
- 69 • The 3 questions citizens need to ask themselves:



- 70           ➤ Do they feel the Town Manager values our questions and concerns?  
71           ➤ Do they feel the issues in our Town have been addressed over the past decade?  
72           ➤ Do they feel that Bennington is more affordable today than we were a decade  
73           ago?  
74       • All that voting for a mayor will do is change our charter and not how our Town operates.  
75       It will state that we want to be included. "We want the backroom deals to end", such as  
76       the Splash Park that cost us \$150,000. Mr. Hurd responded that most of the \$150,000  
77       was fundraised. The Town had anticipated the bathroom to cost \$6,500 and that did go  
78       a bit over budget.  
79       • The Town has loaned thousands of dollars to the Putnam Block - what is that for?  
80       • We have been "hung out to dry" with the YMCA presence at the Rec Center. That  
81       should not have been reclassified as a regional facility.  
82       • There is no transparency.

83   Mike Bethel stated the following:

- 84       • He's disappointed in tonight's format - it isn't fair to the public.  
85       • We're not doing what we need to do as a town.  
86       • If this passes, it doesn't mean that we automatically have a mayor the next day. This  
87       just puts it in our charter, if the legislature approves, to make it legal for our town to  
88       have a mayoral form of government. "There's nothing to be afraid of here."  
89       • There's nothing personal against the Manager or the Select Board. It just gets the  
90       people involved with a leader that they have chosen.  
91       • The mayor will be equal to the Select Board with equal veto powers.  
92       • We need someone dedicated to bring jobs to Bennington.  
93       • This is the form of government in Rutland.

94   Sam Restino stated the following:

- 95       • If the charter has been rejected by the legislature, how can it be approved? Ms. Jenkins  
96       clarified that this is incorrect. It has not gone to the legislature because it has never  
97       passed on the local level.  
98       • It has been proposed to the voters and turned down.  
99       • We're still going to have a Select Board but instead of a Town Manager we're going to  
100      have a mayor.

101   *Board comments/questions:*

102   Mr. Carroll: Checked the Department of Labor and unemployment in Bennington has gone  
103   down since 2009 with a spike in March 2020 (COVID) so the idea that jobs have decreased in  
104   Bennington is not accurate.



105           *At 6:46pm, Bruce Lee-Clark moved and Sarah Perrin seconded to close the Hearing -*  
106    *Mayoral Question. The motion carried unanimously.*

107

108    Respectfully submitted,

109    Nancy H. Lively

110    Secretary

111

112

113

114

115

116

**BENNINGTON SELECT BOARD**  
**MEETING HELD REMOTELY VIA ZOOM**  
**BENNINGTON, VERMONT 05201**  
**FEBRUARY 8, 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; Megan Herrington-Vermont Department of Health; Josh Boucher-CAT-TV; and Nancy H. Lively-Secretary.

**PUBLIC CALL INS:** Nancy White; Mike Bethel; Vicki Sprague; Chad Gordon; and Sam Restino.

At 6:04pm, 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, 837 5397 6549 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 25, 2021 AND JANUARY 9, 2021**

**B. WARRANTS**

**C. LIQUOR LICENSES**

*Bruce Lee-Clark moved and Jeannie Jenkins seconded to adopt the Consent Agenda amended as follows:*

*On the Minutes of January 25, 2021 -*

*Line 13, Change "Jared" to "Jarrett"*

*Line 34, Change "Director" to "Member"*

32 *Line 94, Change "Largo" to "Larrigo"*

33 *Line 96, Change "Farrara" to "Ferrara"*

34 *Line 119, Change "Warn" to "Worn"*

35 *On the Minutes of January 9, 2021 -*

36 *Line 18, Change "note" to "not"*

37 *The motion carried unanimously.*

## 38 **2. VERMONT DEPARTMENT OF HEALTH (VDH) - COVID UPDATE**

39 Megan Herrington from the Vermont Department of Health did the following COVID update:

- 40 • We are in a "surge" of COVID cases due to a couple of household gatherings and a
- 41 relaxation of COVID protocols.
- 42 • The Stay Home, Stay Safe guidelines are still in place.
- 43 • We are in a community wide transmission of COVID with 3 transmissions increasing
- 44 numbers quickly.
- 45 • Testing is available 7 days a week at the Bennington Rescue Squad and the
- 46 recommendation is to get 2 tests 7 days apart if exposure has been incurred.

47 *Board questions/comments with responses from Ms. Herrington:*

48 Mr. Carroll: Scheduling an appointment for the vaccine has been difficult. What is the VDH

49 doing to rectify that problem? If people are having trouble registering online, they can reach

50 out to our call center where 200 people are working and a person will walk them through the

51 process.

52 Mr. Carroll: Are ski areas being compliant with the COVID protocols and is the VDH monitoring

53 them? There's a big push in communication statewide for additional testing areas, etc. to

54 reduce our number of cases but Ms. Herrington doesn't know if on-site inspections are being

55 done.

56 Ms. Conner: Is the hospital still at capacity and can we get numbers just for Bennington instead

57 of all of Bennington County? The hospital had 20 of the 60 statewide cases and have addressed

58 the capacity issues. And, there is a drill down by town that only gives Vermont residents

59 whereas the county numbers include anyone that was tested in Vermont.

60 Ms. Conner: Is there a special way to cope with people coming back from Florida in March and

61 April? The travel quarantine is still in effect so those returning to Vermont should quarantine

62 for 14 days or test out on the 7<sup>th</sup> day.

## 63 **3. PUBLIC COMMENTS**

64 None.



65 **4. PUBLIC HEARING - MAYORAL QUESTION**

66 Nancy White made the following comments:

- 67 ○ Regrets the Town didn't make arrangements for the first hearing to be televised when
- 68 the petition was submitted in November.
- 69 ○ Many people have failed to bring good paying jobs to Bennington over several years and
- 70 our low unemployment rate is skewed because people cannot live on minimum wage.
- 71 ○ Our working class and retired seniors cannot afford to live here and we're spending too
- 72 much money on projects that aren't getting us any results.
- 73 ○ Our local government has lacked transparency and accountability for the last 8 or 9
- 74 years.
- 75 ○ The Senior Center will be taken away and relocated at the Old Benn High and we
- 76 haven't seen any presentation as to what the plans are for that.
- 77 ○ The Select Board and Town Manager work for the citizens yet we can't get our questions
- 78 answered during a meeting.
- 79 ○ The only way to have our voices heard is to vote for a mayor and vote down the budget
- 80 that has a 3.5% increase and vote down the options tax.

81 Mike Bethel made the following comments:

- 82 ○ This is just the first vote that opens up the Charter. It doesn't mean that we have a
- 83 mayor and it has to be approved by the legislature.
- 84 ○ You don't do enough to bring businesses here, lower taxes, and be "warm and fuzzy"
- 85 with the people that elect you.
- 86 ○ The meetings are quick and shut people out from voicing their opinions.
- 87 ○ The mayor system gives us a leader that we can re-evaluate every 3 years and that has
- 88 equal veto power with the Select Board.
- 89 ○ The citizens never get to re-evaluate the Town Manager - the Select Board does.
- 90 ○ Get out and vote in March.

91 Vicki Sprague made the following comments:

- 92 ○ Supports voting for a mayor.
- 93 ○ We need to reaffirm what's going on in our Town because something is wrong with the
- 94 system if a situation can occur such as the Hans Heck story. This is not a "put down" of
- 95 the Bennington Police.
- 96 ○ A mayor would give us a fresh look at what we have.
- 97 ○ Perhaps the SVHC should consider putting a rehab facility where SVC used to be.

98 Chad Gordon made the following comments:

- 99 ○ Expressed his frustration with this question coming up again when it has been voted
- 100 down several times in the past and recommends voting for other Select Board members
- 101 if people are unhappy with what is taking place.

102 Sam Restino made the following comments:

- 103     ○ The solution is to change Select Board members and not to change the system.

104 *Board comments:*

105 Ms. Conner: The voters have voted this down repeatedly and would vote for it herself if she  
106 thought it would make things better in Bennington. But she doesn't and won't be voting for it.  
107 And, also wants voters to be sure to be making their decisions on facts that the Board or Town  
108 Manager can provide and not on opinions.

109 Ms. Jenkins: "Not in favor of replacing a professional with a politician and will vote no on this  
110 Charter amendment." The Select Board is the elected body that interprets the ideas and vision  
111 of the community in open session with public input. To be effective, the Town Manager needs  
112 to be a knowledgeable individual with a firm grasp of the Town's budget/financials, the  
113 capabilities of town staff, establish working relationships among town departments, up-to-date  
114 on State resources and requirements, and have working relationships with other town  
115 governments. The mayoral system "invites cronyism, potentially chaotic, and inserts a level of  
116 politics that Bennington does not need." The voters are urged to vote this down.

117 Mr. Carroll: Verified that the budget was cut to a 2.1% increase and the mayoral question has  
118 come up 5 times with a vote of ~70/30 against. The Select Board does everything they can to  
119 make the Town better and electing a mayor with far less experience than what is required of  
120 the Town Manager position will be far more costly to the Town. "The Town Manager serves at  
121 the pleasure of the Select Board" and can be removed within 2 weeks, whereas, a major is  
122 there for a designated term. The Board is the governing body of the Town and "any anger  
123 should be expressed to the Select Board."

124 Ms. Perrin: Will be voting no on the question and believes that it should be a professional  
125 position in our town government that should remain apolitical.

126 Mr. Campbell: This is a bad proposal because this was "created without any significant public  
127 process". We could do a referendum vote at a Town Meeting asking if the Town has an interest  
128 in a change of government. If the answer is yes then research could be done on the facets of  
129 the impact. "We don't want an authoritarian system in Bennington, we want a democratic  
130 system in Bennington." "What we have here is junk and I encourage everyone to turn it down."

131     *At 7:02pm, the Public Hearing - Mayoral Question was closed.*

## 132 **5. COMMUNITY POLICING**

### 133 **A. DOMESTIC VIOLENCE INVESTIGATIONS POLICY - 2<sup>ND</sup> READING**

134     Mr. Lee-Clark stated the following on the 2<sup>nd</sup> reading of this policy:

- 135     ✓ The only changes requested were done -

- 136                   ▪ II. POLICY, C., Line 8, Change "Additionally, Community" to "Additionally, the BPD  
137                   will engage with, Community"  
138                   ▪ II. POLICY, C., Line 9, Change "BPD is encouraged to actively" to "BPD will  
139                   actively"

140                   *Bruce Lee-Clark moved and Sarah Perrin seconded to adopt the Domestic Violence*  
141                   *Investigations Policy as presented. The motion carried unanimously.*

142                   Thank you to the community Committee members that worked on this policy in addition  
143                   to Mr. Lee-Clark, Mr. Monks, and Officer Ferrara - Lauren Wilcox, Janice Larrigo, Peter  
144                   Lawrence, and Eleanor Hilton.

145                   **B. TRAFFIC ENFORCEMENT - 1<sup>ST</sup> READING**

146                   Mr. Lee-Clark stated the following on the 1<sup>st</sup> reading of this policy:

- 147                   ✓ We used the existing order of the BPD.  
148                   ✓ It is 5 policies with a 6<sup>th</sup> policy "stuck in the middle of 2. TRAFFIC ENFORCEMENT  
149                   METHODS - DETECTING VIOLATIONS".  
150                   ✓ 2. TRAFFIC ENFORCEMENT METHODS - DETECTING VIOLATIONS was changed from  
151                   "DETECTING VIOLATORS" to "DETECTING VIOLATIONS".

152                   Suggested changes are:

- 153                   ▪ Change "Body Warn Cameras" to "Body Worn Cameras" throughout the policy.  
154                   ▪ Change "IV. AUTOMATIC LICENSE PLATE READER (ALPR)" to "3. AUTOMATIC  
155                   LICENSE PLATE READER (ALPR).  
156                   ▪ Change "3. STOPPING AND APPROACHING TRAFFIC VIOLATORS" to "4. STOPPING  
157                   AND APPROACHING TRAFFIC VIOLATORS.  
158                   ▪ Change "4. DUI ENFORCEMENT" to "5. DUE ENFORCEMENT".  
159                   ▪ Change "5. TRAFFIC ENFORCEMENT - DRIVING WITH LICENSE SUSTEMDED [DLS]"  
160                   to "6. TRAFFIC ENFORCEMENT - DRIVING WITH LICENSE SUSPENDED [DLS].  
161                   ▪ 1. TRAFFIC ENFORCEMENT, POLICY; B., Line 41, Change "log." to "log.  
162                   Incomplete data shall require follow up."  
163                   ▪ In 2. TRAFFIC ENFORCEMENT METHODS - DETECTING VIOLATIONS we should be  
164                   sensitive to "maximize the safety" to not be overpolicing.  
165                   ▪ The response time for a written warning may not be long enough.  
166                   ▪ IV. AUTOMATIC LICENSE PLACE READER (ALPR), D. PROCEDURE, 3., Line 17,  
167                   Delete "hot".  
168                   ▪ The word "highway" is a statutory term and cannot be changed.

169                   Thank you to the community Committee members that worked on this policy in addition  
170                   to Mr. Lee-Clark, Mr. Monks, and Officer Ferrara - Lon McClintock, Kara Lusa, and Robert Ebert.



171 Send any additional changes to Mr. Lee-Clark by February 17<sup>th</sup> for the 2<sup>nd</sup> reading to be  
172 sent to the Select Board at the February 22<sup>nd</sup> meeting.

### 173 C. RESPONDING TO A MENTAL HEALTH CRISIS - 1<sup>ST</sup> READING

174 Mr. Lee-Clark stated the following on the 1<sup>st</sup> reading of this policy:

- 175 ✓ We utilized the Vermont League of Cities and Towns (VLCT) policy that had a lot of
- 176 antiquated language which required an extensive rewrite of the policy.
- 177 ✓ After adopted we will be sending the rewritten version to the VLCT.

178 Suggested changes are:

- 179 ▪ Only have one "©2006 Legal & Liability Risk Management Institute. Reprinting
- 180 of this document is prohibited without license from LLRMI.
- 181 <http://www.llrmi.com> "
- 182 ▪ Ms. Conner and Mr. Lee-Clark will discuss replacing "tactical and processing" on
- 183 Lines 3 and 4 with different words.
- 184 ▪ II. Policy: The Bennington Police Department (BPD) shall: B., Line 15, Change
- 185 "crisis, and whenever possible, trainings" to "crisis. Trainings".

186 Thank you to the community Committee members that worked on this policy in addition  
187 to Mr. Lee-Clark, Mr. Monks, and Officer Ferrara - Asher Edelson, Kheya Ganguly, Valerie Gray-  
188 Schemitz, and Al Bashevkin.

189 Send any additional changes to Mr. Lee-Clark by February 17<sup>th</sup> for the 2<sup>nd</sup> reading to be  
190 sent to the Select Board at the February 22<sup>nd</sup> meeting.

### 191 6. LADDER TRUCK BOND DOCUMENTS

192 *Jim Carroll moved and Bruce Lee-Clark seconded to approve the Loan Agreement and*  
193 *authorize the Chair to sign, approve the General Obligation Bond and authorize the Chair to*  
194 *sign, waive the reading of and adopt the Resolution and authorize the Chair to sign, and*  
195 *approve the Tax Certificate and authorize the Chair to sign. The motion carried unanimously.*

### 196 7. MANAGER'S REPORT

197 Mr. Hurd reported as follows:

198 COVID Update - Reiterated Ms. Herrington's appeal to adhere to the CDC guidelines  
199 even though everyone is tired of doing so. Some vaccinations have been paused in South  
200 America because the variant is not as effective against COVID as they thought it might be.

201 Happy Birthday wishes to Mr. Lee-Clark and Mr. Campbell.

### 202 8. UPCOMING AGENDA

203 February 22, 2021 - 2<sup>nd</sup> readings on Traffic Enforcement and Responding to a Mental  
204 Health Crisis

205 February 22, 2021 - COVID Update - Megan Herrington (Board questions to Ms. Perrin to  
206 relay to Ms. Herrington prior to the meeting)

207 February 22, 2021 - Energy Committee Recommendations

208 February 22, 2021 - Town Meeting Information

209 **9. OTHER BUSINESS**

210 Mr. Campbell: Reminded everyone that the Town Meeting will be via Zoom on March 1, 2021 at  
211 7:30pm. Everything will be voted on the next day, March 2, 2021, and if you would like an  
212 absentee ballot, contact the Town Clerk's Office.

213 Mr. Lee-Clark: There will be a box at the Town Office to accept the absentee ballots without  
214 having to depend on the mail.

215 Mr. Carroll: In recognition for their years of service to the Town: Michael Strizee-1 year; Jarod  
216 Austin-2 years; Benjamin Cazaba-3 years; Michael Sharshod-6 years; Michael Pierce-6 years;  
217 Rosco Harrington-12 years; Joshua Stemp-16 years; Anthony Styvestro-18 years; Edward  
218 Coyne-26 years; and Stuart Hurd-48 years.

219 Ms. Perrin: CAT-TV channels 15, 16, and 17 have moved to 1075, 1095, and 1085, respectively.  
220 And, the Select Board forum is on February 12<sup>th</sup> at 6:00pm on 1085.

221 Ms. Conner: Reflective numbers sold by the Fire Department for \$3.00/number to put on your  
222 house so the Fire Department can find your house at night if they should need to.

223 **10. EXECUTIVE SESSION**

224 **A. CONTRACTS**

225 *At 7:42pm, Jim Carroll moved and Jeannie Jenkins seconded that the meeting was*  
226 *adjourned finding that an Executive Session be held on Contracts as premature public*  
227 *knowledge would place a person involved in the subject matter at a substantial*  
228 *disadvantage. There will be no actions taken on this item when going back into Open*  
229 *Session. The motion carried unanimously.*

230

231 Respectfully submitted,

232 Nancy H. Lively

233 Secretary

234

## TOWN OF BENNINGTON

### 2021 LIQUOR LICENSE RENEWAL APPLICATIONS

#### 2021 1<sup>st</sup> Class Renewals

1. Chili's Grill & Bar
2. VFW Post #1332 (& Outside Consumption)

#### 2021 2<sup>nd</sup> Class Renewals

1. Aldi, Inc.
2. Hannaford #8301
3. Price Chopper \$171
4. Stewart's Shops #195

#### 2021 3<sup>rd</sup> Class Renewals

1. Chili's Grill & Bar
2. VFW Post #1332

#### 2021 Outside Consumption Renewal

1. Kevin's

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

*Dated: February 22, 2021*

\_\_\_\_\_  
Donald A. Campbell, Chair

\_\_\_\_\_  
Jeannette Jenkins, Vice Chair

\_\_\_\_\_  
Jim Carroll

\_\_\_\_\_  
Bruce Lee-Clark

\_\_\_\_\_  
Jeanne Conner

\_\_\_\_\_  
Sarah B. Perrin



## **Bennington Energy Committee**

**February 2, 2021 meeting**

### **Recommendations to the Select Board for 2021**

#### **Background**

Our charge was to take the comprehensive list of 47 recommendations provided in the Energy section of the Town Plan and make recommendations to the Select Board on areas of particular focus.

As suggested at the beginning of 2020 by Select Board Chair Donald Campbell, we have organized our recommendations into three groups: Town, Energy Committee, and Partner Agencies.

#### **Town Focus Areas**

The Town has done excellent work in energy reduction and efficiency programs for municipal buildings, identifying renewable sources of electricity generation for municipal needs, and developing collaborative relationships with energy efficiency organizations such as Efficiency Vermont.

Specifically, the Energy Committee recommends:

1. Lead by example in efforts to mitigate climate change through smarter and cleaner use of energy. (Rec 31)
2. Maintain an active energy committee and seek recommendations that support energy conservation, efficiency and renewable energy strategies as outlined in the Bennington Town Plan under section 8.3.
3. Allocate money for new EV charging stations at the Rec Center and at Four Corners North (Rec 27), and use this information in marketing materials.
4. Explore purchasing the most energy-efficient (electric/hybrid) vehicles for municipal needs. (Rec 33)
5. Work more closely with the Green Mountain Community Network (GMCN) to promote use of public transport. (Rec 22)
6. Update the Town of Bennington Article 6 – Housing, Building, and Life Safety Ordinance to include the new state energy standards, with a focus on improving compliance. (Rec 3, 5, 6, 14)
7. Require buildings to be inspected prior to drywall going up to ensure applicable energy standards are met.
8. Provide a contractor package addressing the benefits of high efficiency structures on the Town website and in print to applicants for building permits, as well as to developers contacting the Planning Board concerning projects under consideration. (Rec 5)
9. Utilize form-based design standards to encourage cluster development, mixed-use housing and downtown infill. <http://www.bcrvt.org/benningtonludr.html> (Rec 2)

#### **Energy Committee**

Specifically, the Energy Committee should:

1. Publicize ways for local residents to improve their lives and save money by reducing their use of energy, especially fossil fuels. (Rec 7, 8, 9, 11, 47)
2. Work with realtors and building material suppliers to distribute energy-efficiency information similar to the contractor package.

3. Work collaboratively with the Planning Commission to review and, as appropriate, revise the Town Plan to provide a clear description of the town's energy goals and assist in analysis of data toward those goals.
4. Promote weatherization, particularly in older homes, and for low-income households, with a focus on programs including Button Up Vermont, Window Dressers, and Efficiency Vermont, and with programming through local entities including NeighborWorks and Bennington Rutland Opportunity Council (BROC). (Rec 7, 8, 9, 10, 11)
5. Identify funding sources to assist in community energy efficiency improvements.
6. Identify programs and organizations from other communities that provide experience and models to improve energy-efficiency in transportation and buildings.
7. Work with BCRC and other energy committees in the county on publicizing energy-related issues and regional programs through op-eds in local media, joint projects, etc.
8. Analyze available data, including any in the Town Plan, to evaluate annually whether energy and land use goals are being met. Evaluate the town's progress toward state energy and land use goals and share the findings.
9. Establish a baseline to measure progress based on the parameters in the Vermont Energy Dashboard Energy Atlas and post updates to the measures on an annual basis. Publish the information on the energy committee's page on the Town of Bennington website.

#### **Partner Agencies**

Both the Town of Bennington and the Bennington Energy Committee should cooperate with as many partner agencies as possible, including the following:

- Efficiency Vermont
- Vermont Energy and Climate Action Network (VECAN)
- Vermont Energy Action Network (EAN)
- Bennington-Rutland Opportunities Council (BROC)
- Vermont Energy Education Program (VEEP)
- Vermont Energy Investment Corporation (VEIC)
- NeighborWorks of Western VT
- Bennington County Regional Commission (BCRC)
- Vermont Council on Rural Development (VCRD)

## Energy Committee Recommendations for 2021



1

Town



2

Committee



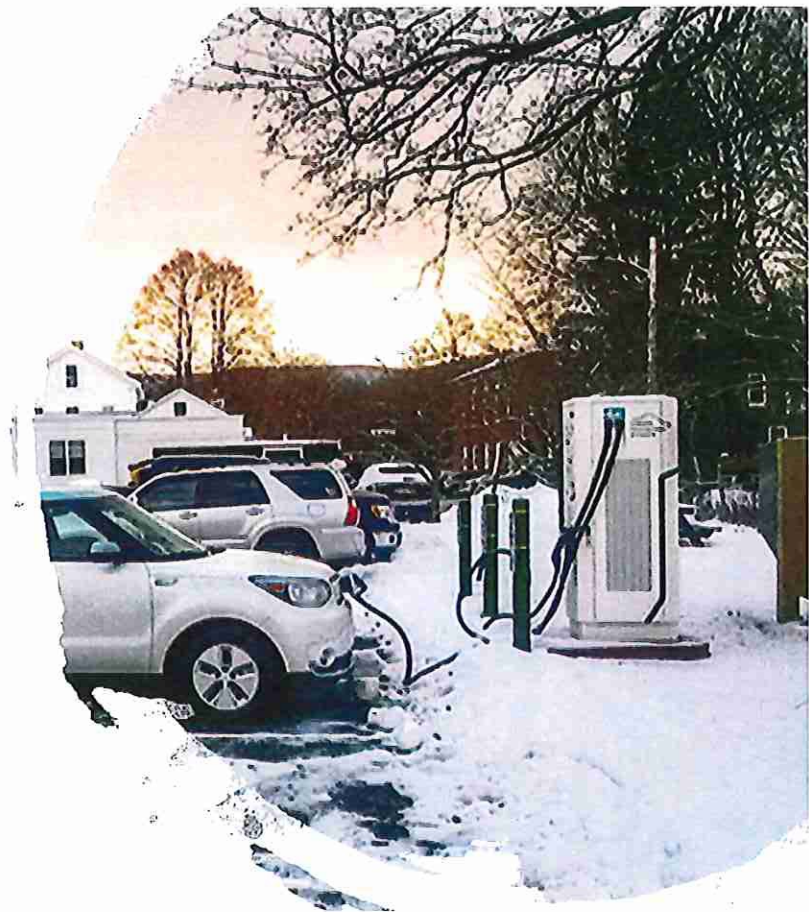
3

Partners



# Town

- Keep up the energy efficiency work
- Update building ordinance
- Get builders energy-wise
- Put in more EV chargers



# Energy Committee

- Publicize energy savings
- Promote weatherization
- Identify funding sources
- Analyze energy-usage data
- Network with other energy committees



## Partner Agencies

- Bennington County Regional Commission (BCRC)
- Efficiency Vermont
- Vermont Energy and Climate Action Network (VECAN)
- NeighborWorks
- Bennington-Rutland Opportunities Council (BROC)



## In Summary

- Make Bennington healthier
- Keep energy dollars local
- Do our part on climate change

Thank You





## Executive Summary

**FRANKLIN LANE  
SHARED STREET**

## CLIENTS

Bennington County  
Regional Commission  
Town of Bennington

## CONSULTANTS

MSK Engineers  
Goldstone Architecture

## Project Overview

Franklin Lane, an alley running between commercial property owned by David Buckley and the Drysdale Building in downtown Bennington, is used by vehicles as well as pedestrians, but it is not designed for pedestrian safety.

In 2020, Bennington received funding from the State of Vermont Downtown Transportation Fund to redesign the lane into a *woonerf*, or “shared street.” In a shared street, design elements such as plantings, bollards, changes in ground plane materials, and curves in the road take the place of traditional traffic control devices. In doing so, they calm traffic and prioritize pedestrians. Drivers must communicate with pedestrians to pass through safely, fostering interaction and community. The shared street model stands in contrast to traditional streets, which “allocate distinct spaces to the different modes, and in doing so create a false sense of security to each user, leading them to behave as if they have no responsibility to look out for other users in ‘their’ space.” (Project for Public Spaces).

The Franklin Lane project partners developed five objectives for the *woonerf* design: improved pedestrian access, improved lighting for safety, sufficient and accessible space for trash receptacles, management of existing traffic signs, and physical interventions to calm traffic.

## Work to Date

**Design Charrette.** On October 8, 2020, MSK led a design charrette to gather community input on the redesign, with a focus on a creative approach to infrastructure. Eight participants shared notes and drawings with ideas about how to incorporate art, honor the site’s history, and bring community events into the space. MSK shared these ideas with the design team.

**Existing Conditions Survey and Geotechnical Testing.** MSK’s survey team conducted a site survey and developed an existing conditions plan. Our geotechnical engineers conducted test digs to analyze the sub-base conditions and proposed a pavement section for pavers. They also oversaw utility location on site.

**Coordination with Neighboring Landowners.** The Town of Bennington, assisted by members of the project team, reached out to neighboring landowners to discuss the project goals and objectives, as well as potential changes in use. MSK and Goldstone Architecture incorporated landowner feedback into the final design.

**Conceptual Plan Development.** MSK and Goldstone Architecture developed a conceptual plan and a revised conceptual plan. The original plan was modified significantly due to unsuccessful efforts to negotiate an easement with a neighboring property owner.

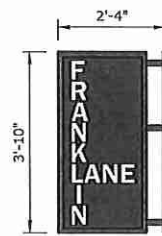
## Next Steps

MSK and Goldstone Architecture will complete final design documents for client approval, at which time we will submit estimated project costs. Upon receiving final client comments and approval, we will produce construction documents and coordinate with the Town of Bennington Department of Public Works and the Town’s subcontractors to prepare for the 2021 construction season. MSK will provide construction administration services for the construction phase of the project.





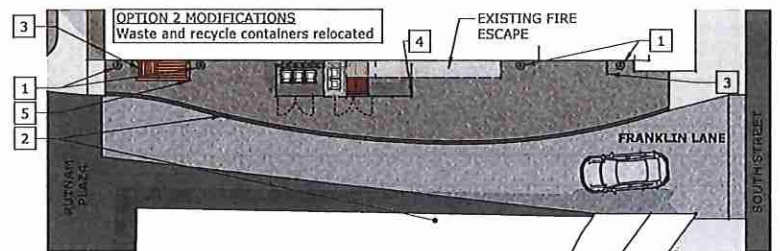
○ Rendering From South Street



○ BLADE SIGNAGE

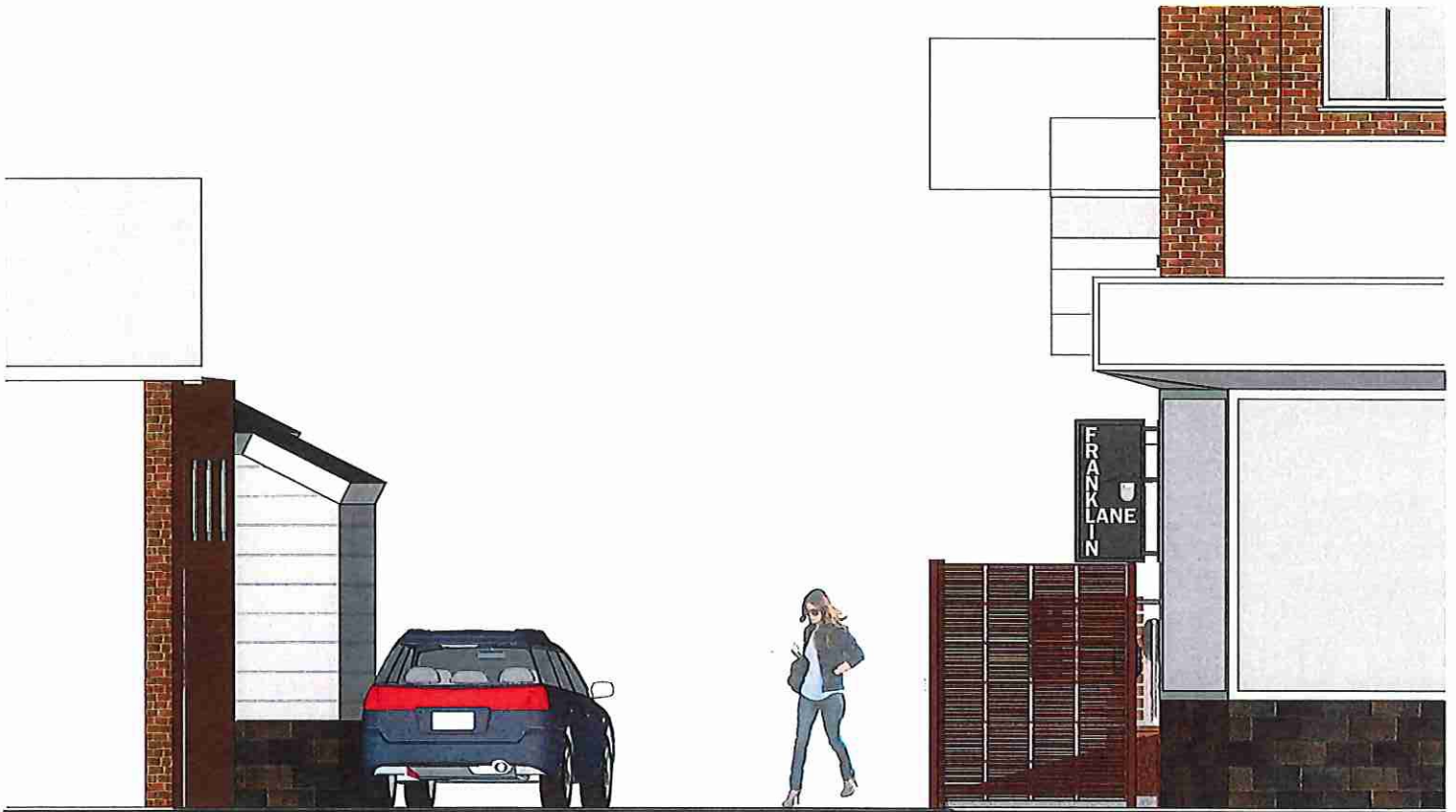
#### Proposed Improvements

- 1 Wall-mounted light
- 2 Concrete paver surface - Random pattern, two color groups, flush curb
- 3 Steel cut-out blade sign "FRANKLIN LANE"
- 4 Steel and wood enclosure with access gates
- 5 Rebuilt stair and railing



○ Key Plan





○ MAIN STREET ELEVATION

# FRANKLIN LANE SHARED STREET

February 5, 2021

3 - MAIN STREET ELEVATION





○ PERSPECTIVE - WEST END



○ PERSPECTIVE - EAST END





○ PERSPECTIVE - ENCLOSURE AND GATES



<b>TRAFFIC ENFORCEMENT</b>	<b>Related Policies:</b> Fair and Impartial Policing, Body Worn Cameras
<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 VIOLATORS
I.	Traffic Law Enforcement Practices
II.	Speed Enforcement
III.	Maintenance of Speed Measuring Equipment
3.	AUTOMATED LICENSE PLATE READER (ALPR)
4.	STOPPING AND APPROACHING TRAFFIC VIOLATORS
I.	Stopping and Approaching Traffic Violators
II.	Stopping and Approaching Known Suspects or Felons
5.	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

## 6. 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:** The BPD shall 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.

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.

Data collected from vehicle stops shall be reported on an [state increment] basis to the State of Vermont Department of Public Safety (DPS). The Chief of Police



1 shall obtain, to the extent available, reports of all vehicle stops by BPD Officers  
2 and Supervisors for review and analysis, and share the results regularly with the  
3 Town Manager's Office. DPS reports of BPD vehicle stop data shall be  
4 published at least annually on the Town website.  
5  
6

## 7 **2. TRAFFIC ENFORCEMENT METHODS – DETECTING VIOLATIONS**

8

9 **POLICY:** The BPD shall employ numerous methods of traffic law enforcement in  
10 order to detect violations and maximize the safety of the traveling public within  
11 the Town of Bennington, Village of Old Bennington, and Village of North  
12 Bennington.  
13  
14

## 15 **3. AUTOMATIC LICENSE PLATE READER (ALPR)**

16

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

### 25 **B. POLICY**

26

- 27 1. All members using ALPR equipment shall be properly trained in its  
28 operation and be familiar with this policy.  
29
- 30 2. All data and digital images contained in the ALPR system are the property  
31 of DPS and shall not be released or disseminated without the approval of  
32 the Chief of Police or his/her designee. All data and images will be stored  
33 on a secure DPS server.  
34

### 35 **C. DEFINITIONS**

36

- 37 1. Target plate – The registration plate of a motor vehicle identified and  
38 photographed by the ALPR.  
39
- 40 2. List of Plates of Interest – Information that can come from a variety of  
41 sources, including but not limited to, stolen vehicle information from the  
42 National Insurance Crime Bureau and the National Crime Information  
43 Center (NCIC), as well as national AMBER Alerts and Department of  
44 Homeland Security watch lists. Departments of Motor Vehicles can  
45 provide lists of expired registration tags and law enforcement agencies  
46 can also interface their own, locally-compiled list(s) of plates of interest to  
47 the ALPR system.  
48

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

**4. STOPPING AND APPROACHING TRAFFIC VIOLATORS**

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

**5. DUI ENFORCEMENT**

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

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

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

\* \* \* \* \*

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





Formatted: Left

## TRAFFIC ENFORCEMENT

Related Policies: *Fair and Impartial Policing, Body Worn Cameras*

Formatted Table

Formatted: Font: Not Bold, Italic

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Not Bold

*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: 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:

### 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

### 2. TRAFFIC ENFORCEMENT – DETECTING VIOLATORS

- I. Traffic Law Enforcement Practices
- II. Speed Enforcement
- III. Maintenance of Speed Measuring Equipment
- IV. Automatic License Plate Reader (ALPR)

### 3.4. STOPPING AND APPROACHING TRAFFIC VIOLATORS

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

### 4.5. 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

#### 5.6. 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, preventive enforcement and reactive patrols by outlining acceptable methods and establishing the 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.

Formatted: Not Highlight

#### 1. TRAFFIC ENFORCEMENT

POLICY: It shall be the policy of the BPD Bennington Police Department to shall enforce all traffic laws without prejudice throughout within the community without prejudice and/or bias. The detection of traffic law violations may be reactive by an officer on patrol, or, may be 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 order-policy shall be construed to limit an officer or supervisor with exercising his or her discretion in the issuance of a written warning as opposed to in lieu of a Vermont Civil Violation complaint, where appropriate. The all officers will treat every citizen with dignity and respect and do their part in furthering in furtherance of building and maintaining good relations with the public.

Formatted: Strikethrough, Not Highlight

Formatted: Not Highlight

Formatted: Font: Italic, Font color: Custom Color(31,73,125)), Not Highlight

Formatted: Strikethrough, Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

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

Data collected from vehicle stops shall be reported on an [state increment] basis to the State of Vermont Department of Public Safety (DPS) of the State of Vermont. 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 Rreports from the Dept. of Public Safety~~ of BPD vehicle stops data shall be ~~made public~~published at least annually on the Town website.

~~Public access to these records by Officer. Research and discussion~~

## 2. TRAFFIC ENFORCEMENT METHODS – DETECTING VIOLATORSVIOLATIONS

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

Formatted: Strikethrough, Not Highlight

Formatted: Strikethrough, Not Highlight

### ~~IV.~~ 3. AUTOMATIC LICENSE PLATE READER (ALPR)

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

#### ~~A..B~~ POLICY

Formatted: Strikethrough, Not Highlight

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

#### ~~B.C.~~ DEFINITIONS

Formatted: Strikethrough, Not Highlight

1. Target plate – The registration plate of a motor vehicle identified and photographed by the ALPR.
2. "Hot" list List of Plates of Interest – Information that can come from a variety of sources, including but not limited to, stolen vehicle information from the National Insurance Crime Bureau and the National Crime Information Center (NCIC), as well as national 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.

### 3. 4. STOPPING AND APPROACHING TRAFFIC VIOLATORS

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

Formatted: Strikethrough, Not Highlight

Formatted: Strikethrough, Not Highlight

### 4. 5. 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 a~~ *have the responsibility-* ~~All officers~~ 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.

Formatted: Strikethrough, Not Highlight

Formatted: Font: Italic, Not Highlight

Formatted: Strikethrough, Not Highlight

Formatted: Font: Italic, Strikethrough, Not Highlight

Formatted: Font: Italic, Not Highlight

Formatted: Font: Italic, Not Highlight

Formatted: Strikethrough, Not Highlight

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

Formatted: Strikethrough

Formatted: Left

Formatted: Font: Italic

**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.

Formatted: Font color: Custom Color(RGB(31,73,125)), Strikethrough, Not Highlight

Formatted: Font color: Custom Color(RGB(31,73,125)), Strikethrough, Not Highlight

Formatted: Strikethrough, Not Highlight

Formatted: Font: Italic, Not Highlight



## 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 Law Enforcement Officers with the essential **tactical and processing skills trauma-informed strategies and de-escalation practices** 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, 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**, that 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, but are not



1 limited to, emotional reactions such as fear, anger, or excessive giddiness;  
2 psychological impairments such as inability to focus, confusion, or nightmares, and  
3 potentially even psychosis; physical reactions like vomiting/stomach issues,  
4 headaches, dizziness, excessive tiredness, or insomnia; and/or behavioral  
5 reactions including the trigger of a "freeze, fight, or flight" response. Any individual  
6 can experience a crisis reaction regardless of previous mental health history.

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

11  
12 \* \* \* \* \*

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

17  
18  
19 \_\_\_\_\_  
20 Donald Campbell, Chairperson  
21  
22  
23



## 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:

Formatted Table

I. **Purpose:** To provide ~~field Law Enforcement~~ officers with the essential tactical and processing skills, ~~trauma-informed strategies and de-escalation practices~~ 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.~~

Formatted: Strikethrough

Formatted: Font color: Blue

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.

Formatted: Strikethrough

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

Formatted: Strikethrough

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.

Formatted: Indent: Left: 0.3", No bullets or numbering

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, but are not limited to, 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).

Formatted: Strikethrough

Formatted: Strikethrough

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.~~

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

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

\* \* \* \* \*

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

Formatted: Left



**MANAGER'S REPORT**  
**February 22, 2021**

**ACTION**

Nothing at this time.

**INFORMATIONAL**

Social Media and Offending Posts The Chief, Lieutenant, and I met with the three-member committee from the Select Board to discuss the Social Media Policy which is currently being worked on. This Policy when adopted will most likely become the Policy for all Town offices and employees. The goal is to provide direction and thoughtfulness to the decision-making process on what is appropriate and when to post. Recently, a post on the BPD Facebook page generated some very different reactions. It was part of a nation-wide effort by police departments to highlight, through humor three areas of police work, drinking and driving, domestic abuse, and drug abuse. Our Department chose to focus on domestic abuse and the outstanding arrest warrants that are associated with this. Unfortunately, without accompanying context the post angered many in the community. We need to do better, and this new Policy discussion points us in the right direction.

Policing, Community Relationships, and Public Health and Safety – a presentation On the evening of February 17, Select Board members, Jeannie Jenkins, Jeanne Connor, and Bruce Lee Clark, were joined by the Command staff of the BPD and me to listen to this presentation by Maureen McGough, J.D. Policing Project of NYU School of Law. The presentation touched on many aspects of the reimagining of public safety that we are currently working on, transparency, accountability, crisis intervention, alternative responses, risk determination, and the fact that we ask our police to respond to many incidents for which they are not properly trained, many incidents that need a response that is not law enforcement. We are moving in the right direction as we reimagine our Police Department.

**FOLLOW-UP**

The Bike/Ped Monthly Report is attached.

# **Town of Bennington Bike/Ped Projects Update February 2021**

## **Applegate to Willowbrook Path**

**Project Description:** Pathway to connect Applegate Housing, Willowbrook Apartments and Molly Stark Elementary School.

**Status:** The Town has contracted with Casella Construction (the low bidder) to construct the project. Construction is scheduled to begin this month and is scheduled to be completed by the end of June.

## **Ninja Trail**

**Project Description:** The proposed path is 2.12 miles. It begins on Hicks Avenue at the existing pedestrian bridge and ends at the intersection of VT Route 67A/College Drive/Silk Road/Matteson Road. From there, pedestrians and cyclists can reach the Village of North Bennington via Bennington College's paths and low-speed roads. The path varies between wooded areas, open fields, and roadside facilities. It crosses streams, goes under an overpass, and crosses a highway.

**Status:** \$1 Million in State/Federal Grants have been secured. A recent update of the cost estimate using current pricing indicates that significant additional funding will need to be secured. Additional grant opportunities are being explored. Segments of paved path between Hicks Avenue and Harmon Road (behind Walmart) and between Bennington College entrance and the Hampton Inn have been constructed. Interim path (dirt and gravel) between the two completed segments is open for use. Preliminary plans for the construction of the remainder of the paved path have been approved by the State. The Town has obtained all but two of the easements required for the project. Recent negotiations regarding the remaining two easements have been productive and it is hoped that they will be concluded in the next 60 days. Construction is scheduled for 2022.

## **Bennington Pathway – Rail/Trail**

**Project Description:** Shared use path (bike path) along Railroad Right-of-Way from Bennington Station to Emma Street (off of Northside Drive). Portion of trail from Bennington Station to Orchard Road will be paved. Remainder of path will be gravel.

**Status:** State/Federal Grant for 90% of cost has been secured. A local match of \$100,000 is

being held in reserve account. Based on an updated cost estimate, an additional \$40,000 match is necessary and will impact the FY 22 budget. The project was put out to bid on February 11, 2021. Bids are due on March 12, 2021. Subject to a successful bidding process, construction remains scheduled to commence in the Summer of 2021.

## **Benmont Avenue Bike/Ped Improvements**

**Project Description:** Improvements to make Benmont Avenue safer and more attractive for pedestrians, cyclists, and drivers, including significant changes to the Hunt Street intersection. The improvements will act as an extension of the Ninja Trail into Downtown Bennington.

**Status:** A total of \$559,000 in State/Federal Grants have been awarded, including a State of Vermont Bike/Ped Grant in the amount of \$309,000 that was awarded in November 2020. The Town match will be approximately \$140,000. All easements have been obtained. Additional funds may need to be sought. In addition, the Town DPW will likely need to construct portions of the project to keep costs down. Final plans are scheduled to be completed by Summer of 2021. Project scheduled to be put out to bid in Winter of 2021/22. Construction scheduled for Summer of 2022.