

M E E T I N G   N O T I C E

BENNINGTON SELECT BOARD

January 11, 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: 873-2045-5287 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 12/28/20 and 1/04/21 6:00 PM - 6:05 PM
  - B. Warrants
  - C. Liquor Licenses
2. Public Comment 6:05 PM - 6:15 PM
3. COVID-19 Update 6:15 PM - 6:30 PM
4. Audit Presentation 6:30 PM - 6:45 PM
5. Community Policing Update 6:45 PM - 7:15 PM
  - A. Policy Review Reading, 2nd reading
    1. Investigation and 1st Reporting Hate Crimes
    2. Fair and Impartial Policing
  - B. Other Activities
6. Manager's Report 7:15 PM - 7:25 PM
7. Upcoming Agenda 7:25 PM - 7:35 PM
8. Other Business 7:35 PM - 7:45 PM

**BENNINGTON SELECT BOARD**  
**MEETING HELD REMOTELY VIA ZOOM**  
**BENNINGTON, VERMONT 05201**

**DECEMBER 28, 2020**

**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; Shannon Barsotti-Community Development Director; Jessica Rumlow and Kayla Becker-YMCA; Josh Boucher-CAT-TV; and Nancy H. Lively-Secretary.

**PUBLIC CALL INS:** Joshua Ferguson.

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, 85186412506 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 DECEMBER 14, 2020 AND DECEMBER 22, 2020**

**B. WARRANTS**

**C. PROCLAMATION - CAREER AND TECHNICAL EDUCATION MONTH (Read by Ms. Jenkins)**

*Jeannie Jenkins moved and Jeanne Conner seconded to adopt the Consent Agenda with the Minutes of December 14, 2020 amended as follows:*

*Page 5, Line 149, Change "CALEA" to "Commission on Accreditation for Law Enforcement Agencies (CALEA)"*

*Page 6, Line 203, Change "Alonna" to Alana"*

*The motion carried unanimously.*

## 2. PUBLIC COMMENT

Joshua Ferguson: Mr. Ferguson, from Rutland County, has formed the Vermont Veterans Tribute Task Force and the first Vermont Veterans Tribute will take place in Fair Haven. It will highlight historical figures from Fair Haven and will potentially bridge with Bennington's rich history. Mr. Campbell suggested that he contact the Bennington Museum, Jonah Spivak, Stuart Hurd, and himself for their input as the Town is supportive of what he is trying to do. His e-mail address is [joshua.ferguson@usa.com](mailto:joshua.ferguson@usa.com).

## 3. NORTHERN BERKSHIRE Y

Ms. Barsotti pointed out the work that has been, and is being done, at the old Bennington High School/Middle School. The Town and Jessica Rumlow and Kayla Becker from the YMCA have been discussing with the new owner, Christopher Gilbert, the Town renting some of the building for a gym. The building has been vacant for several years and renovations are currently going on in the gym and auditorium. The subject of needing additional recreational space for children and families has come up repeatedly in our town surveys. Also noted is that there is a lot of space in this building that could be used for other things, such as events.

Ms. Rumlow and Ms. Becker did the following informational presentation:

- This will give the YMCA the opportunity to offer a full range of services to the community that they haven't been able to do because of limited space.
- Ms. Barsotti secured a grant for \$30,000 so that the Y can bring the Lake Paran school aged program to the buildings auditorium and three classrooms.
- The basketball court use is obvious. In addition, there are three large rooms that we envision being used for fitness equipment, group exercise classes, and senior programing.
- The leases are still in process and it must be approved by the YMCA Board.

### *Board questions/comments:*

Mr. Campbell: No action will be taken this evening and it will be a topic during upcoming budget discussions - the cost of reusing an existing building vs. the cost of building a new building.

Mr. Hurd added that he has been working with the Y on their financial needs and feels that they are doable within the Rec Center budget which we will be discussing very soon.

Mr. Carroll: Will energy costs be included in the lease or will they be additional? Ms. Barsotti answered that there isn't a lease yet, but at this point, Mr. Gilbert is planning on paying for utilities.



Ms. Conner: Feels that the number of members will increase because of all that will be offered. However, does the Y have a "pay per class option"? Ms. Rumlow responded that with a Y membership all classes are free; with a Rec Center only membership, there is a charge for the classes; and prior to COVID, there was a Guest Membership that will be reinstituted as the COVID restrictions are lifted.

Ms. Conner: Encouraged Ms. Rumlow to reach out if there is a need for representation from Bennington.

Ms. Jenkins: This, in addition to the Rec Center and the UCS presence at the Rec Center opens up many opportunities to the community.

Mr. Lee-Clark: Noted that he and Ms. Jenkins have worked with businesses that would need more gym space. This would lift the burden that the schools have been under and be a place for the kids to go in the downtown. He is supportive of the project if it makes financial sense - and he feels that it will.

#### **4. COMMUNITY POLICING UPDATE**

Ms. Connor reported the following:

- ❖ We are forming committees to look at the next 6 policies for the Bennington Police Department (BPD).
- ❖ There will be 4 community members that will discuss one policy with the permanent committee members of Asst. Manager Dan Monks, BPD Officer Dan Ferrara, and Select Board member Bruce Lee-Clark.
- ❖ There will be 4 different community members for each policy.
- ❖ There is one meeting for each policy with the first one on January 27<sup>th</sup> and the last one in early April.
- ❖ Mr. Lee-Clark is the Chair and he provides model policies and background information - particularly from the IACP - to the committee members ahead of time.
- ❖ We will accept applications from those who have already served on committees or were researchers.
- ❖ We only have 7 applicants at this point so we will be leaving the application process open.
- ❖ The scope of work, how to apply, the list of policies, and the dates of the meetings are on the Town's website.
- ❖ The meetings will be taking place via Zoom until the COVID restrictions have been lifted. Even if they are lifted, the Zoom option will still be available.
- ❖ Lon McClintock will again participate with Ms. Jenkins and Ms. Conner on the interview team. Interviews will take place the first few weeks in January.
- ❖ The policies are: January 27<sup>th</sup> - Social Media; February 10<sup>th</sup> - Special Events; February 24<sup>th</sup> - Body Worn Cameras; March 10<sup>th</sup> - Collaborative Partnerships; March 24<sup>th</sup> - Nepotism and Fraternization; and April 7<sup>th</sup> - Code of Conduct.



- ❖ The more people that are involved, the better the message gets out. Board member e-mail addresses are available if you have any questions.

Mr. Lee-Clark reported the following:

- ❖ The two policies that had the 1<sup>st</sup> reading on December 14<sup>th</sup> will be given some additional time to respond to. They are Fair and Impartial Policing and Investigation and Reporting of Hate Crimes.
- ❖ The Board will receive these for consideration and adoption at the January 11<sup>th</sup> meeting.
- ❖ The Domestic Violence Investigation Policy is out to the Town attorney and State attorney.
- ❖ Going out to the attorneys soon will be Response to Persons in a Mental Health Crisis and Traffic Stops.
- ❖ Anyone who had edits to these policies are especially encouraged to serve on one of the upcoming committees.
- ❖ Be sure to look for the upcoming Select Board meeting agendas on the Town website on the Thursday's before a meeting for the policies that will be reviewed.

## 5. MANAGER'S REPORT

Mr. Hurd reported as follows:

- Certificate of Resolution - Third Party HRA - The Town manages its Health Reimbursement Arrangement through HRC, a New Hampshire Corporation. Annually, we are required to adopt this Certificate of Resolution to be in compliance with IRS rules. There are three Resolutions within the one Resolution.

***Bruce Lee-Clark moved and Sarah Perrin seconded to adopt the Resolutions as presented and authorize the Select Board Chair to sign on behalf of the Board. The motion carried unanimously.***

- COVID Update - The recent surge in COVID cases is said to be stabilizing in Vermont. All of the precautions remain in effect.
- Tax Penalty Waivers - Letters have gone out to those property owners we've identified. We've asked for a response by January 15, 2021. We have reimbursed the late penalty to those that qualify for the waiver but had paid it.
- PFOA Construction - All but one contractor have finished for the season. Casella Construction has continued work on Contract 9.
- Additional Information
  - Budgets are to the Board with work sessions planned for January 2<sup>nd</sup>, January 9<sup>th</sup>, and January 16<sup>th</sup> starting at 8:00am, respectively.

- 142           ○ Mr. Campbell: It's good to see things getting checked off on the Bike-Ped Report.
- 143           ○ Ms. Conner: Confirmed that the condemnation process is the process of Eminent
- 144           Domain.
- 145           ○ Ms. Conner: Noted how easy it was to get a COVID test.
- 146           ○ Mr. Carroll: We need to start working on putting Cannibus on the March 2021
- 147           ballot as he feels that there is substantial support for it in the Town plus the tax
- 148           benefits.
- 149           ○ Mr. Lee-Clark: Noted the change of name from the Career Development Center
- 150           (CDC) to Southwest Tech and encouraged everyone to check out their website.

## 151   **6. UPCOMING AGENDA**

152           January 2, 9, and 16, 2021 - Budget Work Sessions

153           January 11, 2021 - Police Policies

154           January 11, 2021 - Audit Presentation

155           January 27, 2021 - UCS Pulse Meeting Virtual Tour @ 5:30pm

## 156   **7. OTHER BUSINESS**

157   Mr. Campbell: Thank you to Town Staff for all they do and especially for their readiness of a  
158   potential flood.

159   Mr. Campbell: Thank you to Mark Sawyer and Paul Dansereau for their energy/money saving  
160   work at the police station.

161   Mr. Carroll: Thank you to all of the essential workers, as well as, to those not so designated who  
162   have served us during COVID.

163   Ms. Conner: Thank you to the crews that cleared the 18-20 inches of snow.

164   Ms. Conner: Thank you to Lynn Sweet and Jennifer Jasper for the Community Variety Show on  
165   Zoom, and to Lynn Sweet again for the Zoom production of It's A Wonderful Life.

166   Ms. Jenkins: Reiterated a thank you to Mark Sawyer and Paul Dansereau for their work with the  
167   Energy Committee.

168   Ms. Jenkins: Kudos to John the Elf who was handing out \$10.00 coupons - funded from the  
169   CARES Act money - for people to shop in the downtown. It was an uplifting gesture to everyone  
170   that was there.

## 171   **8. EXECUTIVE SESSION**

### 172       **PERSONNEL**

173

*At 7:12pm, Jeanne Conner moved and Bruce Lee-Clark seconded finding that an Executive Session be held on Personnel as premature public knowledge would place a person involved in the subject matter at a substantial disadvantage. No decision will be made this evening. The motion carried unanimously.*

Respectfully submitted,

Nancy H. Lively

Secretary



**SELECT BOARD  
MINUTES**

**January 4, 2021**

Present: Donald Campbell, Chair, Jeanne Conner, Jeannie Jenkins, V. Chair, Jim Carroll, Sarah Perrin, and Bruce Lee-Clark.

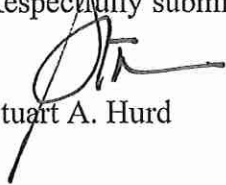
Also present: Stuart Hurd, Town Manager

The meeting was called to order by the Chair and the Board went into executive session at 6:03 pm for a personnel matter.

The Board came out of executive session at 8:11 pm. It took no action.

There being no other business, the meeting adjourned at 8:11 pm.

Respectfully submitted,



Stuart A. Hurd

# TOWN OF BENNINGTON

## 2021 LIQUOR LICENSE RENEWAL APPLICATIONS

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

1. Mt. Anthony Golf & Tennis Club

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

1. Beverage Den
2. Martin's Mini Mart

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

1. Mt. Anthony Golf & Tennis Club

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

*Dated: January 11, 2021*

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

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

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

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

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

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

**Town of Bennington**  
**Overview of Financial Statements**  
**June 30, 2020**

**Government-wide Statements** (Slides 5-8, Financial Statements pages 11 and 12)

These statements present the financial position and activities of the Town as a whole on the full accrual basis of accounting. Accordingly, these statements include all capital assets and all long-term liabilities of the Town.

The Governmental Activities column includes all governmental funds combined.

The Business-type Activities column includes all proprietary funds combined.

Since the proprietary funds are maintained on the full accrual basis the business-type activities column is basically the same as the total columns on the fund statements for those funds (pages 17 and 18 in the financial statements).

The overall net position (equity) of the Town increased by \$841,325 for the year, resulting in a total net position of \$34,032,713 at June 30, 2020. Net position attributable to governmental activities decreased by \$150,869, while net position of the business-type activities increased by \$992,194.

**Statement of Net Position**

At June 30, 2020 capital assets comprise approximately 71.6 percent of the governmental activities' total assets (slide 5) and 77.0 percent of the business-type activities' total assets (slide 7).

Bonds payable represent the largest portion (approximately 45.1 percent) of total liabilities of the governmental activities (slide 6) and approximately 95.3 percent of total liabilities of the business-type activities (slide 8).

**Statement of Activities**

The three largest cost centers of the governmental activities are highways and roads, police, and general government services which each fall in the range of approximately \$4.2 to \$4.5 million. As such, these activities represent 81.5 percent of the total expenses of governmental activities on the full accrual basis of accounting (slide 9).

In terms of revenue, property taxes make up the largest share at approximately 75.3 percent of governmental activities revenues, followed by general operating and capital grants which collectively make up 17.1 percent of revenues. At \$605 thousand, charges for services contribute approximately 3.9 percent of total revenues (slide 10).

For the business type activities, the cost of providing services is basically evenly split between sewer at 50.0 percent and water at 49.6 percent of total costs (slide 11).

As expected, given that proprietary funds are intended to be financed primarily by user charges, 99.2 percent of the revenue of business-type activities is comprised of charges for services. Charges for services amounted to approximately \$2.25 million in the sewer fund and \$3.43 million in the water fund (slide 12).



**Town of Bennington**  
**Overview of Financial Statements**  
**June 30, 2020**

**Fund Financial Statements** (Slides 13-20, Financial Statements pages 13-19)

The fund financial statements represent the more traditional view of the Town's finances. The governmental funds (general fund and special revenue funds) are reported on the modified accrual basis and therefore do not include capital assets or long-term liabilities. As previously noted, the proprietary funds report on the full accrual basis. The fund financial statements presented for the proprietary funds give detail by fund for the totals presented on the government-wide statements.

**General Governmental Activities Fund**

The largest asset of the general fund is cash at \$5.9 million which makes up about 70.6 percent of the total (slide 13). The majority of the Town's cash is held in the general fund, which is also why the general fund reports a significant balance in due to other funds of \$5.05 million (slide 14). Property taxes receivable amounted to \$1.5 million, representing the second largest asset in the general fund. Aside from the amount due to other funds, accounts payable and accrued liabilities make up the majority of liabilities in the general fund.

The general fund ended the fiscal year with a fund balance of \$1,674,374, a decrease of \$15,362 from the prior year. Approximately \$2 million of the general fund balance is restricted (detail provided in slide 16) and there is an unassigned deficit of \$514,438, which is \$118,828 lower than the June 30, 2019 unassigned deficit.

The major sources of revenue in the general fund are property taxes at \$11.5 million or 80.8 percent; followed by intergovernmental revenues of \$1.7 million or 12.1 percent (slide 17). A six-year comparison of general fund revenues by source is provided in slide 18.

Major expenditure categories in the general fund include: highways and roads at \$4.4 million, public safety at \$4.1 million, and general government at \$2.9 million. These amounts reflect the modified accrual basis of accounting and, accordingly, differ from the amounts reported in the government-wide statements on a full accrual basis. Reconciliations of the amounts reported in the government-wide statements to the fund financial statements for governmental funds are provided on pages 14 and 16 of the financial statements. A six-year comparison of general fund expenditures by function is provided in slide 20.

**Community Development Fund**

The major asset reported in the community development fund is notes receivable at \$3.8 million followed by cash at \$4.4 thousand. The community development fund reported no liabilities other than amounts due to other funds of \$1.2 million.

The revenues of the community development fund of \$972,366 exceeded expenditures by \$31,654. After operating transfers of \$48,000, the fund balance decreased by \$16,346 to \$2,917,345.

**Town of Bennington**  
**Overview of Financial Statements**  
**June 30, 2020**

**Water Fund**

The water fund reported total assets of \$20.3 million, inclusive of capital assets of \$15.1 million. Bonds payable amounted to \$6.3 million, representing approximately 94.4% of the total reported liabilities of \$6.7 million.

The water fund's net position increased by \$1.1 million to end the fiscal year at \$13,582,135.

**Sewer Fund**

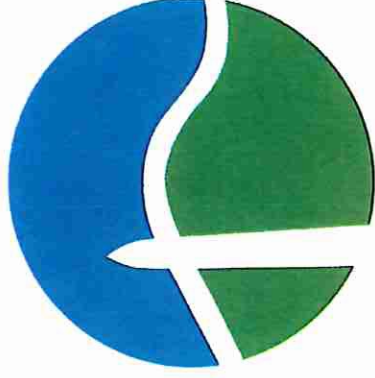
As with the water fund, capital assets amounting to approximately \$12.1 million represent the bulk of the sewer funds total assets of \$14.75 million. Bonds payable amounted to \$9.1 million, representing approximately 95.5% of the total reported liabilities of \$9.5 million.

The sewer fund's net position decreased by \$123,807 to end the fiscal year at \$5,299,172.

# TOWN OF BENNINGTON, VERMONT

FISCAL YEAR ENDED JUNE 30, 2020

## AUDIT PRESENTATION



Town of Bennington, VT  
1749





# Audit Report

- **Management's responsibility for the financial statements:**
  - Preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America.
  - The design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements.

# Audit Report

- Auditor's responsibility:
  - Express opinion on financial statements based upon audit.
  - Perform procedures to obtain audit evidence about the amounts and disclosures in the financial statements.
  - Assess risks of material misstatement of financial statements.
  - Consider internal controls in order to design appropriate audit procedures.



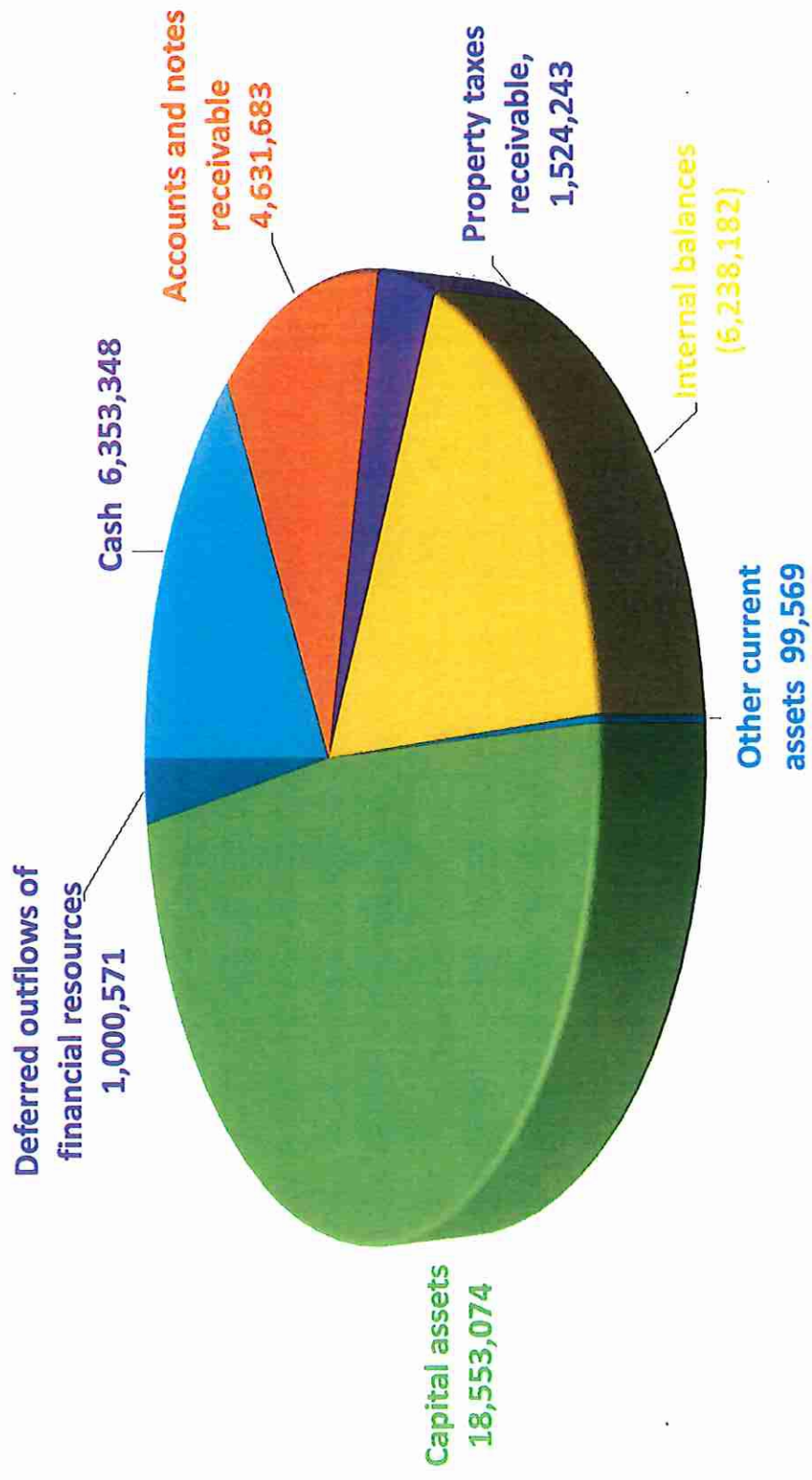
# Audit Report

- **Our opinion:**

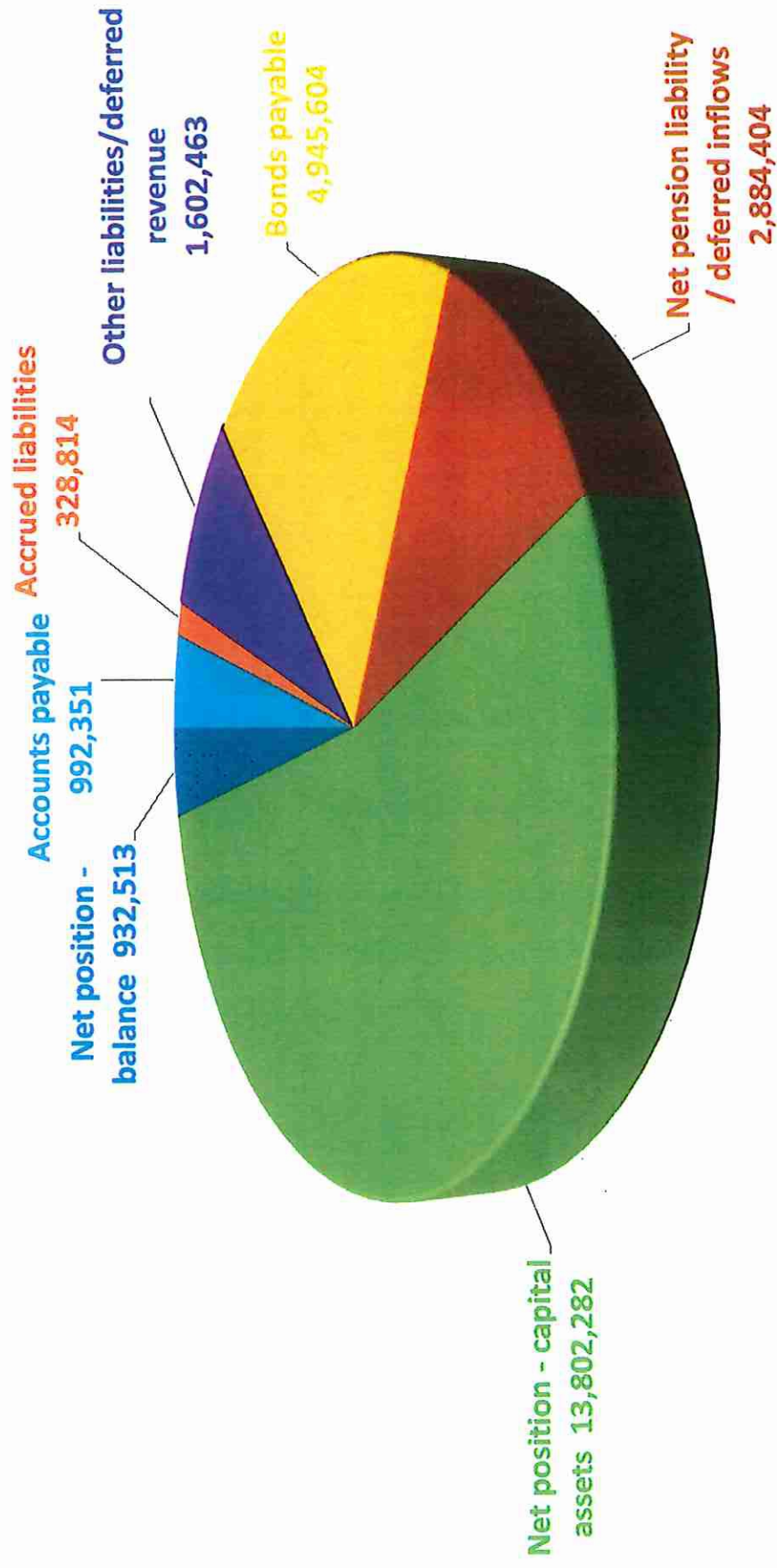
- The financial statements of the Town of Bennington for the year ended June 30, 2020 are presented fairly in all material respects in accordance with accounting principles generally accepted in the United States of America.
- Our report on internal controls and compliance noted no material weaknesses in internal control.



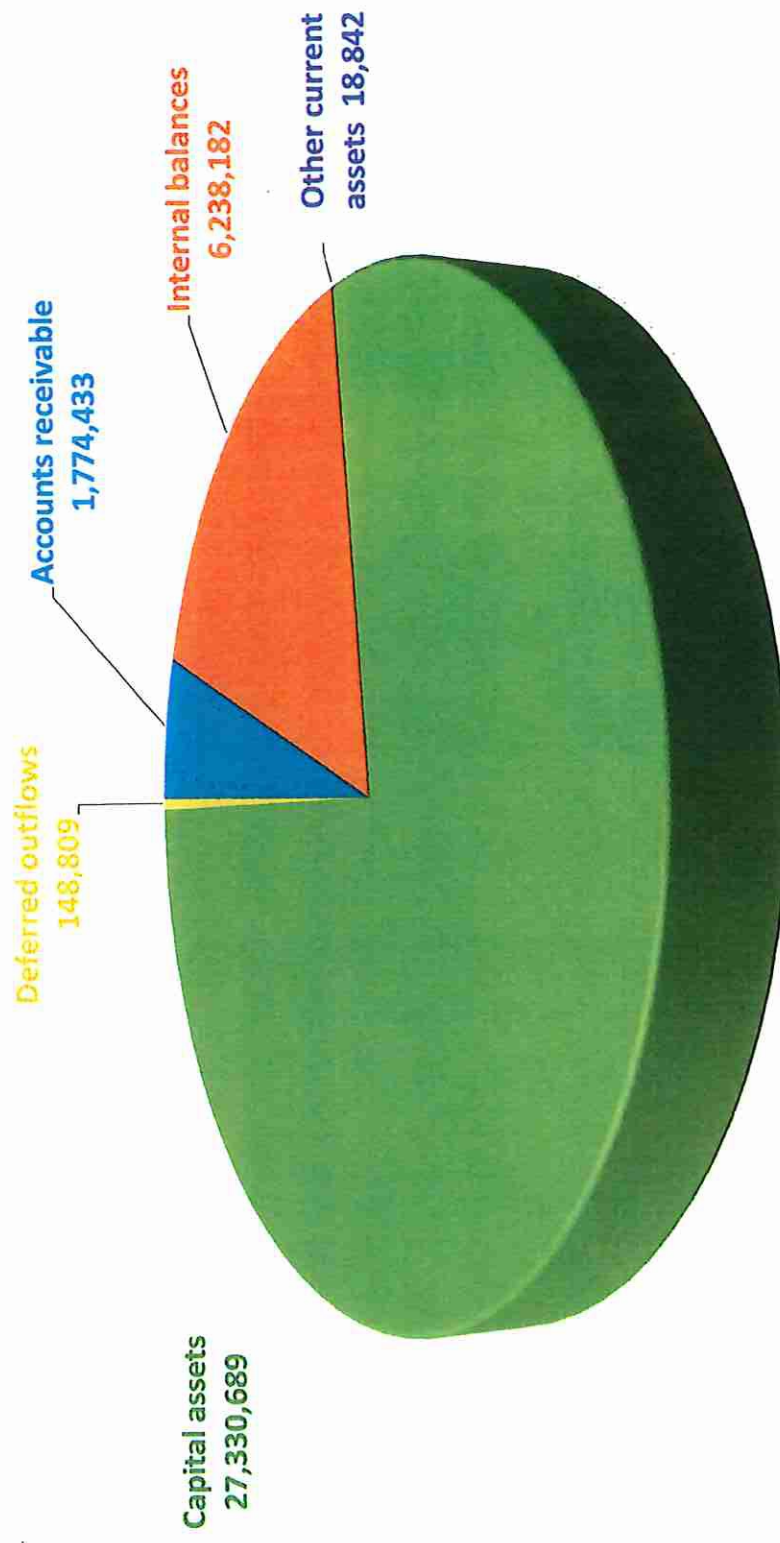
# ASSETS - GOVERNMENTAL FUNDS



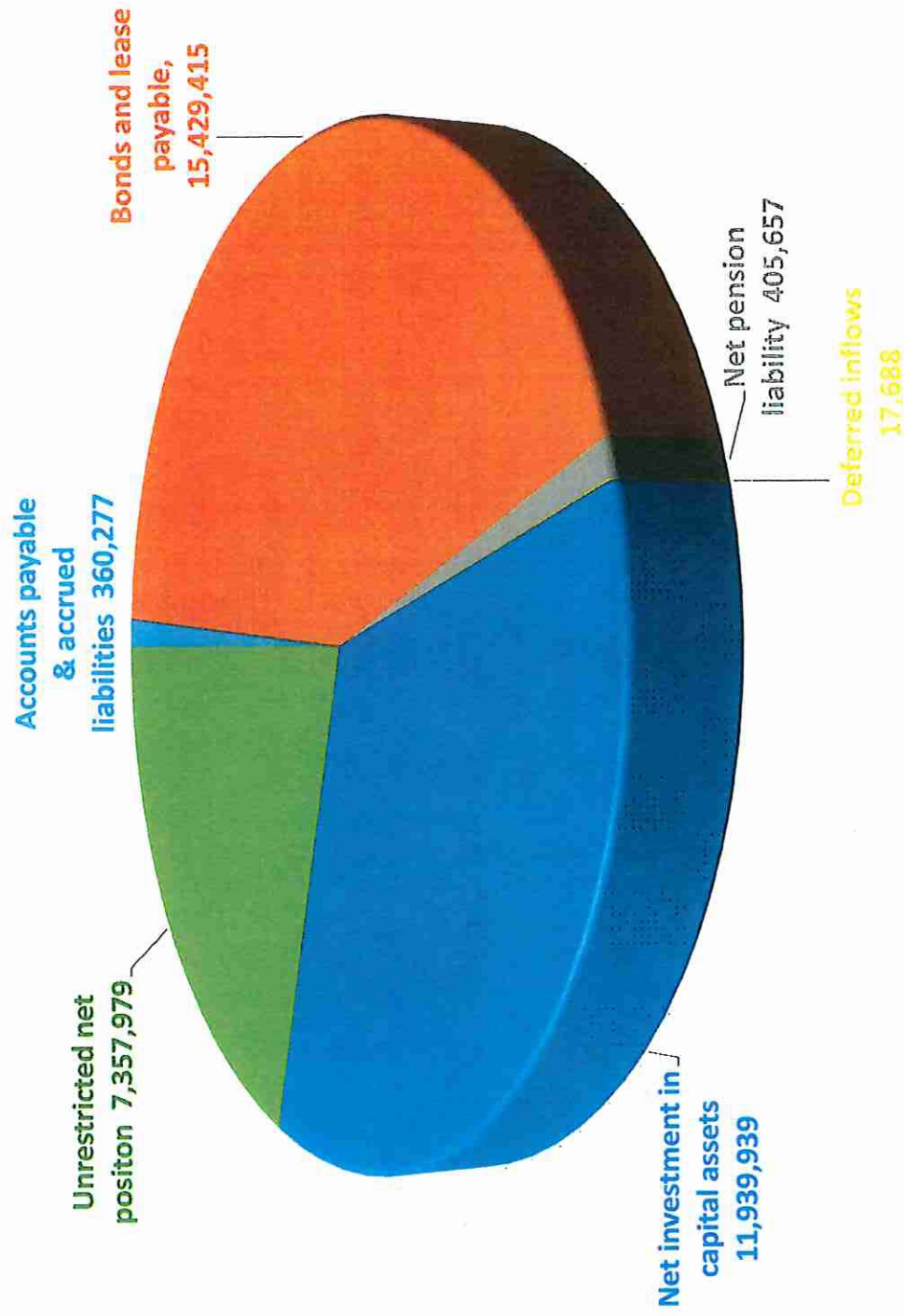
# LIABILITIES & NET POSITION - GOVERNMENTAL FUNDS



## ASSETS - BUSINESS TYPE ACTIVITIES

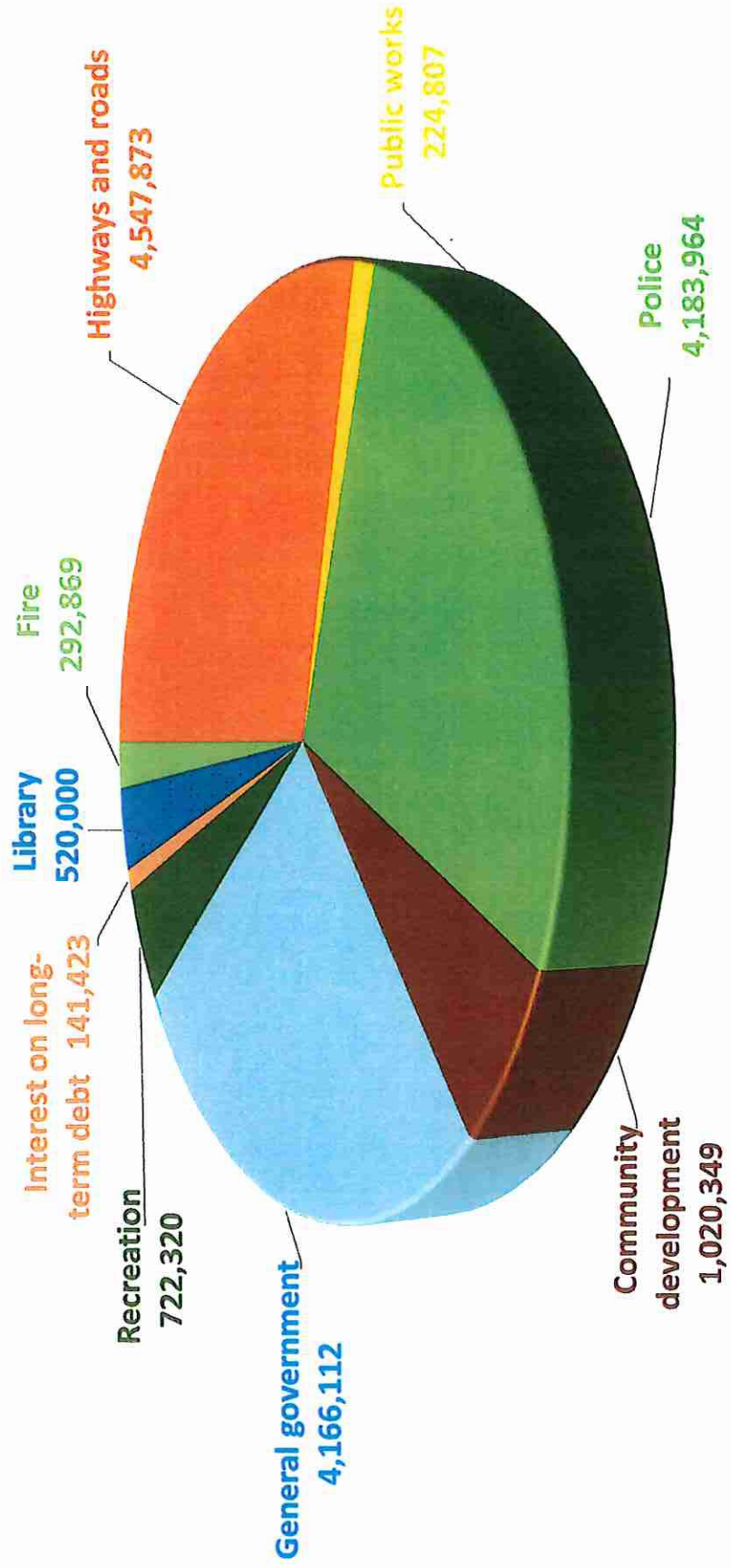


## LIABILITIES & NET POSITION - BUSINESS TYPE ACTIVITIES

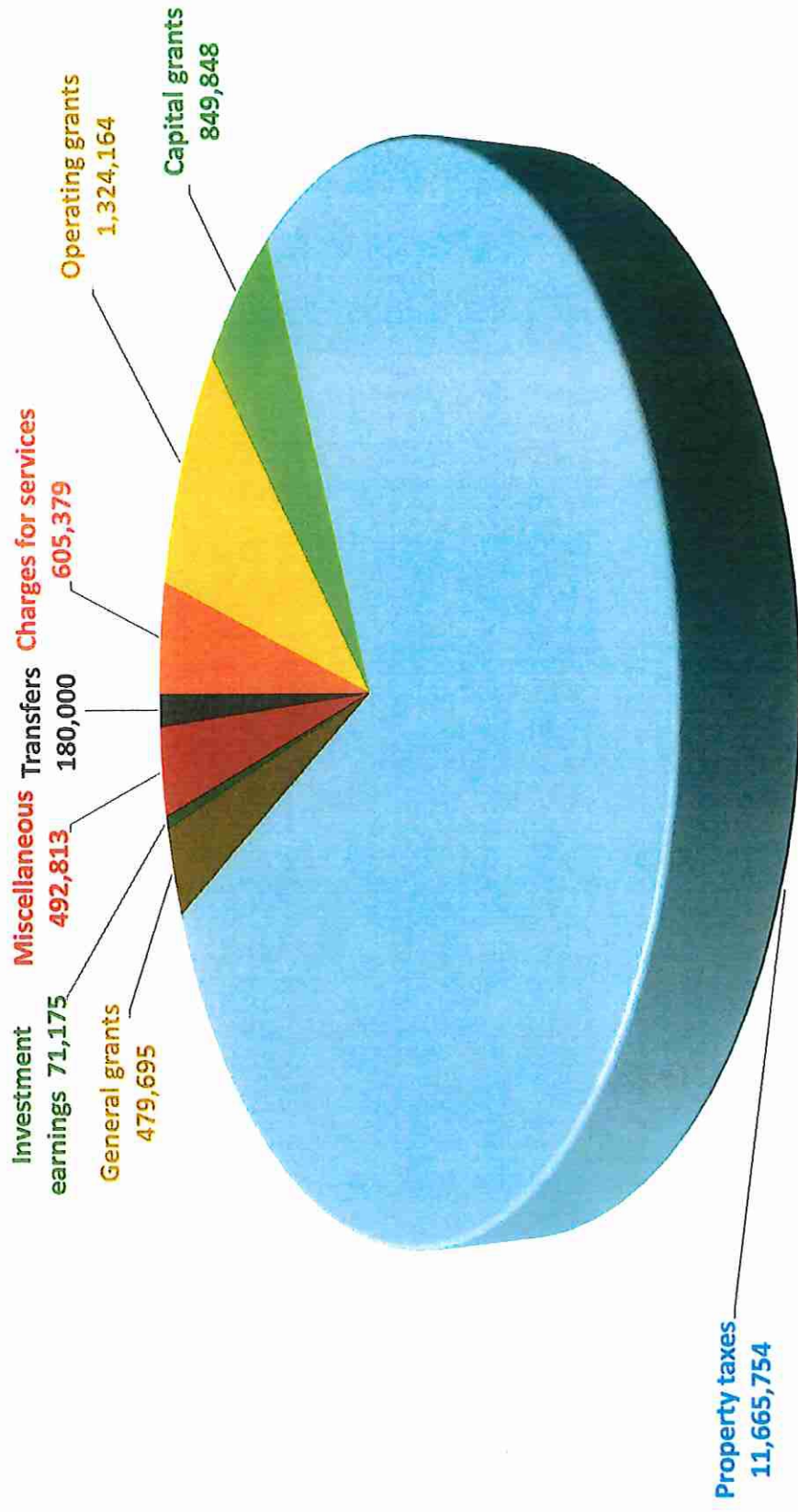




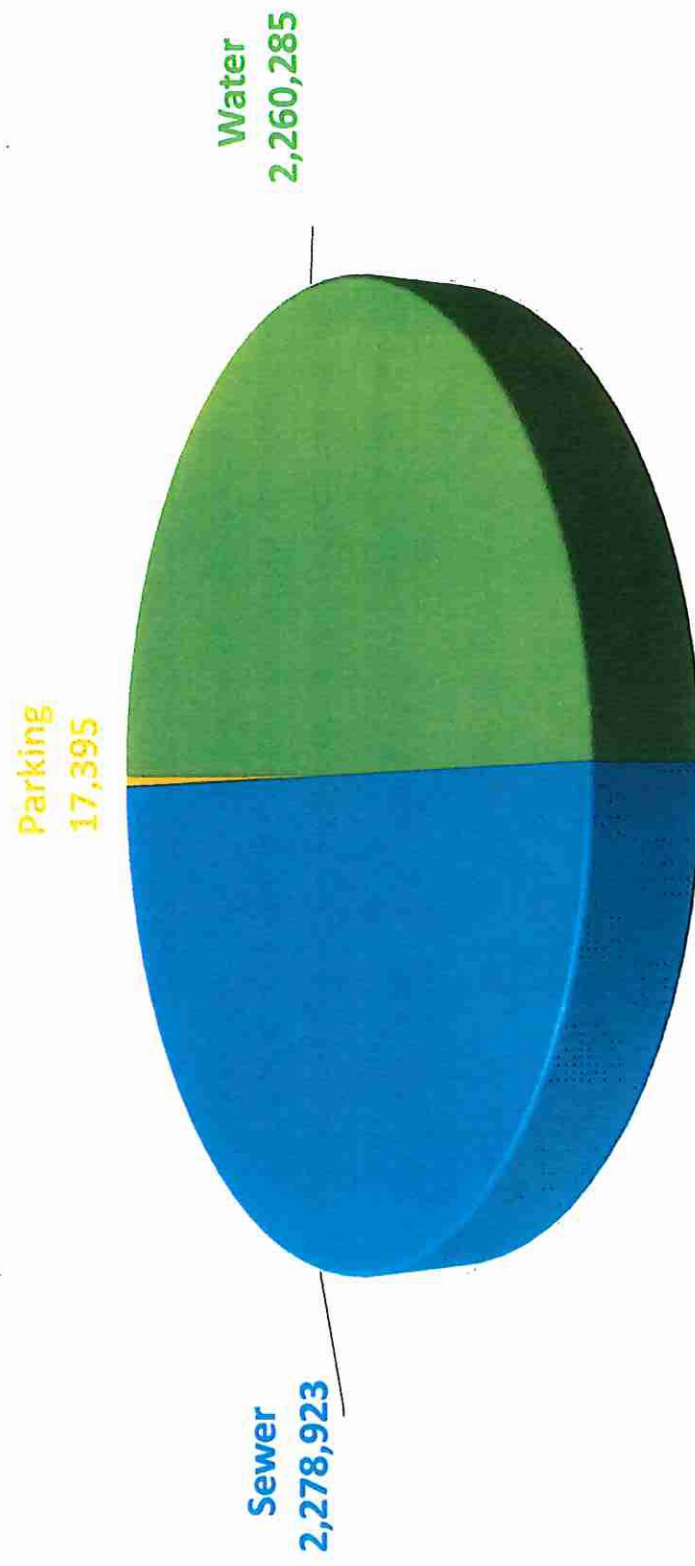
# STATEMENT OF ACTIVITIES – COST OF GOVERNMENTAL SERVICES



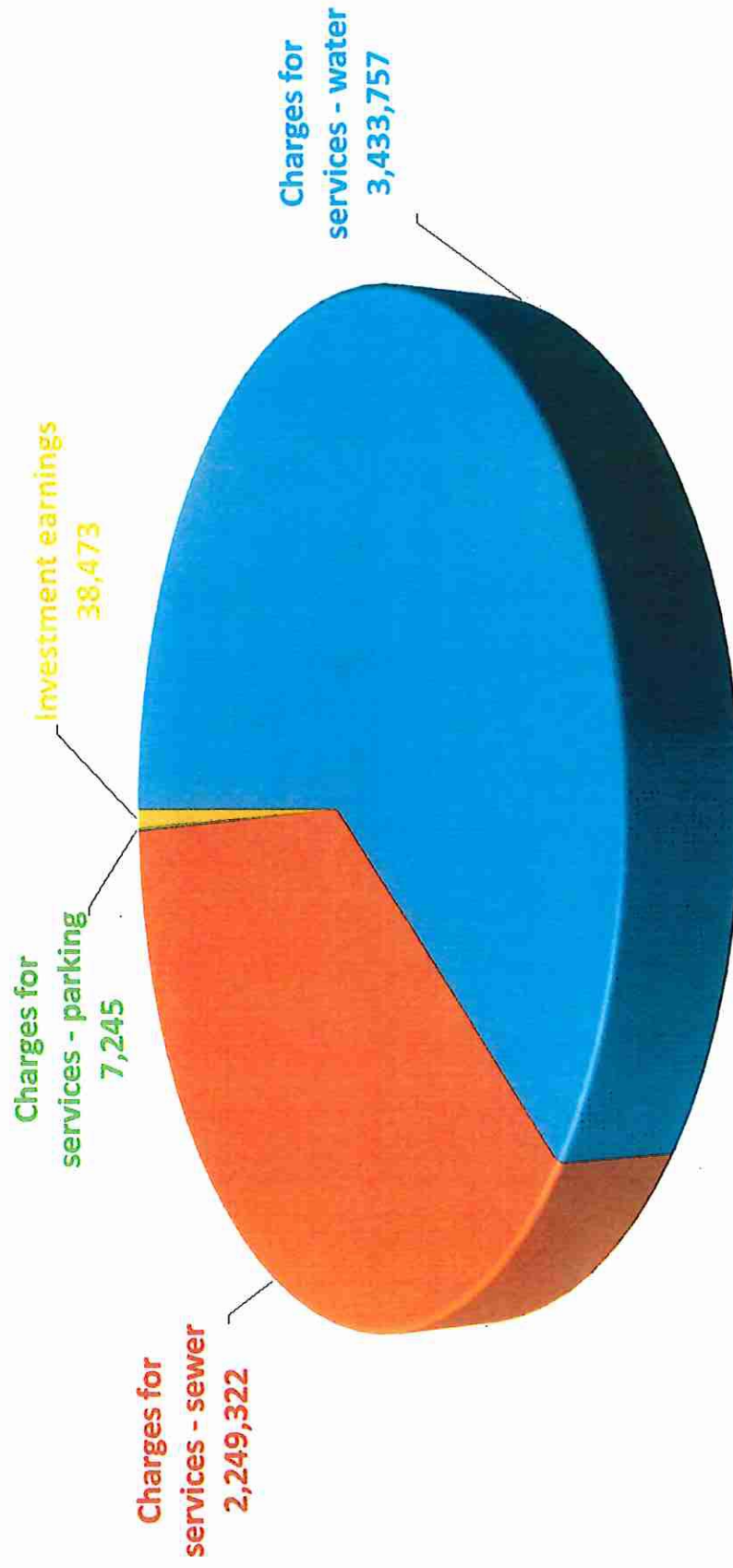
# STATEMENT OF ACTIVITIES – GOVERNMENTAL REVENUES



## STATEMENT OF ACTIVITIES – COST OF SERVICES BUSINESS TYPE ACTIVITIES

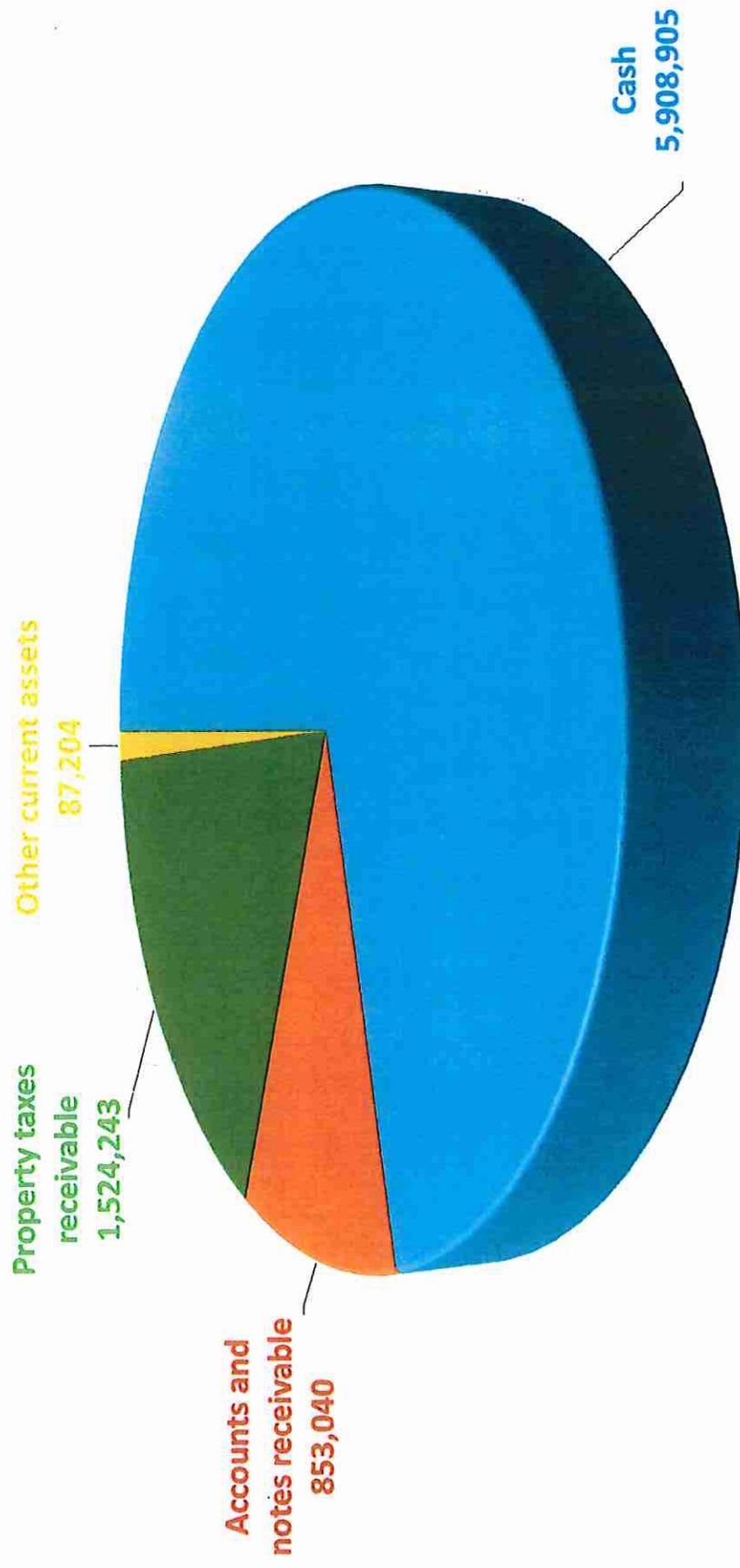


## STATEMENT OF ACTIVITIES REVENUES BUSINESS - TYPE ACTIVITIES

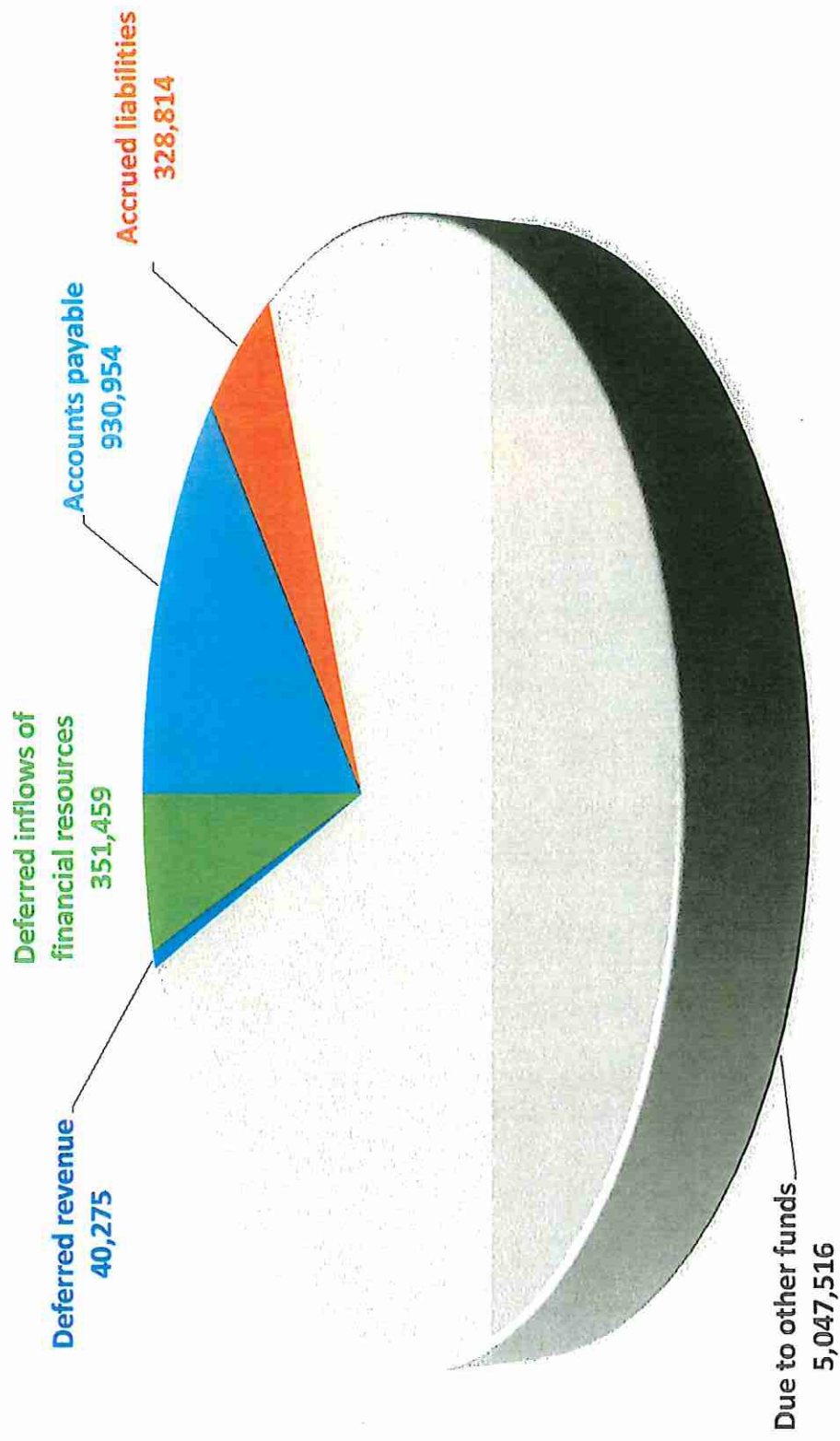




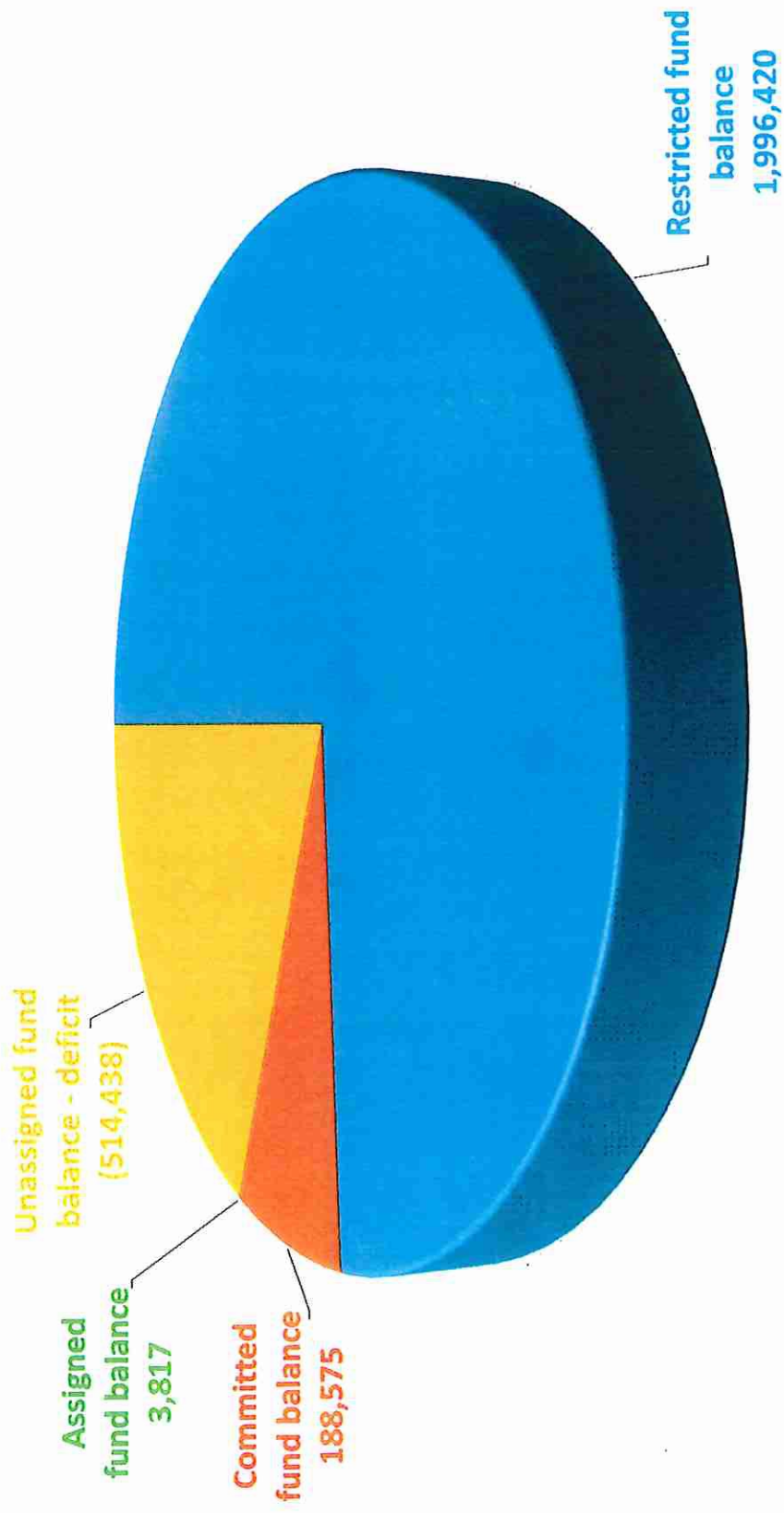
## GENERAL FUND ASSETS



## GENERAL FUND LIABILITIES AND FUND BALANCE



## GENERAL FUND – FUND BALANCE COMPONENTS

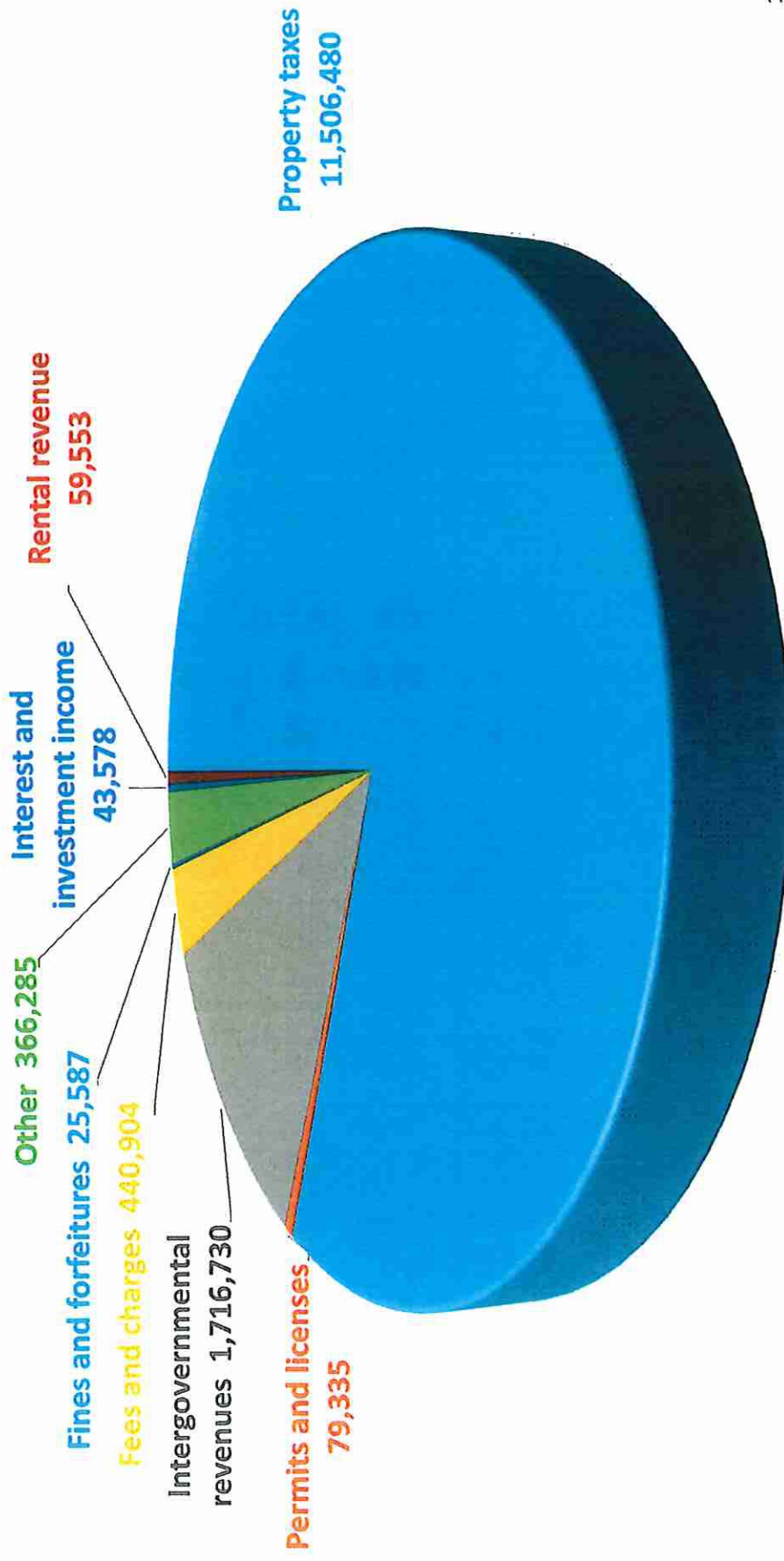


## GENERAL FUND RESTRICTED FUND BALANCE

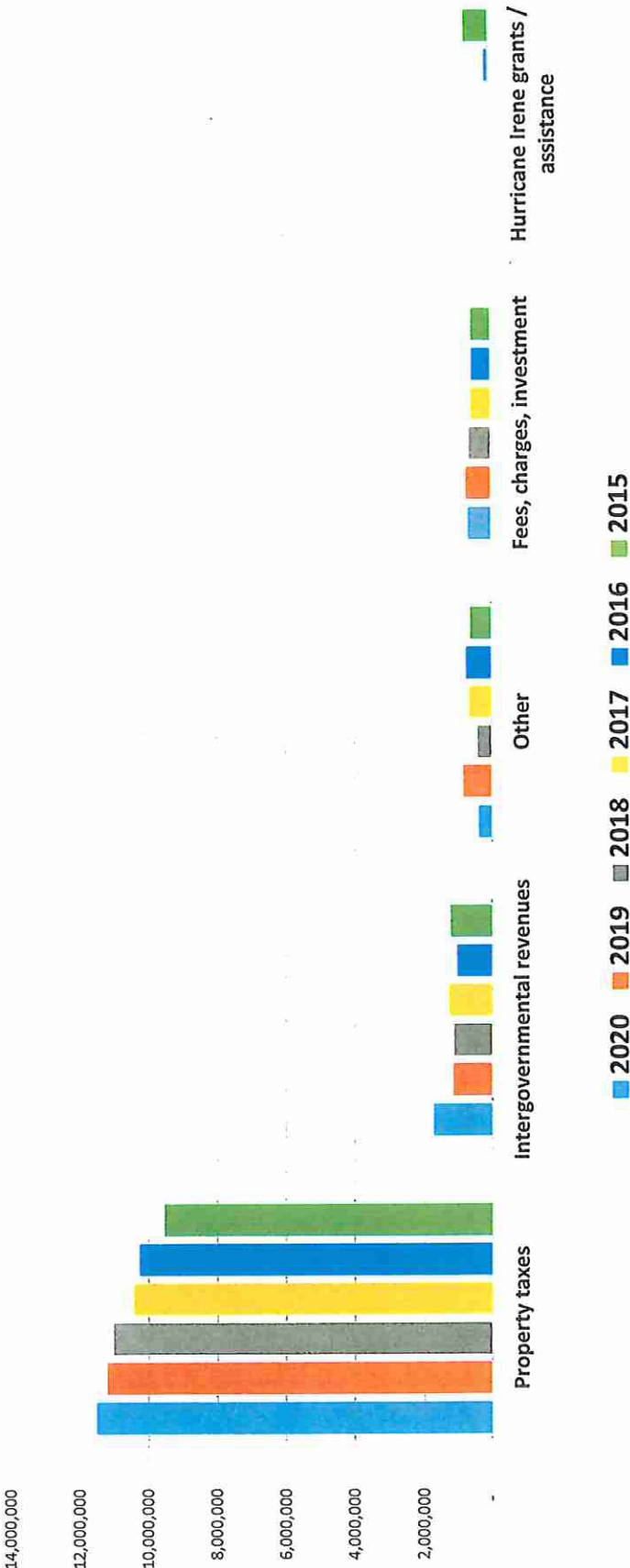
Reappraisal	\$ 787,822	Police - K-9 Fund	\$	5,779	
Fire Equipment	398,648	Public Safety		9,781	
Bridges	102,900	Other purposes		8,764	
Capital Facilities	84,403	Planning and zoning		4,241	
Employee benefits and insurance	228,241	Ninja Pathway		29,309	
Pathway projects	131,800	Property deposit		80,000	
Parks and recreation	90,695	DPW Facility		411	
Marketing	24,980	Town clock restoration		8,646	



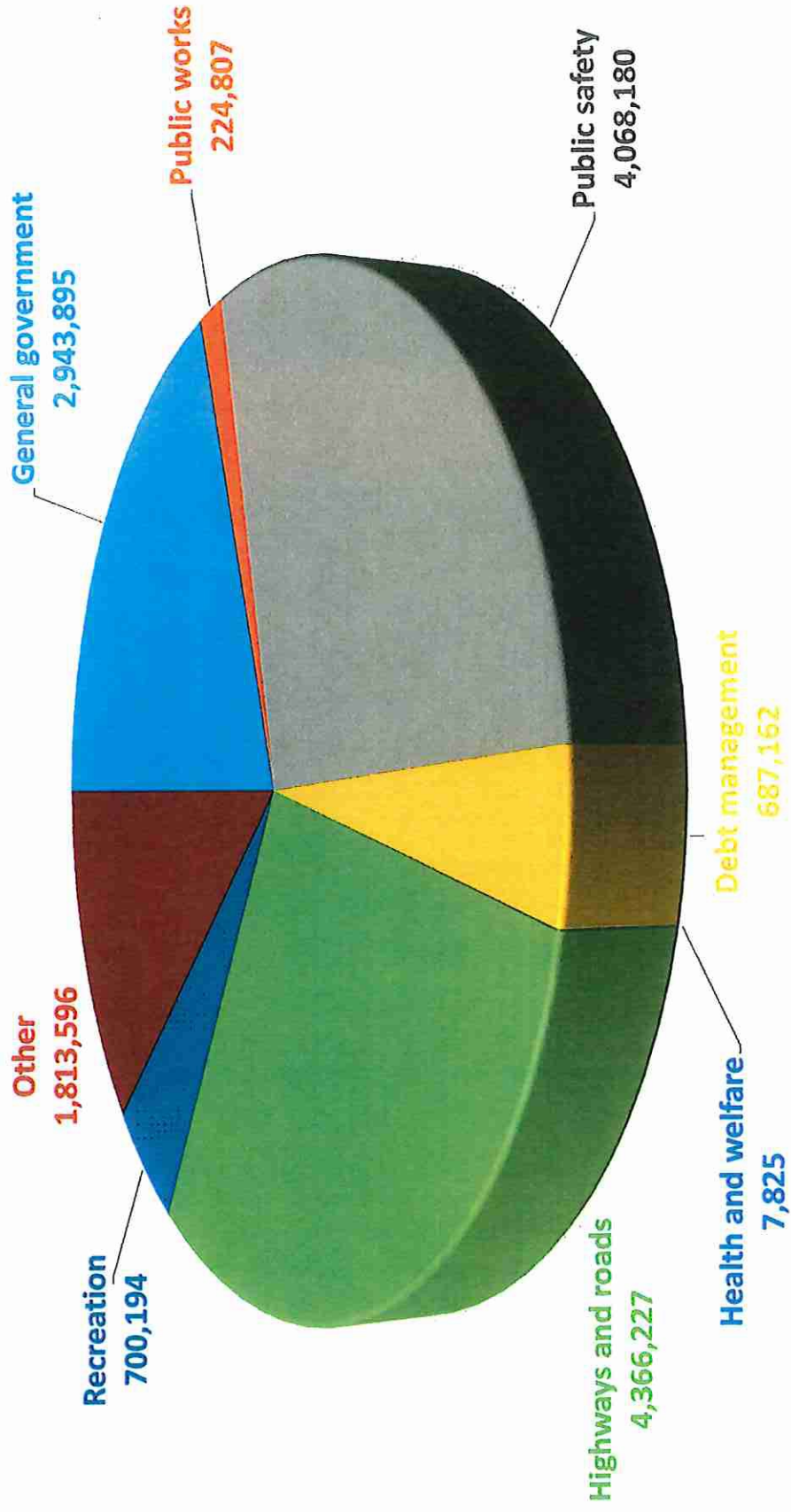
## GENERAL FUND REVENUES



# GENERAL FUND REVENUE TRENDS

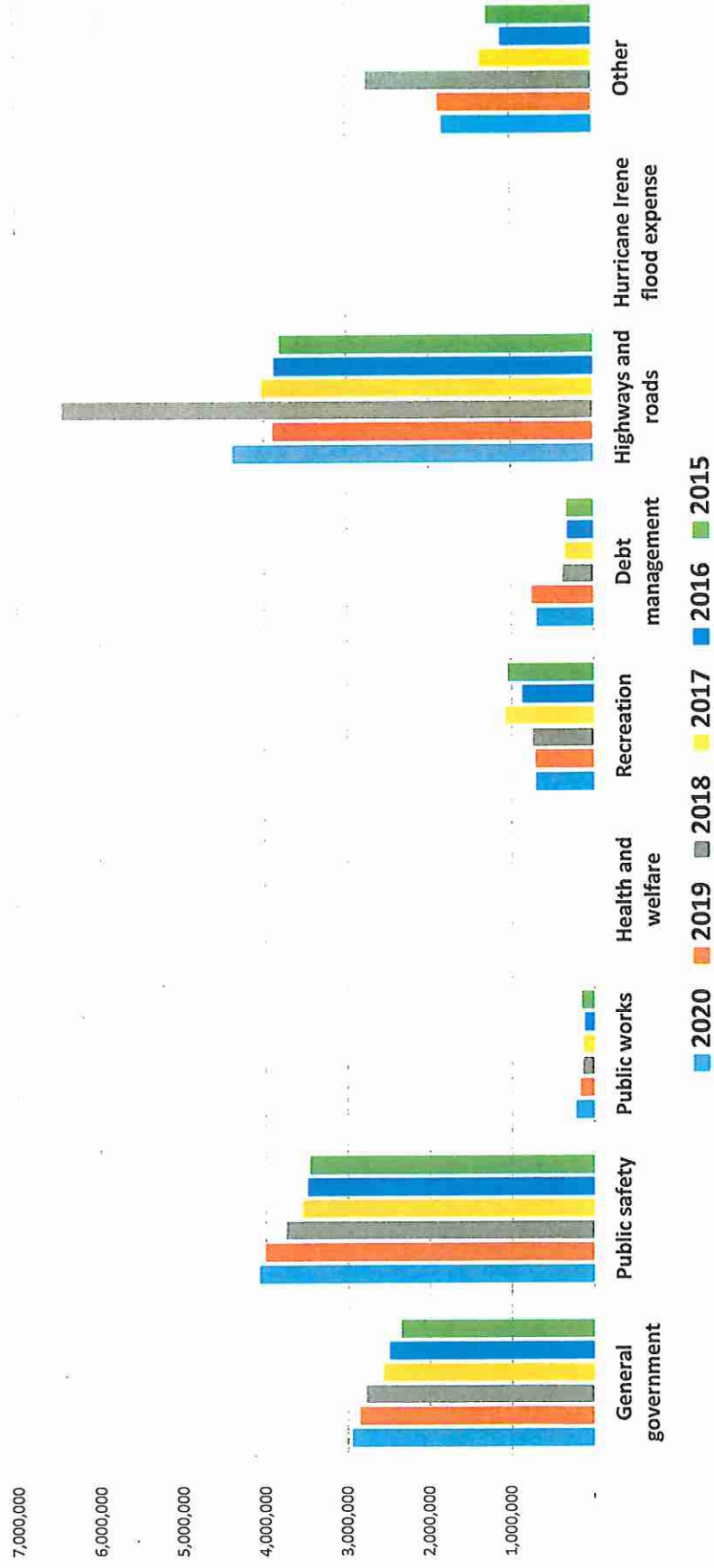


## GENERAL FUND EXPENDITURES





# GENERAL FUND EXPENDITURES TREND



## **OTHER REQUIRED COMMUNICATIONS TO THOSE CHARGED WITH GOVERNANCE**

### **• Qualitative Aspects of Accounting Practices**

- Management is responsible for the selection and use of appropriate accounting policies which are described in note 1 to the financial statements.
- We noted no transactions entered into by the Town during the year for which there is a lack of authoritative guidance or consensus.
- All significant transactions have been recognized in the financial statements in the proper period.
- Accounting estimates are an integral part of the financial statements prepared by management. We evaluated the key factors and assumptions used by management in developing significant estimates and determined that they are reasonable in relation to the financial statements taken as a whole.



## **OTHER REQUIRED COMMUNICATIONS TO THOSE CHARGED WITH GOVERNANCE**

- **Difficulties Encountered in Performing the Audit**
  - We encountered no significant difficulties in dealing with management in performing and completing our audit.
- **Corrected and Uncorrected Misstatements**
  - Professional standards require us to accumulate all known and likely misstatements identified during the audit (other than those that are trivial) and communicate them to the appropriate level of management.
  - Management has corrected all such misstatements, and none of the misstatements detected as a result of audit procedures were material.



## **OTHER REQUIRED COMMUNICATIONS TO THOSE CHARGED WITH GOVERNANCE**

- **Disagreements with Management**

- Professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report.
- We are pleased to report that no such disagreements arose during the course of our audit.

- **Management Consultations with Other Independent Accountants**

- In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations.
- To our knowledge, there were no such consultations with other accountants.





## Investigation and Reporting of Hate Crimes

Related Policies: Response to Resistance/Use of Force; Fair and Impartial Policing

*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/Rules: 13 V.S.A. §§ 1454-1466; 21 V.S.A. §495d(5); 13 V.S.A. §1455;

CALEA Standard:

Date Adopted:

Date Reviewed:

### I. PURPOSE

This policy establishes guidelines for identifying, investigating, and reporting hate crimes or incidents; and for assisting victimized individuals and communities. A swift and effective response by law enforcement develops trust, builds community resilience, and provides support and resources for a victim's recovery.

### II. POLICY

Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias are viewed very seriously by the Bennington Police Department (BPD) and will be given high priority. The BPD shall employ all [available](#) and necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators.

Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, the BPD shall be mindful of and responsive to the security concerns of victims, their families and impacted community members.

The BPD shall develop a standard system for collecting, analyzing, and reporting incidents of crime that are, in whole or in part, directed against individuals because of actual or perceived race, color, religion, national origin, , sex, ancestry, age, service

in the US Armed Forces, disability as defined by 21 V.S.A. §495d(5), sexual orientation, or gender identity (13 V.S.A. §1455).

### III. DEFINITIONS

- A. *Bias*: A pre-formed negative opinion or attitude toward a group of persons based on their actual or perceived race, color, religion, national origin, sex, ancestry, age, service in the US Armed Forces, disability as defined by 21 V.S.A. § 495d(5), sexual orientation or gender identity.
- B. *Hate Crime*: A crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, sex, ancestry, age, service in the US Armed Forces, disability as defined by 21 V.S.A. §495d(5), sexual orientation or gender identity of any person.
- C. *Hate Incident*: Those actions by an individual or group that, while motivated by hate or bias, do not rise to the level of a criminal offense.
- D. *Hate Group*: An organization whose ideology is primarily or substantially based on antipathy, hostility, or hatred toward persons because of their perceived or actual race, color, religion, national origin, sex, ancestry, age, service in the US Armed Forces, disability as defined by 21 V.S.A. §495d(5), sexual orientation or gender identity.<sup>i</sup>
- E. *Race*: Any one of the groups that humans are often divided into based on physical traits regarded as common among people of shared ancestry.
- F. *Ethnic Group*: A group of persons whose members identify with each other through a common heritage; often consisting of a shared language, culture and/or ideology that stresses common ancestry or national origin.
- G. *Religious Group*: A group of persons whose identity as such is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals. Examples include but are not limited to: Catholic, Jewish, Protestant, Islam, Sikh, Hindu, and atheist.
- H. *Sexual Orientation*: A person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex. ~~Examples include but are not limited to: homosexual, bisexual, and heterosexual.~~
- I. *Sex*: Either of the two main categories, male and female, into which humans are divided on the basis of their reproductive functions.
- J. *Gender Identity*: A person's internal sense of being male, female, neither, or

73 some combination thereof. This internal sense of gender may be different from  
74 sex assigned at birth.  
75

76 *K. Disability:* A physical or mental impairment, whether temporary or permanent,  
77 that is due to conditions that are congenital or acquired by heredity, accident,  
78 injury, advanced age, or illness or as defined in 21 V.S.A. §495d(5).  
79

80 \* \* \* \* \*

81  
82 This policy is adopted by the Select Board of the Town of Bennington, Vermont, this \_\_\_\_\_ day  
83 of \_\_\_\_\_ and is effective as of this date until amended or repealed.

84 \_\_\_\_\_, Chairperson  
85 Donald Campbell  
86 \_\_\_\_\_

<sup>i</sup> Hate groups are [currently](#) tracked by [reputable groups including](#) the Southern Poverty Law Center, Anti-Defamation League, and the FBI.





## Investigation and Reporting of Hate Crimes

Related Policies: Response to Resistance/Use of Force; Fair and Impartial Policing

*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/Rules: 13 V.S.A. §§ 1454-1466; 21 V.S.A. §495d(5); 13 V.S.A. §1455;

CALEA Standard:

Date Adopted:

Date Reviewed:

## Investigation and Reporting of Hate Crimes

September 2016 [IACP]

### I. PURPOSE

~~The purpose of this policy is to~~ establishes guidelines for identifying, and investigating, and reporting hate crimes or incidents; and for assisting victimized individuals and communities. A swift and strong effective response by law enforcement develops trust, builds can help stabilize and calm the community resilience, as well as and provides support and resources for aid in a victim's recovery.

### II. POLICY

Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and or bias and designed to infringe upon the rights of individuals are viewed very seriously by the Bennington Police Department (BPD) this agency and will be given high priority. This agency BPD shall employ all available and necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators.

Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency BPD shall be mindful of and responsive to the security concerns of victims, and their families and



27 impacted community members.

28  
29 These agencyBPD shall develop a standard system for collecting, analyzing, and  
30 reporting incidents of crime that are, in whole or in part, directed against individuals  
31 because of actual or perceived race, color, religion, ethnicity, national origin, gender,  
32 sex, ancestry, age, service in the US Armed Forces, disability as defined by 21  
33 V.S.A. §495d(5), sexual orientation or, gender identity (13 V.S.A. §1455), or  
34 disability.

### 35 36 **III. DEFINITIONS<sup>4</sup>**

- 37  
38 A. *Bias*: A pre-formed negative opinion or attitude toward a group of persons based  
39 on their actual or perceived race, color, religion, national origin, sex, ancestry,  
40 age, service in the US Armed Forces, disability as defined by 21 V.S.A. §  
41 495d(5), sexual orientation or gender identity. race, religion, disability, sexual  
42 orientation, ethnicity, gender, or gender identity.
- 43  
44 B. *Hate Crime*: A crime in which the defendant intentionally selects a victim, or in the  
45 case of a property crime, the property that is the object of the crime, because of  
46 the actual or perceived race, color, religion, national origin, , sex, ancestry, age,  
47 service in the US Armed Forces, disability as defined by 21 V.S.A. §495d(5),  
48 sexual orientation or gender identity of any person. race, color, religion, national  
49 origin, ethnicity, gender, gender identity, disability, or sexual orientation of any  
50 person.<sup>2</sup> Most states and the District of Columbia also have hate crime laws.  
51 State statutes should be checked for relevant definitions and crime categories.
- 52  
53 C. *Hate Incident*: Those actions by an individual or group that, while  
54 motivated by hate or bias, do not rise to the level of a criminal offense.
- 55  
56 D. *Hate Group*: An organization whose ideology is primarily or substantially based  
57 on antipathy, hostility, or hatred toward persons because of a their perceived or  
58 actual race, color, religion, national origin, sex, ancestry, age, service in the US  
59 Armed Forces, disability as defined by 21 V.S.A. §495d(5), sexual orientation, or  
60 gender identity.<sup>1</sup> different race, ethnicity, national origin, religion, disability, sexual  
61 orientation, gender, and/ or gender identity.<sup>3</sup>
- 62  
63 E. *Race*: Any one of the groups that humans are often divided into based on  
64 physical traits regarded as common among people of shared ancestry. A group  
65 of persons who possess common physical characteristics, for example, color of  
66 skin, eyes, and/or hair; facial features, and so forth, which are genetically

<sup>4</sup> These definitions are based on the FBI's *Hate Crime Data Collection Guidelines and Training Manual*,  
<http://www.fbi.gov/about-us/ejis/ucr/hate-crime-data-collection-guidelines-and-training-manual.pdf> (accessed  
August 1, 2016).

<sup>2</sup> Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009, 18 U.S.C. §249.

<sup>3</sup> Hate groups are tracked by the Southern Poverty Law Center, Anti-Defamation League, and the F.B.I.

F. *Ethnic Group*: A group of persons whose members identify with each other through a common heritage; often consisting of a shared language, culture and/or ideology that stresses common ancestry or national origin.

G. *Religious Group*: A group of persons whose identity as such is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals. ~~whereas religious groups are defined as those groups including~~ Examples include ~~Christians, Jews, Muslims, and~~ Hindu, and atheist.

H. *Sexual Orientation*: A person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex. Examples include but are not limited to: homosexual, bisexual, and heterosexual.

I. Sex: Either of the two main categories, male and female, into which humans are divided on the basis of their reproductive functions.

~~Gender: Used synonymously with sex to denote whether an individual is male or female.~~

some combination thereof, or a combination of both; This internal sense of gender may be different from physical gender-sex assigned at birth.

J. *Gender Identity*: A person's internal sense of being male, female, neither, or some combination thereof, or a combination of both; This internal sense of gender may be different from physical gender-sex assigned at birth.

K. *Disability*: A physical or mental impairment, whether temporary or permanent, that is due to conditions that are congenital or acquired by heredity, accident, injury, advanced age, or illness or as defined in 21 V.S.A. §495d(5).

\* \* \* \* \*

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

\_\_\_\_\_, Chairperson  
Donald Campbell

<sup>1</sup> Hate groups are currently tracked by reputable groups including the Southern Poverty Law Center, Anti-Defamation League, and the FBI.





## Fair and Impartial Policing

Related Policies: Traffic Enforcement, Response to Resistance/Use of Force

*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/Rules: 20 V.S.A. § 2366 Vermont Criminal Justice Training Council Fair And Impartial Policing Policy

CALEA Standard:

Date Adopted:

Date Reviewed:

### I. PURPOSE

The purpose of this policy is to require that all Bennington Police Department (BPD) members conduct policing in a fair and impartial manner, to clarify the circumstances in which officers can consider personal characteristics, or immigration status, when making law enforcement decisions and to reinforce processes and procedures that enable us to provide services and enforce laws in an equitable and impartial way.

### II. POLICY

Employees are prohibited from engaging in biased policing. This means no member of the BPD shall take action based on any personal characteristics, except as described below, in the services our employees provide to the community in connection with our law enforcement activities.

Because partnership with Vermont residents is the most effective way to ensure public safety, maintaining the public's trust is a primary concern. To secure this trust, personal characteristics, or immigration status should have no adverse bearing on an individual's treatment in the custody of the BPD. Enforcement of civil immigration law is a federal responsibility and agencies should not engage in such enforcement except as otherwise outlined in this policy. Vermont residents are more likely to engage with law enforcement and other officials by reporting emergencies, crimes, and acting as witnesses; to participate in economic activity; and to be engaged in civic life, if they can be assured they will not be singled out for scrutiny on the basis of the personal characteristics or immigration status.

To achieve these objectives the BPD will implement a combination of best practices including but not limited to: hiring, in-service training, policy development, supervision, reporting and investigative processes, appropriate discipline, and community outreach/partnerships. Best practices will be developed with the Vermont Criminal Justice Training Council, with input from Vermont Attorney General's Office and Human Rights Commission and reviewed on a biennial basis [20 V.S.A. §2366(a)(2)].

### **III. DEFINITIONS**

- A. *"Biased policing"* is conduct by law enforcement officers motivated by an individual's actual or perceived or self-identified personal characteristics.
- B. *"Personal characteristics"*: May include but is are not limited to actual or perceived race, ethnicity, national origin, color, gender, sexual orientation, gender identity, marital status, mental or physical disability, mental illness, age, religion, homelessness, and socio-economic status.
- C. *"Immigration status"*: Generally refers to the legal rights, if any, of a non-citizen to enter or remain in this country. Examples include, without limitation, "lawful permanent resident," "temporary worker," "refugee," and "undocumented."
- D. *"Reasonable suspicion"*: Suspicion, for which an officer can articulate factual reasons, does not need to rise to the level of probable cause.
- E. *"Probable cause"*: Facts or circumstances that would lead a reasonable person to believe that a crime has been committed, or is being committed, or is about to occur.
- F. *"Member" or "employee"*: any person employed by the BPD, regardless of their assigned tasks, ~~or~~ duties or rank.
- G. *"Federal immigration authorities"*: federal agencies, departments, or employees or contractors thereof, tasked with enforcement of immigration law and border entry, including without limitation, the Department of Homeland Security (DHS), Immigration Control and Enforcement (ICE), and U.S. Customs and Border Patrol (CBP)
- H. *"Police Services"*: Sometimes referred to as community caretaking functions, these are actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public. These include, but are not limited to, such tasks as assistance at fire scenes, traffic accidents, and medical emergencies; lifesaving services; crime prevention;



preventive patrol; traffic control; public information; education; and similar activities.

\* \* \* \* \*

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

\_\_\_\_\_, Chairperson  
Donald Campbell



<b><u>Fair and Impartial Policing</u></b>	<u>Related Policies:</u> Traffic Enforcement, Response to Resistance/Use of Force
<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/Rules: 20 V.S.A. § 2366 VERMONT CRIMINAL JUSTICE TRAINING COUNCIL FAIR AND IMPARTIAL POLICING POLICY</u>	
<u>CALEA Standard:</u>	
<u>Date Adopted:</u>	<u>Date Reviewed:</u>

## **I. PURPOSE**

The purpose of this policy is to require that all Bennington Police Department (BPD) members conduct policing in a fair and impartial manner, to clarify the circumstances in which officers can consider personal characteristics, or immigration status, when making law enforcement decisions and to reinforce processes and procedures that enable us to provide services and enforce laws in an equitable and impartial way. ~~The Bennington Police Department is required to adopt each component with the Vermont Criminal Justice Training Council's model fair and impartial policing policy. The Bennington Police Department may adopt additional components.~~

DATE: December 4, 2003  
AMENDED: March 26, 2014  
AMENDED: July 15, 2016  
AMENDED: September 18, 2017  
AMENDED: October 22, 2019  
AMENDED:

\_\_\_\_\_  
SUBJECT: Fair and Impartial Policing

TO: All Personnel \_\_\_\_\_ General Order # 03-03 \_\_\_\_\_

BY: \_\_\_\_\_  
\_\_\_\_\_  
Paul J. Doucette, Chief of Police

## **BENNINGTON POLICE DEPARTMENT FAIR AND IMPARTIAL POLICING POLICY**

### **II. POLICY**

Employees are prohibited from engaging in biased policing. This means no member of the ~~BPD Bennington Police Department~~ shall take action based on any personal characteristics, except as described below, in the services our employees provide to the community in connection with our law enforcement activities. ~~To achieve this objective the BPD Bennington Police Department will implement a combination of best practices, including but not limited to: hiring, in-service training, policy development, supervision, reporting and investigative processes, appropriate discipline, and community outreach/partnerships.~~

### **INTRODUCTION**

~~Employees are prohibited from engaging in biased policing. This means no member of the Bennington Police Department shall take actions based on any personal characteristics, or immigration status, except as described below, in the services our employees provide to the community in connection with our law enforcement activities.~~

Because partnership with Vermont residents is the most effective way to ensure public safety, maintaining the public's trust is a primary concern. To secure this trust, personal characteristics, or immigration status should have no adverse bearing on an individual's treatment in the custody of the ~~BPD Bennington Police Department~~. Enforcement of civil immigration law is a federal responsibility and agencies should not engage in such enforcement except as otherwise outlined in this policy or its attached procedures. Vermont residents are more likely to engage with law enforcement and other officials by reporting emergencies, crimes, and acting as witnesses; to participate in economic activity; and to be engaged in civic life, if they can be assured they will not be singled out for scrutiny on the basis of the personal characteristics or immigration status.

To achieve these objectives the ~~BPD Bennington Police Department~~ will implement a combination of best practices including but not limited to: hiring, in-service training, policy development, supervision, reporting and investigative processes, appropriate discipline, and community outreach/partnerships. *Best practices will be developed with the Vermont Criminal Justice Training Council, with input from Vermont Attorney General's Office and Human Rights Commission and reviewed on a biennial basis. [20 V.S.A. §2366(a)(2)]*

### **POLICY**

### **III. DEFINITIONS**



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- C. *"Immigration status"*: Generally refers to the legal rights, if any, of a non-citizen to enter or remain in this country. Examples include, without limitation, "lawful permanent resident," "temporary worker," "refugee," and "undocumented."
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- H. *"Police Services"*: Sometimes referred to as community caretaking functions, these are actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public. These include, but are not limited to, such tasks as assistance at fire scenes, traffic accidents, and medical emergencies; lifesaving services; crime prevention; preventive patrol; traffic control; public information; education; and similar activities.

\* \* \* \* \*

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

\_\_\_\_\_, Chairperson  
Donald Campbell



**MANAGER'S REPORT**  
**January 11, 2021**

**ACTION**

Certificate of Highway Mileage    Annually, the Board must sign and return this document to VTRANS. This is used to determine our share of the State highway funds for roads.

Action requested    Motion to authorize the Chair to sign the Certificate.

**INFORMATIONAL**

COVID update    All but one of our infected Police Officers are back to work. Contrary to Facebook posts, I do not have nor have I had COVID. Vaccines are now rolling out here. Our Police and Fire Departments now have the opportunity to get vaccinated as do all first responders. 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, although that does not appear to be the case in the outbreak at the BPD. We must remain vigilant. Please use precautions; wear a mask, stay apart; wash your hands. We have a long way to go.

PFOA    I've attached a recent notice from the State "PFAS Community Update". Important to note is the proposed Reclassification of Groundwater in Bennington.

**FOLLOW-UP**

Overtime Reports and Traffic Citations issued for December are attached.

Community Development and Permitting/Planning Reports are attached.

District 1  
Certcode 0202-0

**CERTIFICATE OF HIGHWAY MILEAGE**  
**YEAR ENDING FEBRUARY 10, 2021**

Fill out form, make and file a copy with the Town Clerk, and submit the Mileage Certificate on or before February 20, 2021 to: Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, Mapping Section through upload to the secure FTP site or if necessary via mail to: VTrans PPAID - Mapping Section, 2178 Airport Rd, Unit B, Berlin, VT 05641.

We, the members of the legislative body of BENNINGTON in BENNINGTON County  
on an oath state that the mileage of highways, according to Vermont Statutes Annotated, Title 19, Section 305,  
added 1985, is as follows:

**PART I - CHANGES TOTALS - Please fill in and calculate totals.**

Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1	3.584				0.000
Class 2	12.231				0.000
Class 3	83.92				0.000
State Highway	28.186				0.000
Total	127.921				0.000
* Class 1 Lane	0.038				
* Class 4	3.77				0.000
* Legal Trail	1.95				

\* Mileage for Class 1 Lane, Class 4, and Legal Trail classifications are NOT included in total.

**PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.**

1. NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening".

2. DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).

3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).

4. SCENIC HIGHWAYS: Please attach a copy of order designating/discontinuing Scenic Highways.

IF THERE ARE NO CHANGES IN MILEAGE: Place an X in the box and sign below.

**PART III - SIGNATURES - PLEASE SIGN.**

Signatures of Selectmen/ Aldermen/ Trustees:

DONALD CAMPBELL, CHAIR

Signature of T/C/V Clerk: \_\_\_\_\_ Date Filed: \_\_\_\_\_

Please sign ORIGINAL and return it for Transportation signature.

AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

APPROVED:

Representative, Agency of Transportation

DATE:

SHARE:

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December 2020

[View as Webpage](#)

# PFAS Community Update

## Bennington Area PFAS Response

### **Waterline Extension Work**

480 residences or businesses were eligible to get connected to municipal water since waterline extension work began in 2016. Currently, a total of 436 out of the 480 are either connected or have agreed to get connected. To date, 365 residences or businesses have been connected.

Below is a summary of this ongoing work:

#### **Westside (also known as Corrective Action Area I Operational Units A)**

*Contracts 1-4 (includes North Bennington, North Bennington Road, Murphy Road area, Bard Road, Red Pine Road, and Silk Road, and sections of Austin Hill Road, Harrington Road, Orebed Road, and Rice Lane)*

- All waterline work within the westside, also formerly known as Corrective Action Area 1, is complete.
- Out of the 237 residences or businesses eligible to connect to municipal water, 225 have been connected.

#### **Eastside (also known as Corrective Action Area II Operational Unit A and C)**

*Contracts 5-7 (includes Harwood Hill Area, Houghton Lane, Willow Road area, Michaels Drive, Apple Hill Subdivision, and Squaw Hill Road)*

- The waterline extension work in these areas is substantially complete.
- 140 residences or businesses have been connected to municipal water.
- 8 remaining residences or businesses still need to be connected, seven of which will be connected in the next several weeks.

*Contracts 8 and 9 (includes upper East Road between Crossover and Chapel Road and Chapel Road)*

- Work in these areas is wrapping up for this construction season.



- Work included installation of water mains and some water lines from the mains to residences in this area. 80 residences/businesses are eligible to be connected.
- Many residences along upper East Road and a few on upper Chapel Road (Contract 8) are expected to be served by municipal water this winter.
- The remaining residences or businesses on Chapel Road will get connected next construction season.
- For those residences or businesses with treatment systems in Contracts 8 and 9, DEC will continue maintaining and monitoring these systems until they are connected or waterline work in this area is completed for those owners that decide not to connect.

## **Update for Home and/or Business Owners**

*(For home/business owners who have a well with PFAS levels above the Groundwater Standard and aren't receiving municipal water)*

- All water wells in this area with PFAS levels above the groundwater standards (currently 20 parts per trillion of the cumulative concentrations of PFOA, PFOS, PFNA, PFHpA, and PFHxS) have treatment systems.
- Saint-Gobain is responsible to maintain and monitor these treatment systems as specified in the settlement agreement.
- Currently, Saint-Gobain is maintaining 32 Point of Entry Treatment (POET) and one point-of-use system.
- So far, Saint-Gobain has completed their initial assessment of 13 wells that have treatment systems. These assessments evaluate the feasibility of long-term drinking water remedies, such as replacement wells. Out of the 13 wells that have been assessed, Saint-Gobain has had six replacement wells installed by their contractors. The ongoing sampling results of these replacement wells are encouraging. Two additional wells out of the 13 have been identified as strong candidates for replacement wells. Further work at these locations is scheduled for the Spring of 2021.
- Saint-Gobain's consultant has started their assessment for the remaining 20 residences or business in Operable Unit B, including those on East Road, Gulley Lane, Harvest Hill Road, Rice Lane, Rocky Lane, Settlers Road, Spring Hill Road, Harvest Hill Drive, and Townline Road. We expect to receive assessments for these 20 locations in 2021. Once we receive these assessments, we will forward them to the respective property owner.

## **Update on Spring 2021 sampling**

*(For wells with PFAS levels below the Groundwater Standard)*

- If your well was sampled for PFAS during September or October 2020, you should have already received your results for this sampling event from DEC.
- During the Fall 2020 sampling, we did not receive any samples above the groundwater standard.
- We have just received one additional batch of sampling results. These results will be sent out within the next 2 weeks.

- Saint-Gobain is also responsible to continue long-term monitoring drinking water wells in these areas (OU B) that have PFAS levels below the groundwater standard. The ongoing monitoring confirms levels are staying below the standard.
- Saint Gobain's contractor, CT Male, has already begun planning to sample in the spring of 2021. This work should begin in early April and continue through-out the spring. Results will be sent to homeowners or businesses once they are received by DEC.

## **Bottled Water**

In the next several weeks, individuals currently receiving bottled water will receive notification that Saint-Gobain will no longer be providing bottled water service. Based on the settlement agreement terms and our current bottled water policy, Saint-Gobain is no longer obligated to provide bottled water unless there is an exceedance of the groundwater standard in a well that does not have treatment.

### *Background:*

When the PFAS response began in 2016, there was uncertainty associated with the variability of PFAS concentrations over time and the effectiveness of the newly installed treatment systems. Because of this uncertainty, bottled water was provided to residences within the area of concern. Now, with over 4 years of monitoring data, the sampling results show that treatment systems effectively remove the targeted PFAS. Wells that have had no PFAS detected or PFAS levels below the groundwater standards are staying below the groundwater standards and showing no increasing trends at this time.

## **Upcoming Reclassification of Groundwater in Bennington**

In January, the Vermont Department of Environmental Conservation (DEC) is expecting to release the draft groundwater reclassification petition and draft reclassification order for public comment.

In the 2017 and 2019 settlement agreements between the State and Saint-Gobain, groundwater reclassification (or, designating groundwater as non-potable), was identified as the likely institutional control to complement the long-term drinking water remedies identified in the settlement agreement and applicable corrective action plans for the area-wide PFAS response in Bennington.

The purpose of reclassifying this groundwater as non-potable is to protect human health and safety by providing a formal notification to landowners, well drillers, and permitting agencies that groundwater is or may be contaminated by PFAS.

Everyone living within the proposed reclassification area and adjacent to the proposed reclassification area will receive a notification about the proposed reclassification. This notification will provide directions on how to review the draft petition, draft order, fact sheet, and supporting documentation. Residents will have 30 days to comment on the draft. DEC will host a virtual public



meeting during the comment period in late January or early February. DEC will send an email with more details on the comment period and virtual meeting next month.

### **Ongoing Response during the Pandemic**

All Bennington PFAS response field work must comply with the current state directives and applicable Center of Disease Control (CDC) and Vermont Department of Health guideline and have owner permission.

This works includes ongoing monitoring, maintenance of treatment systems, connecting residences to municipal water, and other response activities, such as assessing existing water or drilling replacement wells.

Every effort will be made to minimize access into the living space.

## **For More Information**

- If you have concerns or questions after reading this update or the ongoing working that is taking place during the pandemic, please contact John Schmeltzer at [john.schmeltzer@vermont.gov](mailto:john.schmeltzer@vermont.gov) at 802 249-5620 or Richard Spiese at [Richard.Spiese@vermont.gov](mailto:Richard.Spiese@vermont.gov) at 802 249-5083.
- To find out more about Vermont's PFAS sampling plan and information for affected communities, visit the DEC [PFOA webpage](#).
- For more information about health and PFAS in drinking water, visit the Health Department's [website](#).

*You are receiving this e-mail because you have requested to be updated on Vermont's PFOA response efforts, or because your well was recently sampled. If you wish to stop receiving these updates, you may unsubscribe at any time using the link at the bottom of this e-mail.*

Department of Environmental Conservation  
Vermont Agency of Natural Resources  
1 National Life Drive, Main 2  
Montpelier, VT 05620-3520

Keep in touch





12/29/20  
01:59 pm

Town of Bennington Payroll  
Overtime Report  
12/26/20 - 12/31/20

Page 1 of 1

DEPARTMENT	OT HRS	GROSS AMT	OVERTIME	PRCT
TOTALS FOR DEPT 300	0.00	700.02	0.00	0.00%
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	2,018.83	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	4,673.60	0.00	0.00%
TOTALS FOR DEPT 365	0.00	2,135.20	0.00	0.00%
TOTALS FOR DEPT 371	13.00	8,545.82	468.10	5.48%
TOTALS FOR DEPT 410	159.00	47,851.19	6,498.69	13.58%
TOTALS FOR DEPT 510	86.50	19,376.33	2,917.71	15.06%
TOTALS FOR DEPT 540	46.00	9,640.21	1,748.61	18.14%
TOTALS FOR DEPT 590	16.00	6,962.13	629.73	9.05%
TOTALS FOR DEPT 790	0.00	824.00	0.00	0.00%
REPORT TOTALS	=====	=====	=====	=====
	320.50	**,***.**	12,262.84	10.71%

DEC 2020

12/22/20  
01:23 pm

Town of Bennington Payroll  
Overtime Report  
12/19/20 - 12/24/20

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	2,023.65	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	4,283.60	0.00	0.00%
TOTALS FOR DEPT 365	0.00	2,135.20	0.00	0.00%
TOTALS FOR DEPT 371	11.00	8,169.18	391.46	4.79%
TOTALS FOR DEPT 410	16.75	40,651.90	668.01	1.64%
TOTALS FOR DEPT 510	116.50	20,342.15	3,929.84	19.32%
TOTALS FOR DEPT 540	69.50	10,342.74	2,451.14	23.70%
TOTALS FOR DEPT 590	34.00	7,518.38	1,185.97	15.77%
TOTALS FOR DEPT 790	0.00	824.00	0.00	0.00%
REPORT TOTALS	247.75	** ,*** .**	8,626.42	7.96%

12/15/20  
01:45 pm

Town of Bennington Payroll  
Overtime Report  
12/12/20 - 12/17/20

Page 1 of 1

DEPARTMENT	OT HRS	GROSS AMT	OVERTIME	PRCT
TOTALS FOR DEPT 321	0.00	3,470.01	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	2,546.00	0.00	0.00%
TOTALS FOR DEPT 362	0.00	4,373.60	0.00	0.00%
TOTALS FOR DEPT 365	5.00	2,314.30	179.10	7.74%
TOTALS FOR DEPT 371	4.00	8,404.84	178.32	2.12%
TOTALS FOR DEPT 410	56.75	42,150.89	2,365.62	5.61%
TOTALS FOR DEPT 510	33.00	17,797.84	1,146.81	6.44%
TOTALS FOR DEPT 540	16.00	8,574.58	653.22	7.62%
TOTALS FOR DEPT 590	13.00	6,827.21	494.79	7.25%
TOTALS FOR DEPT 790	0.00	824.00	0.00	0.00%
REPORT TOTALS	127.75	** , *** . **	5,017.86	4.78%



12/08/20  
01:02 pm

Town of Bennington Payroll  
Overtime Report  
12/05/20 - 12/10/20

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	4.00	2,673.38	127.38	4.76%
TOTALS FOR DEPT 362	0.00	4,373.61	0.00	0.00%
TOTALS FOR DEPT 365	0.00	2,135.20	0.00	0.00%
TOTALS FOR DEPT 371	4.00	7,956.04	178.32	2.24%
TOTALS FOR DEPT 410	38.50	41,067.59	1,531.12	3.73%
TOTALS FOR DEPT 450	0.00	1,125.00	0.00	0.00%
TOTALS FOR DEPT 510	1.00	17,306.51	33.74	0.19%
TOTALS FOR DEPT 540	17.50	8,565.52	683.92	7.98%
TOTALS FOR DEPT 590	15.00	6,894.81	562.41	8.16%
TOTALS FOR DEPT 790	0.00	824.00	0.00	0.00%
REPORT TOTALS	80.00	** , *** . **	3,116.89	2.99%

# Bennington Police Department

## Total Traffic Citation Report, by Violation

<u>Violation</u>	<u>Description</u>	<u>Total</u>
23V1004	INTERSTATE HIGHWAY REGULATIONS	4
23V1007	Municipal Ordinance Speed Zone	2
23V1008	REGULATIONS IN MUNICIPALITIES	1
23V1221	CONDITION OF VEHICLE	1
23V1222	INSPECTION OF REGISTERED VEHICLES	5
23V301	PERSONS REQUIRED TO REGISTER	1
23V307	FAILURE TO CARRY REGISTRATION CERTIFICATE	1
23V511	DISPLAY OF PLATES	1
23V513	MISUSE OF NUMBER PLATES	1
23V601	OPERATING WITHOUT A LICENSE	1
23V676	Operating after suspension/revocation/refusal	1
23V800(a)	OPERATING A VEHICLE WITHOUT LIABILITY INSURANCE	1
23V800(c)	OPERATING A VEHICLE WITHOUT PROOF OF FINANCIAL RESPONSIBILITY	2
7V1005(a)	TOBACCO POSSESSION BY UNDER 21	1

**Report Totals**

**23**

### Report Includes:

All dates of issue between '00:00:01 12/20/20' and '23:59:00 12/26/20', All agencies matching '0202', All issuing officers, All areas, All courts, All offense codes, All dispositions, All citation/warning types

# Bennington Police Department

## Total Traffic Citation Report, by Violation

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<u>Violation</u>	<u>Description</u>	<u>Total</u>
23V1004	INTERSTATE HIGHWAY REGULATIONS	4
23V1007	Municipal Ordinance Speed Zone	4
23V1038	DRIVING ON ROADWAYS LANED FOR TRAFFIC	1
23V1063	STARTING PARKED VEHICLES	1
23V1081(a)	BASIC RULE Unreasonable and imprudent speed for conditions and hazards	1
23V1095b	USING PORTABLE ELECTRONIC DEVICE	1
23V1222	INSPECTION OF REGISTERED VEHICLES	2
23V301	PERSONS REQUIRED TO REGISTER	2
23V513	MISUSE OF NUMBER PLATES	1
23V601	OPERATING WITHOUT A LICENSE	2
23V674	DRIVING - LICENSE SUSPENDED	1
23V676	Operating after suspension/revocation/refusal	3
23V800(a)	OPERATING A VEHICLE WITHOUT LIABILITY INSURANCE	2

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**Report Totals**

**25**

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### Report Includes:

All dates of issue between '00:00:01 12/13/20' and '23:59:00 12/19/20', All agencies matching '0202', All issuing officers, All areas, All courts, All offense codes, All dispositions, All citation/warning types



# Bennington Police Department

## Total Traffic Citation Report, by Violation

<u>Violation</u>	<u>Description</u>	<u>Total</u>
23V1004	INTERSTATE HIGHWAY REGULATIONS	5
23V1007	Municipal Ordinance Speed Zone	3
23V1008	REGULATIONS IN MUNICIPALITIES	2
23V301	PERSONS REQUIRED TO REGISTER	1
23V800(a)	OPERATING A VEHICLE WITHOUT LIABILITY INSURANCE	2
23V800(c)	OPERATING A VEHICLE WITHOUT PROOF OF FINANCIAL RESPONSIBILITY	1

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**Report Totals**

**14**

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**Report Includes:**

All dates of issue between '00:00:01 12/06/20' and '23:59:00 12/12/20', All agencies matching '0202', All issuing officers,  
All areas, All courts, All offense codes, All dispositions, All citation/warning types

# Bennington Police Department

## Total Traffic Citation Report, by Violation

<u>Violation</u>	<u>Description</u>	<u>Total</u>
23V1004	INTERSTATE HIGHWAY REGULATIONS	9
23V1007	Municipal Ordinance Speed Zone	7
23V1008	REGULATIONS IN MUNICIPALITIES	2
23V1038	DRIVING ON ROADWAYS LANED FOR TRAFFIC	1
23V1039	FOLLOWING TOO CLOSELY, CROWDING & HARASSMENT	1
23V1221	CONDITION OF VEHICLE	2
23V1222	INSPECTION OF REGISTERED VEHICLES	3
23V1248	TAIL LIGHTS REQUIRED	1
23V203(a)(2)	DISPLAY OF FICTITIOUS/ALTERED LICENSE, STICKER, CARD OR CERTIFICATE	1
23V203(a)(9)	Displaying inspection sticker not assigned	1
23V301	PERSONS REQUIRED TO REGISTER	2
23V307	FAILURE TO CARRY REGISTRATION CERTIFICATE	1
23V513	MISUSE OF NUMBER PLATES	2
23V601	OPERATING WITHOUT A LICENSE	3
23V676	Operating after suspension/revocation/refusal	5
23V800(a)	OPERATING A VEHICLE WITHOUT LIABILITY INSURANCE	3
23V800(c)	OPERATING A VEHICLE WITHOUT PROOF OF FINANCIAL RESPONSIBILITY	2

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**Report Totals**

**46**

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**Report Includes:**

All dates of issue between '00:00:01 11/29/20' and '23:59:00 12/05/20', 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.

**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. I applied for a grant from the Vermont Community Foundation to support Bennington outdoor recreation with wayfinding signs, photography, graphic design, and print media. We just received a check from the Vermont Community Foundation for \$10,000 to support outdoor recreation for economic development.

**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. I met with MAU middle and high school teachers to discuss involving local teens and their families in AT events. Our next AT Community meeting is on January 12 at 6 p.m. and I will share the Zoom link on the Town's Facebook page.

**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 also applied for an Animating Infrastructure grant from the Vermont Arts Council that would support a more creative approach to a boundary fence, working with local artists and designers.



**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.

**Local Food Security:**

I continue to meet with the Bennington CAPA 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.

**Historic Preservation Grant:**

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 Better Bennington Corporation Design Committee met to determine a location for the new kiosk and the Historic Preservation Commission met to work on narrative content for the kiosk panels. The construction of the kiosk will go out to bid with local contractors after the holidays. I submitted a progress report to the state's Certified Local Government program, which funded this grant for a new kiosk. I also submitted another historic preservation grant in partnership with Bennington College to put the college campus on the National Register of Historic Places.

**Franklin Lane Improvement Project:**

Dan and I met 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.

**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.

Community Development Report: January 6, 2021  
Shannon Barsotti

**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, Southern VT Regenerative Food Network, Paran Recreations, United Children's Services, MSK Engineering and BCRC, Vermont Arts Exchange, SVSU, Workforce and Education committee, and the AT Community advisory committee.

**Summary of Building Permits Issued  
December, 2020**

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	4	\$835,000.00
Duplex	0	\$0.00	0	\$0.00
Mobile Homes	0	\$0.00	2	\$84,600.00
Apartments	0	\$0.00	1	\$10,000.00
Apartment Renovations	0	\$0.00	8	\$1,614,000.00
Condominiums	0	\$0.00	0	\$0.00
Residential Renovations	1	\$32,000.00	18	\$3,254,700.00
Residential Additions	0	\$0.00	2	\$70,000.00
Commercial Construction	0	\$0.00	1	\$6,800.00
Commercial Renovations	1	\$684,000.00	11	\$2,022,703.00
Industrial Construction	0	\$0.00	0	\$0.00
Industrial Renovations	0	\$0.00	0	\$0.00
Garages	0	\$0.00	7	\$97,500.00
Sheds	0	\$0.00	29	\$142,695.00
Decks	1	\$3,000.00	46	\$234,230.00
Institutions	1	\$10,000.00	4	\$744,512.00
Signs	0	\$0.00	7	\$12,005.00
Use & Zoning	0	\$0.00	3	\$4,000.00
Subdivision	0	\$0.00	4	\$0.00
Home Occupation	0	\$0.00	2	\$0.00
Propane Tank/Storage Tank	0	\$0.00	1	\$16,525.00
Boilers/Furnaces/RTU's, A/C	0	\$0.00	0	\$0.00
Tents	1	\$300.00	1	\$300.00
Handicap Access/Ramps	0	\$0.00	4	\$7,333.86
Concreate Slabs	0	\$0.00	0	\$0.00
Cell Towers/Communications	0	\$0.00	0	\$0.00
Solar Installations	0	\$0.00	2	\$256,329.00
Camps	0	\$0.00	0	\$0.00
Withdrawn	1	\$0.00	2	\$0.00
Demolition	0	\$0.00	0	\$0.00
<b>Total</b>	<b>6</b>	<b>\$729,300.00</b>	<b>159</b>	<b>\$9,413,232.86</b>



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

Month	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
January	9	2	6	12	11	5	8	15	10	5	6	5
February	8	7	7	7	6	7	15	8	5	7	5	8
March	17	11	6	31	13	12	10	14	19	11	13	9
April	20	32	34	31	18	22	27	14	15	15	23	11
May	29	31	27	27	38	20	23	19	27	23	24	19
June	33	32	34	32	20	19	21	19	10	14	12	25
July	29	23	20	24	33	29	47	16	29	30	28	12
August	27	26	14	30	21	29	20	18	25	25	16	27
September	33	32	15	21	32	27	22	21	21	23	26	9
October	18	22	19	38	30	21	28	9	19	20	20	17
November	26	12	22	10	16	11	12	8	16	11	8	15
December	16	7	17	18	18	7	10	5	8	11	11	5
<b>Total</b>	<b>265</b>	<b>237</b>	<b>221</b>	<b>281</b>	<b>256</b>	<b>209</b>	<b>243</b>	<b>166</b>	<b>204</b>	<b>195</b>	<b>192</b>	<b>162</b>

01/04/2021

09:12 am

# Town of Bennington Planning and Zoning

## Detailed Permit Report

Page 1  
dmadden

Permit types included: Building

Approval status included: Granted

Occupancy status included: Any status

Decision dates included: Between 12/01/2020 and 12/31/2020

<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>
45014131	15-125	GARDEN HOMES MANAGEMENT CORP Tom OBrien 46 ABBOTT ST 24x48 Manufactured Home	Building C.O. Pending	Withdrawn 12/07/2020	0.00 42,000.00
50502000	20-156	SACRED HEART/ST FRANCIS PARISH CH Novelli Engineering PC 238 MAIN ST Temporary metal or fabric canopy for serving food shelf nt outside during COVID-19.	Building C.O. Pending	Granted 12/08/2020	50.00 300.00
44507400	20-158	MOUNT ANTHONY UNION HS Carpenter Group 126 CONGRESS ST Interior construction of two (2) 7'6" x 10' office spaces	Building C.O. Pending	Granted 12/08/2020	50.00 10,000.00
37501300	20-159	CARPENTER JOHN John Carpenter 1145 N BRANCH ST Renovation of 1120 SF space	Building C.O. Pending	Granted 12/14/2020	168.00 32,000.00
44504300	20-160	OSJ OF BENNINGTON VT LLC Mark Swiderski 95 BENNINGTON SQ	Building C.O. Pending	Granted 12/21/2020	7,832.40 684,000.00
50514200	20-162	NGUYEN YEN Bruno Ierulli 226 NORTH ST Construction of a exterior rear deck	Building C.O. Pending	Granted 12/28/2020	25.00 3,000.00