

M E E T I N G N O T I C E

BENNINGTON SELECT BOARD

May 10, 2021

A G E N D A

6:30 PM

The meeting will begin at 6:30 PM to allow the community to participate in the send off of Bravo Troop at 6:00 PM from the Armory. We ask that you join us as we line the street from South Street to North Street to see them off.

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 you may join the meeting as an Attendee using the webinar link listed: <https://us02web.zoom.us/j/89448782346> or call into the meeting Dial:1-646 558 8656 and enter Webinar ID: 894 4878 2346 and follow the prompts.

- | | |
|--|-------------------|
| 1. Vision | 6:30 PM |
| 2. Consent Agenda | |
| A. Minutes of April 26, 2021 | 6:30 PM - 6:35 PM |
| B. Warrants | |
| 3. COVID Update - Dr. Trey Dobson, Megan Herrington | 6:35 PM - 6:50 PM |
| 4. Public Comment | 6:50 PM - 7:05 PM |
| 5. Public Comment - Committee Report | 7:05 PM - 7:10 PM |
| 6. Community Policing | 7:10 PM - 7:55 PM |
| A. 2nd Readings | |
| 1. Use of Social Media | |
| 2. Special Events | |
| B. 1st Reading - Body Worn Cameras | |
| C. Other | |
| 7. Certification and Attestation-
Conveyance of Real Estate | 7:55 PM - 8:10 PM |
| 8. Manager's Report | 8:10 PM - 8:20 PM |
| 9. Other Business | 8:20 PM - 8:30 PM |
| 10. Executive Session | |
| A. Personnel | |

BENNINGTON SELECT BOARD

MEETING HELD REMOTELY VIA ZOOM

BENNINGTON, VERMONT 05201

APRIL 26, 2021

MINUTES

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

SELECT BOARD MEMBERS ABSENT: None.

ALSO PRESENT BY VIDEOCONFERENCE: Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Shannon Barsotti-Community Development Director; Catherine Bryars-BCRC Senior Planner; Michael McDonough-Planning Commission Chair; Robert Ebert and Nicholas Lasoff-Planning Commission Members; Kayla Becker-YMCA Bennington Branch Manager; Jess Rumlow-YMCA Executive Director; Josh Boucher-CAT-TV; and Nancy H. Lively-Secretary.

PUBLIC CALL INS: Representative Mary Morrissey; Daniel Strohl; Mike Bethel; Mike Leake; Tina Cook; and Nancy White.

At 6:00pm, Chair Jeannie Jenkins 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. Members of the public are encouraged to watch the meeting on CAT-TV Channel 1085 or on CAT-TV Facebook Live. If one wishes to participate you can also join the meeting as by clicking on the Zoom link on the Town's website <https://us02web.zoom.us/j/89448782346> or dial in at 646-558-8656 and enter the meeting ID 89448782346. Zoom attendees can attend but to speak you must use the raised hand function, and if you're on the telephone, the raise hand function is by pressing *9. When prompted to unmute yourself hit *6. When you speak, please state your name and town of residence. The call in information will be periodically posted on the screen and the process for calling in 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. VISION STATEMENT

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

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

2. CONSENT AGENDA

A. MINUTES OF APRIL 12, 2021

B. WARRANTS

37 C. LIQUOR LICENSES

38 *Jeanne Conner moved and Bruce Lee-Clark seconded to adopt the Consent Agenda with*
39 *the Minutes of April 12, 2021 amended as follows:*

40 *Lines 11 and 12 , Change "Commissioner Peter Walke, John Schmeltzer, Chuck Schwer,*
41 *Richard Speese-Ground Water Reclassification" to "Peter Walke-DEC Commissioner; Chuck*
42 *Schwer-DEC Wast Management and Prevention Division Director; John Beling-DEC General*
43 *Counsel; John Schmeltzer-DEC Bennington PFAS Response Co-Project Manager; and Elle O'Casey-*
44 *ANR Director of Communications"*

45 *Line 54, Change "however, vaccinated" to "however, in the future, vaccinated"*

46 *Line 79, Change "that won't get the" to "that are hesitant to receive the"*

47 *Line 209, Change "world to" to "world where money is not an object to"*

48 Ms. Jenkins was glad to see the fireworks were on the warrants for the Fourth of July.

49 *The motion carried unanimously.*

50 3. PUBLIC COMMENT

51 Representative Mary Morrissey: Stated that there will be 40 men and women from the National
52 Guard deployed for a year in early May and encouraged everyone in the region to honor them and
53 their families by giving them the military sendoff that we have given troops in the past on May 10,
54 2021 at 6:00pm. They will be leaving by bus from the Armory to Washington Avenue past the Elks
55 Club to Elm Street past the Post Office to the Four Corners to the Veteran's Home and continuing
56 north. Please gather anywhere along the route except at the Armory. Contact Rep. Morrissey at
57 802-379-5439 if you have any questions.

58 Daniel Strohl-Farmer's Market Manager: Announced that the Farmer's Market is relocating to the
59 Deer Park on May 1, 2021 from 10:00am-1:00pm. Online and curbside deliveries are still available.
60 Any questions, contact their website, www.BenningtonFarmersMarket.org , or e-mail Mr. Strohl at
61 benningtonfarmersmarket@gmail.com .

62 4. PUBLIC HEARING - LUDR AMENDMENT FORM-BASED DESIGN

63 Michael McDonough, Planning Commission Chair, Catherine Bryars, BCRC Senior Planner,
64 and Dan Monks, Assistant Town Manager, did the following presentation:

- 65 • The revisions to the Land Use and Development Regulations (LUDR) that incorporate Form-
66 Based Design Standards for the areas in and around Downtown Bennington began in 2019
67 in an informational session at Bennington College sponsored by the Bennington Planning
68 Commission and BCRC for regional planning commission members.
- 69 • Bennington had received a Planning Grant in September 2018 to fund the update.
- 70 • The scope of the form-based design does not extend to the industrial, commercial, rural
71 residential, or residential conservation districts.
- 72 • In particular, consideration was given to the closure of the Energizer Facility.

- A kickoff presentation was given to the Select Board in May 2019, in August/September 2020 we held downtown and community stakeholders meetings, and in February 2021 we held a Planning Commission Public Hearing on the draft revisions.
- The process for the reformation was to begin with the existing land uses and with the 7 districts.
- Form-based design is the regulation of form over land uses. Some improvements are:
 - Lower barriers - place more emphasis on administrative reviews instead of higher level reviews such as the DRB.
 - Lower barriers - by relaxing restrictions in some areas for specific uses that also comply with the Town Plan.
 - More opportunity for economic development and housing types.
 - Simplify the regulations and consolidate from 47 to 14 regulated uses and from 7 zoning districts to 5.
 - More user friendly with graphics and illustrations.
 - Friendlier walking corridors, glazed windows, and mixed use of residential floors on top of commercial floors.
- Form-based designs take many things into consideration, such as, Building and Parking Placement, Building Form, and Area Principles and Characteristics.

Board comments/questions answered by Ms. Bryars, Mr. Monks, and Mr. McDonough:

Ms. Conner: Explain relaxes restrictions. It is a consolidation of what may be separated now, such as allowing a bank but not allowing a pharmacy, to allowing both because they have similar impacts on the area rather than what the specific business is. A specific example would be Energizer where the current use would be "relaxed" because the use going forward will not fit. We looked hard at the downtown and mixed use districts but there were no changes to the residential or village residential districts.

Mr. Carroll: Did Act 250 have any role in the development of this plan? Once this plan is adopted the Town will be applying for a Neighborhood Development Area Designation which is an add-on to the current Downtown Designation and will include looking into where Act 250 waivers or exemptions could apply. However, because of our size, we currently aren't subject to Act 250 restrictions in the Downtown.

Robert Ebert: Should we replace "relaxed" with another word? Actually, to say "relaxed" has a positive connotation to the interested developers.

Tom Haley moved and Bruce Lee-Clark seconded to adopt the Proposed Amendment to the Land Use and Development Regulations (LUDR)-Form-Based Design Standards as presented. The motion carried unanimously.

5. YMCA RATES

Kayla Becker, YMCA Bennington Branch Manager, and Jess Rumlow, YMCA Executive Director, did the following presentation:

- ❖ Spring programing has just begun with 97 youth taking part in various programs, as well as, 60 that are in other programs.
- ❖ Residents would continue to get a reduced rate and non-residents would become full YMCA members and pay the full YMCA membership rate.
- ❖ Household Base = family.

Things to note:

- ✓ Senior age 62+ -11% which is in line with what it is now.
- ✓ Pay-In-Full -10%
- ✓ Corporate -10%/month (or other, based on individual MOUs)
- ✓ Current Rec Youth memberships are ages 0-18
- ✓ No young adult option currently at Rec
- ✓ Current Senior starts at age 55 at Rec
- ✓ Currently Rec has no limit to # of people per family/household
- ✓ One discount per membership
- ✓ Financial Aid available - method is being reviewed and modified

THE RATE CHART AS PRESENTED PER YEAR:

<u>Membership Type</u>	<u>Current Res.</u>	<u>Prop. Non-Res.</u>	<u>Prop. Res.</u>
Youth 6 mth.-12 yrs.	\$26	\$60	\$12
Teen 13-19 yrs.	\$26	\$120	\$24
Y. Adult 20-24 yrs.	\$67	\$252	\$50.40
Adult 25+ yrs.	\$67	\$444	\$88.80
Hshl. Base (Family)	\$108	\$588	\$117.60
Add'l. Adult to Family (each)		\$180	\$36

Board comments/questions answered by Ms. Becker and Ms. Rumlow:

Mr. Lee-Clark: When are these rates effective? July 1, 2021 and upon renewals.

Mr. Lee-Clark: What is the anticipated income from the rate increase? At the high end of ~\$75,000. We operate on a breakeven budget so if there is any excess this is passed onto the Town in the next year.

Ms. Conner: Explain the Paid-in-Full discount, and since most insurances pay for memberships, do you need to offer the corporate discount? A member gets a 10% discount if they prepay their membership for a year. We do a 10% discount to our large businesses and a barter of services with others. Our main objective is to establish and maintain good partnerships with the businesses within our communities and more work needs to be done on this in Bennington.

Ms. Conner: Wasn't there discussion in the past to approach the towns of non-residents to support their citizens' memberships? Ms. Jenkins stated that it did not get pursued at that time

147 because there were so few non-residents that were not supported through corporate
148 membership. Perhaps we should consider this again at this time.

149 *Public comments/questions answered by Ms. Becker and Ms. Rumlow:*

150 Mike Bethel: Why did we pay the YMCA \$63,000 above their contract? Mr. Hurd answered that
151 the original contract with the YMCA was based on inaccurate anticipated revenue that created a
152 \$40,000 shortfall in revenue plus \$23,000 for additional personnel to ramp up programs at the old
153 Benn High. Mr. Bethel requested seeing the YMCA's financial records, and they are sent to Mr.
154 Hurd annually.

155 Mike Leake: Uses the rec several times a week and swims with many non-residents. With the non-
156 resident fee increasing 6X, he is concerned that many of these non-residents will not be able to
157 afford this. And, he added that his insurance does not reimburse him for his gym memberships.

158 Nancy White: Who approved the YMCA's contract amount? Mr. Hurd answered that the Select
159 Board did at budget time after the YMCA did their presentation for the upcoming year. There was
160 money in the recreation budget to cover it one year and we budgeted for it the following year.
161 Ms. White is concerned that we are overpaying the YMCA for services that they're not providing
162 and has been referred to Mr. Hurd for further discussion. Also, Mr. Monks noted the inaccuracies
163 of Ms. White's accusations and Ms. Barsotti, Ms. Conner, and Ms. Jenkins recognized the YMCA for
164 what they've brought to the Town.

165 Nancy White: Said the Governor said public meetings could open up in May so the Select Board
166 doesn't need to wait until July to go to the Fire House for in person meetings.

167 Tina Cook: Noted that the expansion of recreational services is going to be very positive to our
168 marginalized community and urges the YMCA to reach out to the homeless with their services.

169 *Jeanne Conner moved and Bruce Lee-Clark seconded to accept the Berkshire YMCA's*
170 *proposed Bennington Recreation Center rate increases effective July 1, 2021. The motion carried*
171 *with Sarah Perrin opposed.*

172 **6. GROUNDWATER RECLASSIFICATION (CONTINUED)**

173 Ms. Jenkins stated the following suggestions that have been received:

- 174 ○ Ask the Town Manager to write a letter asking the Legislature to help with State funding,
175 perhaps infrastructure money coming from the federal government, to extend the water
176 lines to all impacted homes as is practical.
- 177 ○ The Town and the Department of Environmental Conservation (DEC) explore whether we
178 can use a town ordinance instead of a State reclassification as a way to restrict the kinds of
179 drillings that can be done within the reclassification area with no impact on the settlement
180 agreement.

181 *Board comments/suggestions:*

182 Ms. Conner: Ensure the DEC provides all the necessary documentation to those that cannot
183 connect to Town water should they decide to sell their property. And, it's unfortunate that the
184 homeowner doesn't get to choose the type of fix that will get them clean water.

185 Mr. Lee-Clark: Strongly supports seeking funds from the State, urges that we try to find ways to
186 expand our current water system with the understanding that some will continue to use their
187 wells because they can, and reiterated the importance of preemptively sending out the "hold
188 harmless letters" from the DEC to the homeowners in the area. St. Gobain is at fault, not the
189 residents.

190 Mr. Corey: Be sure that we are aware of the new standards for drilling a new well with the cost of
191 doing so as close as possible for all that is involved.

192 Ms. Perrin: Would like to see a letter of support that the affected homeowners be hooked up to
193 Town water and to use the available funds from the State.

194 *Public comments/suggestions:*

195 Rep. Morrissey: The PFOA Public Hearing for the homeowners in the area will be May 11, 2021 at
196 6:00pm and the deadline for written comments to the State is May 28, 2021.

197 Ms. Cook: Verified that the coverage of costs is in perpetuity, and they are.

198 ***Sarah Perrin moved and Bruce Lee-Clark seconded to:***

199 ***1. Send a letter that the affected individuals be hooked up to Town water and that the funds***
200 ***that are becoming available be used to do that;***

201 ***2. Information on, and identify the new Standards on, what would be required to drill the deep***
202 ***wells;***

203 ***3. Send hold harmless letters to the residents;***

204 ***The motion carried unanimously.***

205 **7. COMMUNITY POLICING POLICY REVIEW**

206 **A. SOCIAL MEDIA POLICY - 1ST READING (OFFICER AND EMPLOYEE INTERNET** 207 **POSTINGS/SOCIAL NETWORKING)**

208 Mr. Lee-Clark reviewed the following:

- 209 ■ This policy is to note that the police and employees are limited to their comments on social
210 media so as not to jeopardize anything that is job related.
- 211 ■ II. Policy, B: 1) Line 21, Change "their participation" to "their active participation"
- 212 ■ II. Policy, B: 3) "Social networking sites shall not be used by any BPD employee/officer in a
213 manner that is detrimental or contrary to the Vision, Mission Statement, and Guiding
214 Principles of the BPD, or that negatively impacts the efficiency and/or effectiveness of the
215 BPD." Probably not enforceable but states what we expect from our police officers.
- 216 ■ We are working on the Code of Conduct policy and it is mentioned as a Related Policies.

217 *Board comments/suggestions:*

- 218 ▪ II. Policy, B:, Line 18, Change "account" to "accounts"
- 219 ▪ I. Purpose, Line 8, Change "Such speech" to "Misuse of this speech"
- 220 ▪ II. Policy, B: 2), Line 4, Change "Speech that" to "Speech on any social networking site"

221 *Public comments/questions:*

222 Ms. Cook: Is this policy cover using social media on duty? Mr. Lee-Clark responded that this policy
223 covers anytime, however, social media is not supposed to be used on duty anyway.

224 **B. SPECIAL EVENTS POLICY - 1ST READING**

225 Mr. Lee-Clark reviewed the following:

- 226 ▪ This policy regularizes what happens periodically for public events on public property.
- 227 ▪ II. Policy, A), Line 14, "where more than fifty (50) persons are expected to attend" - number
228 up for discussion.

229 *Board comments/suggestions:*

- 230 ▪ The purpose of the event is in the application to the police for the event and part of the
231 Procedures.
- 232 ▪ It has happened before, but it seems counterintuitive to have the police monitoring an
233 event that is protesting the police.
- 234 ▪ This policy does not prevent a spur of the moment gathering.
- 235 ▪ Title "Special Events", Change to "Special Events and Demonstrations"
- 236 ▪ II. Policy, A), Line 14, Change "where more than fifty (50) persons are expected to attend"
237 to "where more than thirty (30) persons are expected to attend"
- 238 ▪ III. DEFINITIONS: A., Line 4, Change "to address civil" to "to ensure the safety of those at
239 an event by addressing civil"
- 240 ▪ III. DEFINITIONS: B., Line 9, Change "be scheduled" to "be, but not limited to, scheduled"
- 241 ▪ III, DEFINITIONS: C., Line 16, Change "liason" to "liaison"

242 Mr. Lee-Clark shared the Traffic Stop Data that is on the Bennington Police Department's
243 website on the Data Tab with the Board/public. There may be more Civil Complaints and
244 Warnings that Stops because there can be multiple tickets on one stop. The public is urged to
245 access this information if they wish to do so.

246 Ms. Conner reported:

- 247 ▪ We have received 15 comments on the police procedures that have been posted on the
248 website.
- 249 ▪ The comment period will be open until April 28, 2021 at 5:00pm.

250 **8. LOAN APPLICATION - THREE PRESSURE REDUCING VALVED**

251 Mr. Hurd explained that this loan application provides the Town with funds for the first
252 phase to study three pressure reducing valves in our water system - \$27,906. They are at Burgess

253 Road, Willow Park, and Filmore Street and will open the door to funding for the \$427,000 amounts
254 below.

255 1. Relocating the valve at Burgess Road to Main Street and include an electricity generating
256 turbine - estimated cost \$295,000;

257 2. Include a turbine at Willow Park - estimated cost \$142,000;

258 3. Maintenance at Filmore Street - valve in good condition and too small to accommodate a
259 turbine - no estimated cost at this time.

260 *Bruce Lee-Clark moved and Tom Haley seconded to approve the Pressure Reducing Valves*
261 *Loan Application as presented and authorize the Chair to sign on behalf of the Board, authorize*
262 *the Town Manager to sign, and authorize the Town Clerk to sign. The motion carried*
263 *unanimously.*

264 9. BOARDS AND COMMISSIONS ANNOUNCEMENT

265 *Jeanne Conner moved and Bruce Lee-Clark seconded to establish the Energy Committee*
266 *as a recurring committee with 7 members and develop text for the Committee with the following*
267 *staggering terms:*

268 *3 members - 4 year terms*

269 *3 members - 3 year terms*

270 *1 Select Board member - 1 year term*

271 *The motion carried unanimously.*

272 The Board will not interview incumbent members and applications must be in no later than
273 May 20, 2021. Interviews will be scheduled at a later time.

274 10. MANAGER'S REPORT

275 Mr. Hurd reported as follows:

276 Water/Sewer Interest Waiver - It has cost us \$5,000-\$6,000 to waive the interest on
277 delinquent water/sewer bills this past year and we did not see a lot of delinquencies. As always,
278 we will work with anyone having financial difficulty by establishing payment plans, delayed
279 payments, etc.

280 *Sarah Perrin moved and Bruce Lee-Clark seconded to extend the waiving of interest on*
281 *delinquent water/sewer payments until the conclusion of the State of Emergency. The motion*
282 *carried unanimously.*

283 Sidewalk Construction - Paving Cost Comparison - To use asphalt for the surface on
284 sidewalks is cost-effective, easier and faster to replace, provides a better walking surface, and may
285 be more suitable for ADA access and use. Our initial thought is to maintain concrete sidewalks
286 within the downtown district/the historic district and along urban portions of Class 3 collector
287 streets such as Elm Street. Once outside this area, we would use asphalt for the surface and

288 concrete curbs. We can include a way to cool the surface in our pricing and, for an aesthetic
289 reference, we have one on South Street from Crescent Boulevard to the cemetery that has been in
290 place for over 20 years. The cost comparison is concrete = \$19.64/linear foot and asphalt (hot
291 mix) = \$9.88/linear foot.

292 *This will be on the May 10, 2021 agenda with a map and solution to the hot surface*
293 *available.*

294 **11. UPCOMING AGENDA**

295 May 10, 2021 - Sidewalk Paving

296 May 10, 2021 - Policies - Social Media and Special Events - 2nd Readings and a possible 1st
297 Reading on a 3rd Policy

298 May 10, 2021 - Subcommittee Recommendations on Public Comment

299 May 10, 2021 or May 24, 2021 - Opioid Response Team Update

300 May 10, 2021 - Certification and Attestation - CLR Sale

301 **12. OTHER BUSINESS**

302 Ms. Conner: Would like to take a field trip on the trails - especially the one from Orchard Village to
303 Molly Stark.

304 Ms. Conner: Green Up Day is May 1, 2021 and people need to call the Town Office to reserve their
305 bags which they can pick up at the Town Office.

306 Ms. Conner: Encourages everyone not to litter.

307 **13. EXECUTIVE SESSION**

308 **A. LITIGATION**

309 *At 8:54pm, Bruce Lee-Clark moved and Jeanne Conner seconded the adjournment of the*
310 *meeting finding that an Executive Session be held on Litigation as premature public knowledge*
311 *would place a person involved in the subject matter at a substantial disadvantage. Action will*
312 *be taken when going back into Open Session. The motion carried unanimously.*

313 Respectfully submitted, Nancy H. Lively, Secretary

314

**SELECT BOARD
MINUTES ADDENDUM**

April 26, 2021

Present: Jeannie Jenkins, Chair, Jeanne Conner, V. Chair, Sarah Perrin, Jim Carroll, Bruce Lee-Clark, Tom Haley, and Gary Corey. Also present Stuart Hurd, Town Manager and Dan Monks, Assistant Town Manager.

The Board went into executive session for a litigation matter at 8:54 pm, came out at 9:24 pm.

On a motion by Tom Haley, seconded by Gary Corey, the Board voted unanimously to ratify the Settlement Agreement arising from mediation in the Kia Morris and family complaint against the Town of Bennington before the Human Rights Council. The Settlement Agreement is attached to the minutes.

There being no other business, the meeting adjourned at 9:34 pm.

Respectfully submitted,


Stuart A. Hurd

SETTLEMENT AGREEMENT

Following mediation with the assistance of Michael Marks, Esq., the Parties signing below have reached the following settlement agreement in reference to all of the issues arising out of or related to the following dispute: *Ruqaiyah (Kiah) Morris, James Lawton and J.L. v. Town of Bennington, VHRC Case Nos. PA19-0012, PA19-00013 and PA19-0014* ("Claim"). The Parties shall exchange the documents and payments required to implement the following.

1. Approval of Agreement. This Agreement is contingent upon approval by the Town of Bennington Selectboard no later than April 26, 2021. If not approved, then this Agreement shall be null and void. This Agreement is also contingent upon approval of the withdrawal of the complaints at issue in the Claim by Vermont Human Rights Commission no later than April 30, 2021. If not approved, then this Agreement shall be null and void. If this Agreement is approved as described in this paragraph, the Parties shall take the remaining steps required by this Agreement.

2. Final Resolution of Claim. The Parties hereby resolve the Claim with prejudice. No suit may be filed related to the Claim. Each side shall bear its own costs and attorney's fees. Each Party shall retain its rights under the law to release and publicly discuss the HRC Investigative Report related to the Claim.

3. General Release, Hold Harmless and Discharge of Liens. The Claimants shall provide the Town of Bennington and all of its agents, contractors, employees and indemnitors with a General Release and hold harmless agreement in a form reasonably acceptable to all counsel. The Claimants shall be responsible for obtaining any requisite approvals for the release by the minor claimant. The General Release shall include an acknowledgement that the Release shall not be deemed an admission of liability, or the strength or weakness of any claim, and that the Claim is being settled to avoid expensive and protracted litigation. The General Release shall cover all claims, including any claims for attorney's fees,

that were or could have been raised by the Claimants for any reason (including claims for medical payments and a hold harmless agreement extending to all liens of any nature), extending to any unknown, undiscovered, and undiscoverable claims, and all persons who could in any way be subjected to these claims, including principals, members, employees, agents, officers, shareholders, indemnitors and insurers. The Claimants shall also agree to pay all liens out of the settlement proceeds.

4. Payment. Within fourteen days of receipt of the signed Release, the Claimants shall receive a total settlement of One Hundred Thirty-Seven Thousand Five Hundred Dollars (\$137,500.00) in a check from the indemnitor for the Town of Bennington, made payable to the lawyer trust account of counsel for the benefit of the Claimants in the Lawsuit.

5. Other Agreements.

- A. The Town will work with Vermont Legal Aid with the goal of providing space for Vermont Legal Aid or other pro bono legal services providers to use space at no cost for a period of at least five years. The lease terms need to be negotiated. However, no rent shall be paid, only recoupment of utilities, insurance costs and actual out-of-pocket expenses.
- B. The Town will continue to work in public process to prepare for public comment a proposal to provide police oversight. The Town will accept public input (and specifically the input of the ACLU) prior to executing a contract with a consultant for this process. There will be a structured public process to seek comments from community before a final proposal is adopted. (Town cannot commit to a particular solution without completing a public process.)
- C. The Town will provide the following public apology:

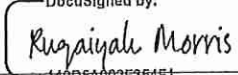
"No one in Bennington should feel unsafe or unprotected. We have listened to Kiah Morris, James Lawton and their family in mediation. It is clear that Kiah, James and their family felt

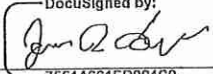
unsafe and unprotected by the Town of Bennington. We have to do better by all persons who live in, work in or travel through the Town of Bennington irrespective of color, race, religion and other categories as protected by law.

The Town of Bennington apologizes to Kiah Morris, James Lawton and their family for the harms and trauma they encountered while residing in Bennington, and we fully acknowledge this reality. We pledge to learn, to do better and to protect all of our citizens.”

6. Miscellaneous. This Agreement represents a compromise to avoid litigation. By making this Agreement, no Party makes any admission concerning the strength or weakness of any claim or position. This Agreement is a comprehensive agreement; all prior understandings and discussions are merged into this Agreement. This Agreement may only be amended by a written instrument signed by all Parties. The Parties shall execute such additional documents as are reasonably requested to implement this Agreement. This Agreement shall be interpreted under the laws of the State of Vermont. All Parties were represented by counsel in the drafting of this Agreement. All Parties voluntarily make this Agreement in reliance upon the legal advice of their counsel. The presumption against the drafter shall not apply to the construction of this Agreement. Any participation by the mediator in the drafting of this agreement was in his capacity as mediator in recording mutually agreeable settlement terms and does not constitute legal advice to any of the Parties. Photocopies of this Agreement shall be as effective as the original. This Agreement shall be binding and enforceable against the successors, heirs and assigns of the Parties.

Dated April 14, 2021.

DocuSigned by:

148D5A902F354F1
Ruqaiyah Morris, individually and as Guardian for J.L.

DocuSigned by:

7551A661ED984G0
James Lawton, individually and as Guardian for J.L.

DocuSigned by:

Stuart Hurd

8411E06217204E8...

Agent for all Defendants in Lawsuit and their
Indemnitor, VLCT-PACIF

Approved as to form:

DocuSigned by:

Robert Appel

A819F09E92D9471...

Robert Appel, Esq.
Counsel for Claimants

DocuSigned by:

Michael J. Leddy

E76EEAE85F1A447...

Mick Leddy, Esq.
Counsel for Defendants in Claim

Public Comment Procedure Review

Subcommittee: Tom Haley, Sarah Perrin, Jeanne Conner

How to make it a better experience for the person making the comment.

How to make it a better experience for the public watching.

How to make it a more productive use of meeting time for the select board and staff.

Notes from April 13, 21 - 2021, meetings:

- We need to find a balance between what the public needs and what we need as a board. We determined that Public Comments do not include emails to board members from members of the community since they are not asked in public.
- We like Public Comments at the beginning of the meeting. It seems unfair to make people wait and guess when Public Comments will be taken. Moving it could discourage participation. Continue to put Public Comments after the consent agenda.
- Read the rules for making Public Comments, include the rules on the agenda under Public Comment (reduce font size if necessary or wait until the covid statement goes away) and put the statement on the website.
- Encourage Public Comments applicable to an agenda item be made then.
- Public Comments should be a maximum of 3 minutes in length
- No discussion during Public Comments since the topic is not on the agenda.
- A member of the public asking a question that cannot be answered quickly will be asked to contact the Town Manager to get an answer.
- Consider inviting Agencies to make final comment to educate the public on what they do and end the comment period on a high note.

- Have Stu include the answers to questions he is asked at a meeting in his Manager's Report to close the loop. Consider putting the questions and answers on the town website for a finite period of time (maybe a month). Who will manage this??
- If several people are present to make comments on the same topic, allow them to speak and consider putting the topic of concern on a future agenda.
- Should we not allow the same person to ask the same question(s) repeatedly? Nicely say "I am sorry, you have asked the same question(s) many times in the past. We and the town manager have explained and answered your question(s) many times. Our answer(s) to your question(s) will be the same today. Please reach out to our Town Manager. We are going to move on to the next person.



1
2
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Officer and Employee Internet Postings/Social Networking	Related Policies: Code of Conduct; Ethics
<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:	
Date Implemented:	Review Date:

4

5 **I. Purpose:** This policy instructs the employees and officers of the Bennington Police
6 Department (BPD) regarding the use of the internet, the world-wide web, and social media
7 as a medium of Speech. Misuse of this speech impacts the effectiveness, integrity and
8 reputation of the BPD and the BPD's relationship with the community the BPD serves.
9 This policy is not intended to supersede any BPD or Town of Bennington policies
10 regarding public information or investigations.

11 **II. Policy**

12 **A:** Officers and employees of the BPD may utilize social media and other related
13 communications in their professional capacity as employees of the BPD, if they receive
14 prior approval from the Chief of Police or his/her designee(s).

15 **B:** Officers and employees of the BPD may utilize their own personal social media
16 accounts for their own personal expression in accordance with this Policy; however, they
17 may not maintain any anonymous social media accounts.

18 **1)** All employees and officers of the BPD shall be required to complete an affidavit
19 annually indicating their active participation in any social networking sites. This affidavit
20 shall include the name of the sites. The candidate shall provide the agency with access to
21 their sites. Access shall not include requiring an employee or officer to provide any
22 password or personal identification numbers.

2) BPD employees must never engage in Hate Speech, or other Speech on any social networking site that brings discredit upon them, the BPD, or the Town of Bennington or which may undermine or result in impeachment of their testimony in a legal proceeding. BPD employees must not post classified information, sensitive information, or comments or content which is defaming, threatening, harassing, or which discriminates based on a person's race, color, sex, gender, age, religion, national origin, sexual orientation, or other protected criteria. Neither shall they post lewd or indecent comments or profanity. This type of activity, can embarrass the Town of Bennington, harm reputations and may violate State or Federal laws and expose an employee to civil liability.

3) : Social networking sites shall not be used by any BPD employee/officer in a manner that is detrimental or contrary to the Vision, Mission Statement, and Guiding Principles of the BPD, or that negatively impacts the efficiency and/or effectiveness of the BPD.

III. Definitions:

A. SPEECH: Expression or communication of thoughts or opinions in spoken words; in writing; or by expressive conduct, symbolism, photographs, video tape, cartoons, or related forms of communication.

B. SOCIAL NETWORKING SITES: computer-based technology that facilitates the sharing of ideas, thoughts, and information through the building of virtual networks and communities. Users engage in social media by way of computer, tablet or smart phone using web-based platforms.

C. HATE SPEECH: Any kind of communication in speech, writing or behavior, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, color, sex, gender, sexual orientation, or other protected identity.

D. ANONYMOUS SOCIAL MEDIA ACCOUNTS: Accounts where the owner/user seeks to hide or change the true identity of the speaker or the maker of the Speech or of the account.

* * * * *

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.

1
2 _____
3 _____, Chairperson
4



Special Events and Demonstrations	Related Policies: Response to Active Resistance/Use of Force; Fair and Impartial Policing
<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/Rules:	
Date Adopted:	Date Reviewed:

I. PURPOSE:

The purpose of this policy is to establish guidelines for the Bennington Police Department (BPD) when managing crowds, protecting individual rights, and upholding the peace during Special Events and Demonstrations.

II. POLICY:

- A) It is the policy of the BPD to assist Special Event organizer(s) in planning for a Special Event scheduled to occur on Public Property where more than ~~fifty (50)~~ **twenty-five (25)** persons are expected to attend utilizing the form(s) attached to this policy including the Fee Schedule for law enforcement services. Nothing in this policy limits the ability of the BPD to maintain peace and protect individual liberty for events occurring on private property.
- B) It is the policy of the BPD to protect individual rights related to assembly and free speech; to effectively manage crowds; to prevent loss of life, injury, or property damage; and to minimize disruption to persons who are not involved in the Special Event or Demonstration. The BPD will take appropriate action(s) in response to violations of law(s).
- C) Following a Special Event, the BPD shall create an After-Event Report. The report shall be made, when possible, in cooperation with the Event Sponsor and shall identify: 1) what worked, and 2) areas of opportunity for change. The report shall be shared with the Chief of the BPD and the Town Manager.

1 **III. DEFINITIONS:**
2
3

4 A. Crowd Control: Techniques used to address civil disturbances **and to ensure the**
5 **safety of the public**, to include, **but not be limited to, de-escalation**, a show of
6 force, crowd containment, dispersal equipment and tactics, and preparations for,
7 and, if necessary, carrying out of multiple arrests.
8

9 B. Demonstration: A lawful assembly of persons organized primarily to engage in
10 free speech activity. These may be scheduled events that allow for law
11 enforcement planning. They include, but are not limited to, marches, protests,
12 and other assemblies intended to attract attention. Lawful demonstrations can
13 devolve into civil disturbances that necessitate enforcement action, including
14 Crowd Control.
15

16 C. Event Sponsor: An individual who has primary responsibility for planning and
17 organizing the Special Event. This individual shall be on-site the day of the event
18 and takes primary responsibility to liaison with the BPD before, during and after
19 the event.
20

21 D. Private Property: Property not owned or under the control of the Town of
22 Bennington, State of Vermont, or United States Government. (Special Events on
23 Private Property shall conform with Bennington's Land Use and Development
24 Regulations).
25

26 E. Public Property: Property owned or under the control of the Town of Bennington,
27 State of Vermont, or United States Government.
28

29 F. Special Events: Parades, celebrations, concerts, races and other planned and
30 unexpected events that are open to the public and that can result in a need to
31 schedule additional personnel to properly control the event and ensure the safety
32 and security of the community. In certain circumstances, an event can go beyond
33 the resources of this department and require that mutual aid be invoked.
34

35 * * * * *

36
37 This Policy is adopted by the Select Board of the Town of Bennington, Vermont, this
38 ____day of _____, 2021 and is effective as of this date until amended or repealed.
39

40
41 _____
42 _____, Chairperson



Body Worn Cameras (BWC)

Related Policies: Duty to Disclose;

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 Office for non-judicial administrative action in accordance with the laws governing employee discipline.

Applicable Vermont Statutes: 1 V.S.A. §317(c),

Date Implemented:

Review Date:

I. **Purpose:** This policy directs Officers and supervisors of the Bennington Police Department (BPD) in the proper use and maintenance of **Body Worn Cameras (BWC)** and the Recordings created. This policy directs how video will be utilized to accomplish the following objectives:

- A) To enhance everyone's safety
- B) To document statements and events as they occur
- C) To document crime or incident scenes
- D) To enhance an Officer's ability to document and review statements and actions for reporting and criminal prosecution
- E) To preserve visual and audio information for use in current and future investigations
- F) To serve as a tool for Officer training and supervision
- G) To enhance public trust and increase departmental transparency
- H) To enhance investigations into citizen's complaints or other allegations of police misconduct.

II. **Policy:** The BPD shall equip Officers with Body Worn Cameras to provide more accurate documentation of law enforcement and citizen interaction, to assist in officer evaluation and training, and to collect evidence to be used in criminal prosecutions. **The BPD shall develop procedures that will instruct officers when cameras must be utilized and when they must be turned off in order to protect the privacy of citizens.**

1
2 Recordings obtained for the purposes stated above shall be maintained in
3 accordance with procedures developed by the BPD and shall comply with all the
4 relevant laws of the State of Vermont.

5
6 The release of BWC recordings to the public shall be in compliance with other
7 policies of the Town of Bennington, as well as relevant State and Federal Law.
8

9
10 **III. Definitions:**

11
12 **A. Body Worn Camera (BWC):** An electronic device capable of capturing audio and
13 visual recordings, and worn on a person's body.

14
15 **B. Recordings:** Refers to electronic audio and video files created by BWCs.
16



Body Worn Cameras (BWC)

Related Policies: Duty to Disclose;

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 Office for non-judicial administrative action in accordance with the laws governing employee discipline.

Applicable Vermont Statutes: 1 V.S.A. §317(c),

Date Implemented:

Review Date:

Deleted: Mobile Video Recorder

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Deleted: The use of a BWV system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Officers assigned the use of these devices shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the BWV and the integrity of evidence and related video documentation.

A) I. **Purpose:** This policy directs Officers and supervisors of the Bennington Police Department (BPD) in the proper use and maintenance of Body Worn Cameras (BWC) and the Recordings created. This policy directs how video will be utilized to accomplish the following objectives: To enhance everyone's safety

B) To document statements and events as they occur

C) To document crime or incident scenes

D) To enhance an Officer's ability to document and review statements and actions for reporting and criminal prosecution

E) To preserve visual and audio information for use in current and future investigations

F) To serve as a tool for Officer training and supervision

G) To enhance public trust and increase departmental transparency

H) To enhance investigations into citizen's complaints or other allegations of police misconduct.

II. **Policy:** The BPD shall equip Officers with Body Worn Cameras to provide more accurate documentation of law enforcement and citizen interaction, to assist Officer evaluation and training, and to collect evidence to be used in criminal prosecutions.

The BPD shall develop procedures that will instruct officers when cameras must be utilized and when they must be turned off in order to protect the privacy of citizens.

Recordings obtained for the purposes stated above shall be maintained in accordance with procedures developed by the BPD and shall comply with all the relevant laws of the State of Vermont.

1 | The release of BWC recordings to the public shall be in compliance with other
2 | policies of the Town of Bennington, as well as relevant State and Federal Law.

Deleted: Law enforcement officer or sworn member: A Vermont law enforcement officer with the authority to conduct searches and make arrests. Referred to as "officer" in this policy.

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Deleted: Lethal force incident: Whenever an officer uses lethal force (whether the subject is injured or not); and, any incident where an officer takes action that results in death or serious bodily injury to a person.

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Deleted: Subject of the video footage: Any identifiable law enforcement officer or any identifiable suspect, victim, detainee, conversant, injured party, or other similarly situated person who appears on the body camera recording, and shall not include people who only incidentally appear on the recording.

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Deleted: Video footage or file: any images or audio and metadata recorded by a body camera.

Deleted: IV. Procedure: It is the intent of this policy that all officers who will be using BWV equipment shall be trained on the manner in which the BWV shall be tested, maintained, used and how the recorded events will be properly documented and maintained as evidence in future judicial proceedings. ¶
<#>It shall be the responsibility of each individual officer to test the BWV equipment at the beginning of each tour of duty. Officers equipped with the BWV will ensure that the batteries are fully charged prior to the beginning of their shift or special event. ¶
In the event that the equipment is found to be functioning improperly, the officer shall report the problem immediately to their immediate supervisor so that the information can be documented, and arrangements made for repair. ¶

¶
<#>Officers assigned Body Worn Video cameras will wear them at all times while on duty in any type of uniform. BWV will be worn as directed by the manufacturer of the particular device to optimize the video/audio perspective of the device. Officers are authorized to overtly record any law enforcement event when the officer is a party to the conversation. ¶

¶
<#>Officers of this Office are prohibited from using privately owned body worn cameras ¶

¶
<#>Officers are required to record with audio and video the following incidents: ¶

<#>When dispatched for all calls for service. Activation is required prior to arrival on the scene of the event. ¶

<#>All calls for service in which citizen contact is made ¶

<#>All traffic stops ¶

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III. Definitions:

A. Body Worn Camera (BWC): An electronic device capable of capturing audio and visual recordings worn on a person's body.

B.

C.

D. B. Recordings: Refers to electronic audio and video files created by BWCs.

E.

F.

* * * * *

MEMORANDUM

To: Select Board

From: Stuart A. Hurd, Town Manager



Re: CLR transfer and Board approval

Date: May 3, 2021

The attached document entitled Certification and Attestation of Select Board Members Regarding Conveyance of Real Estate in Trust is required by the agreement reached when SVHC and The Town went to court to allow the sale of CLR by amending the Deed of Gift.

This document does require the signature of every Board member. Therefore, once you vote to sign the document, we will need to make arrangements to get you to the Town Offices and sign as quickly as possible to allow the sale to proceed in a timely manner. Thank you all for your continuing support of this important process.

Dated this 10th day of May, 2021.

Each of the undersigned members of the Select Board, consisting of all those who participated in the discussion and vote on this matter at the above-referenced meeting, further attest that they (a) do not own or have any expectation of receiving a financial interest in the proposed health care services or the providers thereof; and (b) are not related to any person who, to the knowledge of such member, has a direct financial interest in proposed health care services or the providers thereof. For purposes of this attestation, 'related to' means a spouse, parents, grandparents and lineal descendants of the member of the Select Board.

Select Board Member Name:

Signature:

The following members of the Select Board (if any), attest by their signatures below that they recused themselves from the discussion and vote on this matter:

Select Board Member Name:

Signature:

MANAGER'S REPORT
May 10, 2021

ACTION

BCSWA Interlocal Agreement In April 2015, the Select Board entered into the Interlocal Agreement with the Bennington County Solid Waste Alliance. Our newest Solid Waste Implementation Plan required small changes in the Interlocal Agreements originally signed. They are adding one meeting per year as a minimum; providing a list of media for notices; and allowing for new programs and facilities. These are underlined in the document. I am asking the Board to authorize the Chair to sign the new Agreement.

Action requested Motion to accept the Agreement and authorize the Chair to sign.

INFORMATIONAL

Recreation Center We are erecting signage at the Center calling it the Bennington Community Center in light of the changes expanding the uses on the site.

Town Offices reopening Staff met to discuss the safe re-opening of the Town Offices. I have asked Paul Dansereau to develop a plan for June 1. He has given some very good suggestions for building movements, signage and the like. If we reopen, mask-wearing and safe distancing will continue to be enforced per the Governor's orders. Proof of vaccine may be required for unrestricted access. We are reviewing all possibilities. Our staff have worked hard to continue services to our residents and others during the pandemic. I appreciate all they have done while remaining safe and healthy throughout.

FOLLOW-UP

Sidewalk paving question We have not had an opportunity to put together a map of the areas where asphalt sidewalks might work best. We hope to have that ready for May 24th.

Overtime Reports for April are attached.

Community Development and Permitting/Planning Reports are attached.

Bennington County Solid Waste Alliance

Interlocal Contract

This represents an interlocal contract for the management of solid waste for the Towns of Arlington, Bennington, Dorset, Glastenbury, Manchester, Pownal, Rupert, Sandgate, Searsburg, Shaftsbury, Stamford, Sunderland and Woodford, Vermont.

This contract is entered into between the Towns of Arlington, Bennington, Dorset, Glastenbury, Manchester, Pownal, Rupert, Sandgate, Searsburg, Shaftsbury, Stamford, Sunderland, and Woodford, in Bennington County, Vermont, acting by and through their respective Select Boards.

Whereas, under the 24 V.S.A. § 2202a the Towns of Arlington, Bennington, Dorset, Glastenbury, Manchester, Pownal, Rupert, Sandgate, Searsburg, Shaftsbury, Stamford, Sunderland and Woodford (hereinafter "Towns") "...are responsible for the management and regulation of the storage, collection, processing, and disposal of solid wastes within their jurisdiction in conformance with the State Solid Waste Management Plan authorized under 10 V.S.A. chapter 159," and

Whereas, the Vermont Legislature adopted Act 148, known as the Universal Recycling Law in 2012, and

Whereas, pursuant to the Universal Recycling Law, the Vermont Agency of Natural Resources developed a Materials Management Plan that became effective on November 19, 2019, and

Whereas, the Universal Recycling Law requires that solid waste management entities, which include solid waste districts, alliances (including the Bennington County Solid Waste Alliance), groups or municipalities, charged with managing solid waste must develop a Solid Waste Implementation Plan (hereinafter SWIP), consistent with the Materials Management Plan, and

Whereas, that plan must be submitted for review by the Vermont Agency of Natural Resources by July 1, 2020, and adopted by the Bennington County Solid Waste Alliance after revisions to address VT ANR comments and following two public hearings, and

Whereas, the Towns formed a Joint Municipal Survey Committee (hereinafter the "Committee") pursuant to 24 V.S.A. Chapter 121, and

Whereas, the Committee drafted this Interlocal contract to provide for the performance of services for the management and regulation of solid waste pursuant to Title 10 Chapters 159, 164, 164A, 166, 168 and 201 and Title 24 Chapter 61, and

Whereas, the Select Board of the Town of Bennington has reviewed the draft Interlocal contract and agreed to enter into the contract following discussion at a warned public meeting,

Now Therefore Be It Resolved that the Town of Bennington agrees to adopt the following Interlocal Contract:

Article I. Purpose

The purpose of this Interlocal Contract is to provide for the efficient implementation of the Solid Waste Implementation Plan adopted by the Towns in accordance Vermont Statutes and the Vermont Materials Management Plan prepared by the Vermont Agency of Natural Resources and effective November 19, 2019. The Towns which are parties to this contract shall be known as the Bennington County Solid Waste Alliance (BCSWA).

Article II. Duration

This Contract shall be in effect following approval of the Select Boards of the member towns. A town may withdraw from this Contract by vote of its Select Board. The withdrawal of one or more Towns shall not dissolve this Contract between the remaining Towns. If two-thirds of the representatives from each participating TOWN determine that it is in the best interest of the member Towns that BCSWA be dissolved, and BCSWA has no outstanding debt or obligations under long-term contracts, or will have no such debt or obligation upon completion of the Plan of Dissolution, BCSWA shall submit a Plan of Dissolution to the Select Boards of the member Towns. An affirmative vote of each of the remaining BCSWA Towns shall dissolve BCSWA according to the Plan of Dissolution.

The Plan of Dissolution shall:

1. Identify and assign a value to all BCSWA assets;
2. Identify all BCSWA creditors, liabilities, and obligations;
3. Specify the means by which BCSWA's assets will be liquidated and obligations discharged;
4. Specify the amount of money due from each member Town, if necessary, to discharge the obligations;
5. Specify the nature and amount of any liabilities or obligations to be assumed and paid by the member Towns;
6. Specify the means by which any assets remaining after discharge of all liabilities shall be liquidated, if necessary;
7. Specify that any assets remaining after payment of all liabilities shall be apportioned and distributed among the member Towns according to the same formula used in apportioning annual assessments.

Article III. Membership

Municipalities wishing to join BCSWA after adoption of this contract may be considered by submitting a request to the Chair of BCSWA at least 60 days in advance of a regularly scheduled

meeting. The Chair shall add the request to the next meeting agenda. Such municipalities' admission shall be subject to a two-thirds majority vote as specified in Article IV. Requesting municipalities shall be obligated to pay the current year's dues and any other fees determined by the membership. Withdrawal by any member municipality shall take effect at the end of the fiscal year in which it decides to withdraw. All dues must be paid to the end of the fiscal year. No refunds shall be issued for the fiscal year in which the withdrawal takes place or for shares of capital investments or grants received by BCSWA.

Article IV. Administration

The Bennington County Solid Waste Alliance shall be administered by a Board consisting of one representative from each Town. Each Town gets at least one vote. Towns with a population greater than 2,000 get a vote for each 2,000 residents rounded up as shown in the table below. This allocation will be updated once the 2020 census data is made available. For a meeting to be held, business transacted, and votes taken, a majority of member Towns must be represented. A majority vote shall be defined as requiring both 1) a majority of the Town Representatives and 2) more than 50% of the total votes of the Towns. A two-thirds vote shall be defined as requiring 1) both two-thirds of the Town Representatives and 2) two-thirds of the total votes of the Towns.

Table 1. Example of number of votes for each town based on the 2010 population			
Town	Number of Votes	2010 Population	Proportion
Arlington	2	2,317	6.61
Bennington	8	15,764	44.96
Dorset	2	2,031	5.79
Glastenbury	1	8	0.02
Manchester	3	4,391	12.52
Pownal	2	3,527	10.06
Rupert	1	714	2.04
Sandgate	1	405	1.16
Searsburg	1	109	0.31
Shaftsbury	2	3,590	10.24
Stamford	1	824	2.35
Sunderland	1	956	2.73
Woodford	1	424	1.21
Total	26	35,060	100.00

Table 2. Number of votes required for a majority and a two-thirds majority		
Voting	Majority Vote	Two-thirds Majority Vote
Number of Towns Required	7	9
Number of Votes Required	14	18

The proportion and number of votes will be updated based on the most recent census data from the U.S. Census and any changes in membership of the Alliance.

The Select Boards of each Town shall appoint a representative to serve one year beginning on April 15th of each year, and representatives shall serve at the pleasure of the respective Town Select Board. Towns may also appoint alternate representatives. BCSWA will annually elect a Chair, Vice Chair, Secretary, Treasurer, and others, as necessary. The positions of Secretary and Treasurer may be held by the same individual.

1. Chair: The Chair shall preside at all meetings of the BCSWA, shall sign and make all contracts and agreements in the name of the Bennington County Solid Waste Alliance, shall enforce this contract and perform all the duties incident to the position and office and which are required by law. The Chair shall have authority to sign checks when the Treasurer is not available or is precluded from issuing checks as described below.
2. Vice-chair: During the absence or inability of the Chair to render or perform his/her duties or exercise his/her powers the same shall be performed and exercised by the Vice-Chair who, when so acting, shall have all the powers and be subject to all the responsibilities hereby given to or imposed upon such Chair.
3. Secretary: The secretary shall record all votes and proceedings of BCSWA.
4. Treasurer: The treasurer shall have the care and custody of the funds and securities of BCSWA, may sign, make or endorse with the consent of and in the name BCSWA all checks and orders for the payment of money and pay out and dispose of the same and receipt therefore, shall keep correct books for account of all its business and transactions and such other books of account as BCSWA may require, and shall do and perform all duties pertaining to the office of treasurer. The treasurer shall not issue checks to his/herself or to the Town he/she represents. Such checks shall be signed by the Chair. The treasurer will be responsible for sending semi-annual bills based on per capita assessments to the individual municipalities.

Election: All officers of BCSWA shall be elected annually by a majority of the Town representatives present as specified in Article IV above at its annual meeting.

Removal from Office: An officer may be removed by two thirds vote as specified in Article IV above, whenever, in their judgment, the best interests of the organization will be served thereby.

Vacancies: If a representative resigns or can no longer serve, the Select Board of the Town which was represented shall designate a successor within 60 days.

Term: The term of office of the officers shall be for one year and until their successors are elected and qualified. Consecutive terms are permissible.

Executive Committee: An Executive Committee shall be formed consisting of the duly elected officers (Chair, Vice-Chair, Secretary and Treasurer). The Executive Committee shall have responsibility and authority for making necessary decisions between the regular meetings of the representatives.

Advisory Committee(s): The Alliance Board may request advice from advisory committees consisting of representatives from businesses, schools and institutions on program development and implementation.

Meetings: Meetings of BCSWA shall meet at least three times per year at a time and place which shall best serve the convenience of the greatest number of representatives.

Notice and Agenda: All notices and agendas of BCSWA meetings announced in accordance with the Open Meetings Law (1 V.S.A. §§ 310-314) and sent to the Town Clerks of the member Towns for posting in town halls and on town websites at least one week in advance of regular meetings and 24 hours in advance of Special or Emergency Meetings. Meetings will also be noticed in Front Porch Forum, the News Guide, the Bennington Banner, and the Manchester Journal.

Annual Meetings: Annual meetings shall be held during April or May following the appointment or reappointment of representatives and alternates.

Special Meetings: Special Meetings of the members may be called at any time by the Chair and shall be called by the Chair or Vice-Chair, at the request of a majority of the representatives.

Emergency meetings may be called with 24 hours' notice. Notice must comply with the Open Meetings Law (1 V.S.A. §§ 310-314)

Article V. Powers and Duties

In order to accomplish the Purposes of this Interlocal contract as set forth in Article I, the powers, and duties of BCSWA shall include the following:

1. To manage the business and affairs incident to carrying out the purposes of this contract, including the authority to adopt and amend a Solid Waste Implementation Plan (SWIP), including the addition of new solid waste management facilities, by affirmative vote of a two-thirds vote as specified in Article IV.
2. To establish new programs and facilities for the management of solid waste.
3. To implement actions listed in the SWIP.

4. To enter into contracts to implement the actions in the SWIP and for the provision of solid waste management programs and services.
5. To provide solid waste management information to member municipalities, schools, businesses, institutions, property owners and residents.
6. To assist the Towns in matters concerning solid waste including, but not limited to, assistance with grant applications and administration and the procurement and management of capital equipment.
7. To promote cooperative arrangements and coordinated action among its participating municipalities.
8. To enter into contracts and agreements with partner organizations.
9. To maintain accounts and receive and disperse funds to fulfill this contract and implement the SWIP.
10. To apply for and manage grants from federal and state agencies and nonprofit organizations.
11. To hire and fix compensation of staff or contractors.
12. To carry sufficient insurance to implement the programs of the SWIP.
13. Such other powers and duties that may be granted by the Select Boards of the member Towns to manage solid waste and implement the SWIP.

Article VI. Responsibilities of Member Towns

It shall be the responsibility of the government of each municipality participating in BCSWA to do the following:

1. Appropriate sufficient funds to implement the actions specified in the SWIP.
2. Annually appoint a representative (and alternates, if desired) to BCSWA.
3. Participate in Alliance programs to educate and inform residents, schools, businesses, institutions and solid waste haulers about recycling, reuse, organics management, household hazardous waste reduction and alternatives, and environmentally acceptable waste disposal options.
4. Provide information on Alliance programs, meetings and events in town halls, web sites and social media.
5. Adopt necessary ordinances for the management of solid waste including unit-based pricing and hauler registration, and to implement those ordinances.
6. Work to provide greater shared services between the member Towns.
7. Continue to provide facilities for recycling of banned materials along with organics, textiles, batteries, and other materials for greater convenience of residents.

Article VII. Budget

The budget year of this contract shall be July 1 to June 30th. Per capita assessments shall be billed semi-annually and due upon receipt based on assessments approved by the BCSWA. Per capita assessments will be determined by November 30 for the following year. Assessments

shall be proportional based on the population from the most recent census data from the U.S. Census.

Article VIII. Limitations of Authority

The Towns that are party to this contract do not relinquish their individual control over the following areas of municipal responsibility and BCSWA is expressly forbidden to exercise the following powers:

1. The authority to tax;
2. The authority to adopt ordinances;
3. The authority to borrow money;
4. The power of eminent domain;

Article IX. Amendments

This Contract may be amended, in whole or in part, in the following manner:

1. Approval of proposed amendments shall require the affirmative vote of two thirds of the appointed representatives as described in Article IV.
2. Following that vote, any proposed amendment to this contract shall be mailed to each select board through its chair and Town Clerk, the Town Representative to BCSWA, and the alternate, at least 21 days prior to the meeting at which such amendment is to be acted upon. Notice shall include the specific language of the proposed amendment.
3. The amendment will become effective following approval of the Select Boards of all of the member Towns.

Article X. Severability

This contract and its various parts, sentences, sections, and clauses are hereby declared to be severable. If any part, sentence, section, or clause is adjudged invalid, it is hereby provided that the remainder of this contract shall not be affected.

Adopted this ____ day of _____, 20__.

Select Board Chair

Select Board

Select Board

Select Board

Select Board

Attest, Town of Bennington Town Clerk

04/27/21
01:48 pm

Town of Bennington Payroll
Overtime Report
04/24/21 - 04/29/21

Page 1 of 1

DEPARTMENT	OT HRS	GROSS AMT	OVERTIME	PRCT
TOTALS FOR DEPT 300	0.00	816.69	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	1,980.46	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	4,752.00	0.00	0.00%
TOTALS FOR DEPT 365	0.00	2,135.20	0.00	0.00%
TOTALS FOR DEPT 371	0.00	8,422.72	0.00	0.00%
TOTALS FOR DEPT 410	29.50	42,161.24	1,279.27	3.03%
TOTALS FOR DEPT 510	6.50	17,809.18	219.28	1.23%
TOTALS FOR DEPT 540	29.50	9,092.00	1,102.30	12.12%
TOTALS FOR DEPT 590	10.50	6,784.19	409.79	6.04%
TOTALS FOR DEPT 790	0.00	824.00	0.00	0.00%
REPORT TOTALS	76.00	** , *** . **	3,010.64	2.82%

04/20/21
02:47 pm

Town of Bennington Payroll
Overtime Report
04/17/21 - 04/22/21

Page 1 of 1

DEPARTMENT	OT HRS	GROSS AMT	OVERTIME	PRCT
TOTALS FOR DEPT 321	0.00	3,432.00	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	4,452.00	0.00	0.00%
TOTALS FOR DEPT 365	0.00	2,135.20	0.00	0.00%
TOTALS FOR DEPT 371	0.00	7,777.73	0.00	0.00%
TOTALS FOR DEPT 410	61.00	42,443.54	2,559.20	6.03%
TOTALS FOR DEPT 510	1.50	17,589.36	50.61	0.29%
TOTALS FOR DEPT 540	33.00	9,184.09	1,252.49	13.64%
TOTALS FOR DEPT 590	11.50	6,807.08	432.68	6.36%
TOTALS FOR DEPT 790	0.00	824.00	0.00	0.00%
REPORT TOTALS	107.00	** , *** . **	4,294.98	4.09%

04/13/21
01:14 pm

Town of Bennington Payroll
Overtime Report
04/10/21 - 04/15/21

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	3.50	3,503.02	109.41	3.12%
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	4,452.01	0.00	0.00%
TOTALS FOR DEPT 365	5.50	2,332.21	197.01	8.45%
TOTALS FOR DEPT 371	4.00	7,956.04	178.32	2.24%
TOTALS FOR DEPT 410	46.50	44,978.17	2,025.00	4.50%
TOTALS FOR DEPT 510	6.00	17,729.02	201.93	1.14%
TOTALS FOR DEPT 540	19.50	8,703.13	771.53	8.86%
TOTALS FOR DEPT 590	10.00	6,766.28	391.88	5.79%
TOTALS FOR DEPT 790	0.00	824.00	0.00	0.00%
REPORT TOTALS	95.00	** , *** . **	3,875.08	3.60%

04/06/21
01:57 pm

Town of Bennington Payroll
Overtime Report
04/03/21 - 04/08/21

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	3,393.60	0.00	0.00%
TOTALS FOR DEPT 343	0.00	1,980.45	0.00	0.00%
TOTALS FOR DEPT 344	0.00	2,123.20	0.00	0.00%
TOTALS FOR DEPT 350	0.00	2,546.00	0.00	0.00%
TOTALS FOR DEPT 362	0.00	4,452.00	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	25.75	40,758.55	1,080.74	2.65%
TOTALS FOR DEPT 450	0.00	1,125.00	0.00	0.00%
TOTALS FOR DEPT 510	0.00	17,546.51	0.00	0.00%
TOTALS FOR DEPT 540	16.00	8,568.32	636.72	7.43%
TOTALS FOR DEPT 590	13.00	6,871.06	496.66	7.23%
TOTALS FOR DEPT 790	0.00	123.60	0.00	0.00%
REPORT TOTALS	=====	=====	=====	=====
	58.75	**,***.**	2,392.44	2.32%

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's school age hub program and fitness classes for all ages are now open in Benn High. The Y is also beginning youth sports programs at Willow Park and planning summer camp registrations. I worked with Kayla on some planning for the Y's application for the Summer Grant Program, which could provide support for increased staffing, scholarships, and extra locations for summer camp. The Y will also be providing programming for children in the SVSU's summer enrichment program.

b. Bennington Outdoor Recreation Collaborative:

The Town of Bennington received a \$10,000 grant from the Vermont Community Foundation to support outdoor recreation with wayfinding signs, photography, graphic design, and print media. I am working with Jonah Spivak to redesign the recreation page on the Town's website to also be a hub for information about local recreation organizations. Cat Bryars of BCRC is working with me to develop the wayfinding signs and locations. The Workforce and Education committee members such as Department of Labor and Southwest Tech are working to connect interns with outdoor recreation organizations.

c. Appalachian Trail Community designation:

The Appalachian Trail Conservancy officially designated Bennington as an Appalachian Trail Community, which will put Bennington on the map for their marketing and promotion to AT hikers. I am on the advisory committee for the Bennington AT Community, and we are working on educational events for Bennington residents, a hiker appreciation day for AT hikers, as well as trail improvements and wayfinding. I convened the AT signage subcommittee to discuss goals and we are working with a graphics design teen intern from Southwest Tech. The AT Community Designation Ceremony for Bennington will be held via Zoom on June 3rd at 6 p.m. The planning committee has confirmed speakers and is creating the Zoom presentation for the event.

e. Recreational Facilities and Animating Infrastructure Grant:

The Town of Bennington received a Recreation Facilities grant from the State of Vermont to add 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, outdoor exercise classes, and community picnics. I also applied for an Animating Infrastructure grant that will support art installations along the fence, such as creative benches and gates, working with local artists and designers through the Vermont Arts Exchange. We just received word from the Vermont Arts Council that Bennington was one of 5 communities chosen to receive the grant of \$15,000.

f. Trolley line path:

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

Vermont Begins Here:

Eight Oh Two Marketing is continuing the digital marketing campaign to promote Bennington. We began Facebook ads to promote summer travel to Bennington. VBH blog posts promoted local maple syrup producers in March and the Bennington craft brewing scene in April.

Local Food Security:

I continue to meet with the Bennington Mellon Advisory (food security) group, as well as the planning group for the Southern Vermont Regenerative Food Network. I will also be advising 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. I met with the Regenerative Food Network and TPW Real Estate to discuss possible models for a grocery/local food market in the Putnam Block.

The Putnam market idea is gaining momentum and I applied for a Vermont Agency of Agriculture grant, Local Food in Your Community, to support business planning and website development for a market. The committee working on the market is forming a nonprofit to seek other grants for start up costs, and in the interim, the Better Bennington Corporation is acting as the fiscal agent.

Community Development Block Grants:

The Vermont Community Development Program has funded three of our Municipal Facility and Public Service program grant applications. The Berkshire Family YMCA, UCS Head Start, and Sunrise Family Resource Center will all receive grants to support Covid-19 related expenses and HVAC upgrades. The Town also received a VCDP grant for \$500,000 to support the Shire Housing Bennington Family Housing project at 300 Pleasant Street. I am still wrapping up all the paperwork required for each grant agreement and subgrant agreement along with progress reports for the Putnam Block, 219 Pleasant Street, and Bennington Rental Rehab Program. Shires Housing is also submitting a VCDP application for the Willows Mobile Home Park Sustainability Project.

Historic Preservation Grants:

I am working with Jonah Spivak of Spectrum Design on a history/recreation/arts and culture panels for a new downtown kiosk funded with an historic preservation (CLG program) grant. A Request for Proposals for the construction of the kiosk is now up on the Town's website. The kiosk will be completed and installed by August 1. I also submitted another historic preservation grant in partnership with Bennington College to put the college campus on the National Register of Historic Places, and we were awarded this \$5,000 grant.

Franklin Lane Improvement Project:

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

Municipal Planning Grant:

Bennington received a VT Department of Housing and Community Development Municipal Planning Grant to develop a re-use plan for the recently closed Energizer battery factory. The MPG award of \$22,000 will be combined with a \$20,000 state Brownfields grant to also do an environmental assessment of the property. BCRC will help the Town manage the project, conduct public outreach, and complete elements of the site and area assessment. I am on the reuse planning steering committee and the committee reviewed the proposals submitted by consultants for the Energizer Reuse Study and chose Camoin Associates, Inc. to lead the study.

Garlic Town USA:

I am on the planning committee for the Chamber's event Garlic Town, USA, which will be held in downtown Bennington on Saturday, September 4.

Soul Steps performance:

Summer planning is in full swing and there are requests coming in for performances at the Thompson family stage at Merchant's Park. John Shannahan of the BBC will be booking events at the stage, and I connected him with a group called Soul Steps that recently had a residency at MassMoCA. Soul Steps performs the African American dance tradition known as "stepping" that combines percussive movement, hip-hop rhythms, and call and response. They will be performing at the stage on June 8 from 6-8 p.m. along with Moose Jr., a family friendly jazz/rock band organized by the Vermont Arts Exchange. VAE, the Bennington Area Arts Council, Bennington Performing Arts Center and the Town of Bennington are sponsoring this fun free show for the Bennington community.

Committee and regional group involvement:

In the past month, I have met with the Berkshire Family YMCA management team, the owner of Benn High LLC, Spectrum Design, Eight Oh Two Marketing, Historic Preservation Commission, Bennington College's Mellon advisory group, Southern VT Regenerative Food Network, UCS, BCRC, M&S Development, Better Bennington Corporation, Shires Housing, Vermont Arts Exchange, Southwestern Vermont Chamber, Workforce and Education committee, AT Community advisory committee, Alliance for Community Transformations, and Energizer Reuse steering committee.

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

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

Summary of Building Permits Issued
April 2021

Construction Type	Month to date	Month to Date Volume	Year to date	Year to Date Volume
	Permit Totals		Permit Totals	
Single Family Dwelling	0	\$0.00	0	\$0.00
Duplex	0	\$0.00	0	\$0.00
Mobile Homes	0	\$0.00	0	\$0.00
Apartments	1	\$3,200,000.00	1	\$3,200,000.00
Apartment Renovations	2	\$130,000.00	6	\$246,000.00
Condominiums	0	\$0.00	0	\$0.00
Residential Renovations	1	\$10,000.00	3	\$55,000.00
Residential Additions	1	\$70,000.00	1	\$70,000.00
Commercial Construction	0	\$0.00	0	\$0.00
Commercial Renovations	3	\$841,841.00	12	\$1,437,389.00
Industrial Construction	0	\$0.00	0	\$0.00
Industrial Renovations	0	\$0.00	1	\$109,000.00
Garages	0	\$0.00	3	\$111,000.00
Sheds	5	\$15,600.00	7	\$20,054.00
Decks	6	\$62,500.00	8	\$69,600.00
Institutions	1	\$16,900.00	2	\$766,900.00
Signs	4	\$10,225.00	7	\$18,357.00
Use & Zoning	3	\$19,800,000.00	8	\$24,918,055.00
Subdivision	0	\$0.00	3	\$0.00
Home Occupation	0	\$0.00	1	\$0.00
Propane Tank/Storage Tank	0	\$0.00	0	\$0.00
Boilers/Furnaces/RTU's, A/C	0	\$0.00	0	\$0.00
Tents	0	\$0.00	0	\$0.00
Handicap Access/Ramps	1	\$4,327.00	1	\$4,327.00
Concreate Slabs	0	\$0.00	0	\$0.00
Cell Towers/Communications	0	\$0.00	0	\$0.00
Solar Installations	1	\$33,813.00	2	\$91,869.00
Camps	0	\$0.00	0	\$0.00
Withdrawn	0	\$0.00	0	\$0.00
Demolition	0	\$0.00	1	\$0.00
Total	29	\$24,195,206.00	67	\$31,117,551.00

05/03/2021

09:23 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 04/01/2021 and 04/30/2021

<i>Parcel number Land Record Book and Pages</i>	<i>Permit number</i>	<i>Owner's name Applicant's name Location</i>	<i>Permit type Cert. of Occ.</i>	<i>Decision</i>	<i>Fee paid Cost of project</i>
50535700	14-186	REIS JEFFREY L Jeffrey Reis 208 MAPLE ST Move an existing shed	Building C.O. Pending	Withdrawn 04/28/2021	35.00 500.00
50552200	19-087	BENNINGTON SCHOOL DISTRICT INC Bennington School District 128 PARK ST Art room renovation	Building C.O. Pending	Withdrawn 04/26/2021	50.00
43513000	20-121	NORTHEASTERN BAPTIST COLLEGE, Northeastern Baptist College CONVENT AV 9 - 2 family dwellings	Building C.O. Pending	Granted 04/02/2021	6,455.10 3,200,000.00
37501701	21-025	GRACE CHRISTIAN SCHOOL Northeast Baptist College 104 KOCHER DR 360 SF interior renovation to create a student	Building C.O. Pending	Granted 04/05/2021	72.00 16,900.00
58512000	21-034	GODKIN WARREN B & JOANNE Ben & Joanne Godkin 20 CENTER ST construction of a 12' x 6' deck addition	Building C.O. Pending	Granted 04/05/2021	35.00 5,500.00
50546800	21-036	VANNIXON WILLIAM L & CARL R VANNIXON WILLIAM L & CARL R 4 VALENTINE LN 900 SF interior renovations	Building C.O. Pending	Granted 04/05/2021	90.00 10,000.00
52520300	21-037	RIVERA FRANKLYN JR RIVERA FRANKLYN JR 511 BURGESS RD Construction of a 20' x 28' bedroom	Building C.O. Pending	Granted 04/08/2021	124.00 70,000.00
49512000	21-038	BABAKUS EMIN & KATHLEEN C BABAKUS EMIN & KATHLEEN C 125 CONVENT AV Construction of an 8.5' x 6' front entrance landing	Building C.O. Pending	Granted 04/08/2021	45.00 17,500.00
51516400	21-039	BECKER KURTIS F & BETH A Becker, Kurt 103 WARN ST 10' x 12' prebuilt shed placement	Building C.O. Pending	Granted 04/08/2021	35.00 4,500.00

Town of Bennington Planning and Zoning

Detailed Permit Report

<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 Date</i>	<i>Fee paid Cost of project</i>
50571100	21-040	BENNINGTON COUNTY INDUSTRIAL Bennington College 339 MAIN ST Change of Use	Building C.O. Granted	Granted 04/07/2021	50.00
30500600	21-041	NEUSCHAFER JANET NEUSCHAFER JANET 544 APPLE HILL RD Construction of a 20' x 24' deck	Building C.O. Pending	Granted 04/08/2021	92.00 30,000.00
58503200	21-045	BARRIERE DONNA LIFE ESTATE James Potter Construction 40 HARBOUR RD Construction of an 8' x 14' deck	Building C.O. Granted	Granted 04/08/2021 04/23/2021	50.00 3,500.00
50570602	21-046	BENNINGTON COUNTY INDUSTRIAL The Bennington Bookshop 109 SOUTH ST SUITE 101 2279 SF renovation for Bookstore	Building C.O. Pending Change of Use	Granted 04/08/2021	455.80 106,841.00
51533100	21-048	VERMONT HSG INITIATIVE FUND III LLC Jon Hale 701 705 MAIN ST Unit 3 Renovate of 450 SF - Unit 3	Building C.O. Pending	Granted 04/23/2021	81.00 30,000.00
57505300	21-049	WADE WESLEY A & MEGHAN M Wesley Wade 117 COULTER ST Construction of a 12' x 21' deck, 10' x 16' peroga	Building C.O. Pending & steps to patio	Granted 04/23/2021	25.00 4,000.00
50515000	21-050	DIONYSUS LLC & WKT HOLDINGS LLC DIONYSUS LLC & WKT HOLDINGS LLC 184 190 NORTH ST Change of Use for Mail Order Business	Building C.O. Granted 13 Moons	Granted 04/26/2021 04/26/2021	50.00 150,000.00
31500802	21-051	MOUNT ANTHONY UNION HS MOUNT ANTHONY UNION HS 747 EAST RD Construction of an 8' x 12' shed	Building C.O. Pending	Granted 04/19/2021	0.00 1,500.00
58515000	21-052	MAZANEC GEOFFREY A & JENNIFER L MAZANEC GEOFFREY A & JENNIFER L 20 EAST ST Construction of an 8' x 10" shed	Building C.O. Pending	Granted 04/15/2021	25.00 2,500.00
49526900	21-053	HOGELAND ANDREW S & ANNE W HOGELAND ANDREW S & ANNE W 335 ELM ST Construction of a 10' x 14' shed	Building C.O. Pending	Granted 04/15/2021	35.00 5,900.00

05/03/2021

09:23 am

Town of Bennington Planning and Zoning

Detailed Permit Report

Page 3
dmadden

<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>
09010921	21-054	DEEP MICHAEL A Michael Giorgi 91 CATAMOUNT MHP placement of an 8' x 12' pre-fab shed	Building C.O. Pending	Granted 04/26/2021	35.00 1,200.00
50570601	21-055	BENNINGTON COUNTY INDUSTRIAL Stevens & Associates C/O Katherine May 101 SOUTH ST 4505 SF interior renovations	Building C.O. Pending	Granted 04/30/2021	901.00 585,000.00
51545600	21-056	PRUE JACQUELINE R Jacqueline R Prue 714 MAIN ST Construction of a 16' x 7' overhang over existing	Building C.O. Pending	Granted 04/30/2021	60.00 2,000.00
56510200	21-057	PAYTON SHANON D & GEORGE D JR Cait Fitzpatrick 216 JEFFERSON HTS Installation of rooftop solar panels	Building C.O. Pending	Granted 04/26/2021	25.00 33,813.00
45016419	21-058	MEARS TAMMY Amramp of Vermont 200 MT VIEW RD Installation of a 70 SF wheelchair ramp	Building C.O. Pending	Granted 04/30/2021	25.00 4,327.00
56527400	21-060	MISHELL BRUCE A Bruce A Mishell 234 GRANDVIEW ST Change from 2-family to 1-family	Building C.O. Pending	Granted 04/30/2021	340.70 100,000.00
					3407 SF renovations & existing deck(s) refinished

05/03/2021

09:25 am

Town of Bennington Planning and Zoning

Detailed Permit Report

Page 1

dmadden

Permit types included: Zoning

Approval status included: Granted

Occupancy status included: Any status

Decision dates included: Between 04/01/2021 and 04/30/2021

<i>Parcel number Land Record Book and Pages</i>	<i>Permit number</i>	<i>Owner's name Applicant's name Location</i>	<i>Permit type Cert. of Occ.</i>	<i>Decision</i>	<i>Fee paid Cost of project</i>
55500100	21-043	SOUTHWESTERN VERMONT HEALTH SOUTHWESTERN VERMONT HEALTH 100 HOSPITAL DR Emergency Department Modernization	Zoning C.O. Pending	Granted 04/20/2021	800.00 19,800,000.0
02011100	21-044	GULLEY VIOLA M Estate of Viola Gulley 91 GULLEY LN Boundary Line Adjustment	Zoning C.O. Not required	Granted 04/05/2021	50.00

05/03/2021

09:24 am

Town of Bennington Planning and Zoning

Detailed Permit Report

Page 1
dmadden

Permit types included: Sign

Approval status included: Granted

Occupancy status included: Any status

Decision dates included: Between 04/01/2021 and 04/30/2021

<i>Parcel number Land Record Book and Pages</i>	<i>Permit number</i>	<i>Owner's name Applicant's name Location</i>	<i>Permit type Cert. of Occ.</i>	<i>Decision</i>	<i>Fee paid Cost of project</i>
50571100	S21-004	BENNINGTON COUNTY INDUSTRIAL VNA and Hospice of the Southwest Region 335 MAIN ST 104 3.70 SF flush mounted sign	Sign C.O. Not required	Granted 04/05/2021	20.00 300.00
50562700	S21-005	LACHANT FAMILY REALTY LLC Berkshire Sign Studio 445 MAIN ST 3 SF Projecting Sign	Sign C.O. Not required	Granted 04/21/2021	20.00 425.00
50570602	S21-006	BENNINGTON COUNTY INDUSTRIAL Berkshire Sign Studio 109 SOUTH ST 2 - 15 SF Flush-mounted signs (one/rear, one/front)	Sign C.O. Pending 1 - 6 SF Projecting Sign	Granted 04/27/2021	90.00 7,500.00
28501300	S21-007	527 NORTH LLC Saxton Sign Corp 527 N BENNINGTON RD replacing the "Bennington" sign with an 8.85 SF	Sign C.O. Not required flush-mounted "Lundgren" sign	Granted 04/29/2021	20.00 2,000.00