

M E E T I N G N O T I C E
June 28, 2021
BENNINGTON SELECT BOARD
BENNINGTON FIRE FACILITY
MULTI PURPOSE ROOM-3RD FLOOR
130 River Street
Bennington, VT 05201

A G E N D A
6:00 P.M.

If one wishes to provide comment during the meeting you may call into the meeting-Dial: 1-646 558 8656 and enter Webinar ID: 894 4878 2346 and follow the prompts.

- | | |
|---|-------------------|
| 1. Vision Statement | 6:00 PM |
| 2. Consent Agenda | |
| A. Minutes of June 14, 2021 | 6:00 PM - 6:05 PM |
| B. Warrants | |
| C. Liquor License | |
| 3. Public Comment | 6:05 PM - 6:20 PM |
| 4. Better Bennington Corporation
Workplan and Budget | 6:20 PM - 6:50 PM |
| 5. Community Policing | 6:50 PM - 7:05 PM |
| A. Creating and Maintaining Collaborative Partnerships | - 2nd Reading |
| B. NACOLE Presentation | |
| 6. Care and Control of Animals Ordinance Amendment | 7:05 PM - 7:30 PM |
| 7. Adopt Water/Sewer Budgets and Set Rates | 7:30 PM - 7:45 PM |
| 8. American Rescue Plan Act
Authorized Rep. & Funds Acceptance | 7:45 PM - 7:55 PM |
| 9. Manager's Report | 7:55 PM - 8:05 PM |
| 10. Upcoming Agenda | 8:05 PM - 8:10 PM |
| 11. Other Business | 8:10 PM - 8:20 PM |

1 **BENNINGTON SELECT BOARD**

2 **MEETING HELD REMOTELY VIA ZOOM**

3 **BENNINGTON, VERMONT 05201**

4 **JUNE 14, 2021**

5 **MINUTES**

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

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

9 **ALSO PRESENT BY VIDEOCONFERENCE:** Stuart Hurd-Town Manager; Dan Monks-Assistant
10 Town Manager; Shannon Barsotti-Community Development Director; Dr. Trey Dobson-Chief
11 Medical Officer-SVMC and Megan Herrington-Vermont Department of Health District
12 Director(COVID Update); Dare Chammings-Director, Glauke Coojmans-Alysa Irizarry-Alliance for
13 Community Transformation, Colin Joyce, Lucy Poole, and Thomas Saunders(ACT Youth
14 Leadership Group); Stephanie Lane-Executive Director Shires Housing, David Riegel-Executive
15 Director Vermont Foundation of Recovery, Jeff Moreau-Executive Director Vermont Alliance for
16 Recovery Residences; Ralph Bennett-Turning Point, John Rogers-Vermont Foundation of
17 Recovery and Mission City Church, Alex Figueroa-SVMC(Recovery Housing); Josh Boucher-CAT-
18 TV; and Nancy H. Lively-Secretary.

19 **PUBLIC CALL INS:** Lon McClintock; Jackie Kelly; Mike Bethel; and Nancy White.

20 At 6:00pm, Chair Jeannie Jenkins called the meeting to order and explained that, due to
21 the COVID-19 Pandemic State of Emergency declared by Governor Scott, and pursuant to
22 Addendum 6 to Executive Order 01-20, Act 92, this public body is authorized to meet
23 electronically. There is no physical location to attend this meeting. Members of the public are
24 encouraged to watch the meeting on CAT-TV Channel 1085 or on CAT-TV Facebook Live. If one
25 wishes to participate you can also join the meeting as by clicking on the Zoom link on the
26 Town's website <https://us02web.zoom.us/j/89448782346> or dial in at 646-558-8656 and enter
27 the meeting ID 89448782346. Zoom attendees can attend but to speak you must use the raised
28 hand function, and if you're on the telephone, the raise hand function is by pressing *9. When
29 prompted to unmute yourself hit *6. When you speak, please state your name and town of
30 residence. The call in information will be periodically posted on the screen and the process for
31 calling in explained. If technology fails us, the meeting will be continued at a time and place to
32 be determined and all votes that are not unanimous will be done with a roll call vote in
33 accordance with the law.

34 **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 MAY 10, 2021, MAY 24, 2021, AND JUNE 7, 2021

B. WARRANTS

C. PROCLAMATION - APPALACHIAN TRAIL COMMUNITY

Bruce Lee-Clark moved and Jeanne Conner seconded to approve the Consent Agenda with the Minutes of May 24, 2021 amended as follows:

Minutes of May 24, 2021 - Line 363, Change "Red" to "Rec"

Ms. Jenkins stated that there was a Zoom Celebration on June 3, 2021 that explained the history of the Appalachian Trail with comments from various individuals where Ms. Jenkins ceremonially signed the Proclamation that designated Bennington as an Appalachian Trail Community. Much work by many people has brought this to fruition. Ms. Conner read the Proclamation as presented.

The motion carried unanimously.

3. COVID UPDATE

Dr. Trey Dobson-Chief Medical Officer-SVMC and Megan Herrington-Vermont Department of Health District Director did the following presentation:

- Vermont has reached 80% of those eligible that have gotten their first does of the vaccine with Bennington County at 75.6%.
- The risk of COVID is still high so efforts should be made to get the unvaccinated people vaccinated.
- It is unlikely that vaccinating school children will be mandated.
- Those vaccinated should feel comfortable not wearing a mask and co-mingling.
- Vaccines are available from 8:00am-5:00pm at Express Care 7 days/week for 12 year olds and above. Many primary care offices have expressed an interest in providing the vaccine.
- Testing currently requires an appointment but we are striving to maintain 7 days/week testing in our walk-in clinic without an appointment going forward.

Board questions/comments answered by Dr. Dobson and Ms. Herrington:

67 Mr. Carroll: Don't schools mandate other vaccinations? Yes, public schools by State declaration
68 which we don't have for COVID 19. Private schools can require it.

69 Mr. Carroll: Has the vaccine been brought to those at work if they cannot make the hours
70 available? Yes, we have gone to Mack Molding, local hotels, apartment complexes, and others.

71 Ms. Jenkins: What is considered safe in this changing landscape? The recommendation is that
72 the vaccinated do not need to wear masks or social distancing but can mask if they feel more
73 comfortable doing so. And, the unvaccinated can be "asked" to mask without being too
74 concerned whether they do or not. "That is part of living, like you don't know if someone is
75 carrying a firearm next to you."

76 Ms. Conner: Will doctors be testing for COVID if a respiratory condition occurs in the future?
77 We will most likely be testing for COVID and the flu.

78 4. PUBLIC COMMENT

79 Ms. Jenkins read the following Public Comment Practices to make the experience for all
80 involved a productive and informative use of the Public Comment period at Select Board
81 meetings:

- 82 1. Public Comment is to allow residents an opportunity to share information or
83 make announcements that benefit the community at large.
- 84 2. The topic should **not** be related to an agenda item. If a member of the public
85 wants to comment on an agenda item they can do so during the discussion of
86 that item.
- 87 3. Comments should be 3 minutes or less.
- 88 4. You are required to state your name and town of residence.
- 89 5. Sharing comments, announcements and concerns are encouraged rather than
90 asking questions. Public Comment is not a time for discussion. If you have
91 specific questions it is best to call the Town Manager to get a full explanation
92 and accurate information.
- 93 6. If the topic requires much discussion the item will be considered as an agenda
94 item at a future meeting.

95 There were no Public Comments.

96 5. ACT YOUTH LEADERSHIP GROUP COMMUNITY DIALOGUE

97 Dare Chammings-Director, Glauke Coojmans, Alysa Irizarry-Alliance for Community
98 Transformation, and Middle School students Colin Joyce, Lucy Poole, and Thomas Saunders did
99 the following presentation:

- 100 • The Leadership Group is a collaboration between the Alliance for Community
101 Transformation (ACT) and the Mt. Anthony Middle School.

- The students involved in this were attending classes entirely remotely this past year.
- They have used the data from the 2019 Youth Risk Survey to launch action campaigns around youth substance use and suicide prevention. This survey is done every two years.
- These two areas are often overlooked by adults and they wanted a voice in both their town community and their school community, as well as, meeting with others that had like ideas to help those that may feel they have no place to turn.
- Their purpose is to decrease the number of middle schoolers involved in substance use and considering suicide.
- Peer to peer is a very successful approach.
- Our strengths are:
 - 83% of students eat with at least 1 adult family member 4 times/week.
 - 70% of students feel there is at least one teacher or adult in the building that they can talk to with a problem.
 - 89%-90% of parents would not agree that their children are using alcohol.
 - 90% of students in Bennington County chose not to use vape products in the past month.
- Where we need to do better:
 - 10% of middle schoolers have ever used mail order products.
 - 25% of middle schoolers have felt sad or hopeless.
 - 50% of LGBTQ+ middle schoolers have thought about killing themselves.
- We have posted a social media campaign with a motivational image every Friday which has gotten positive responses from everyone.
- Our Sunshine Box will bring a little bit of happiness now when everything seems so different and negative.
- The Sunshine Box goes to students once a month - with a different theme each month - to those who have signed up online. The boxes were handed out to the students in their classrooms. Last month ~90 students received a Box.

Board questions/comments answered by the presenters:

Ms. Conner: Kudos to the middle schoolers for their wisdom.

Mr. Lee-Clark: What steps are being taken to address the 50% of LGBTQ+ that have considered suicide? Making those students aware that they have support, we're here for them, and making sure that resources are available to them.

Mr. Lee-Clark: What is the best way to get the Youth Risk Survey? All past surveys are on the Vermont Department of Health website. The 2021 Survey was delayed so it will be done in the fall.

6. PUBLIC HEARING - RECOVERY HOUSING PRESENTATION

177 Mr. Carroll: What are the SPOKES of the HUB? SAVITA and any primary doctor in town is a
178 SPOKE.

179 Mr. Carroll: Added that compassion is what motivates everyone to help those that are addicted.

180 Mr. Corey: Thanked everyone for their work. Would both the men and women come through
181 Turning Point? Would Bennington residents be prioritized? We would not exclude anyone
182 because they did not come through Turning Point and participants are placed where the
183 experience will best fit their needs, which may not be in a house in their town of residence.

184 Ms. Perrin: Thanked everyone for their work. Is it possible to submit the application without
185 indicating the address of the housing until the community has learned more about this? Yes, it
186 is possible to eliminate the addresses, however, we want to be transparent about what we're
187 doing and where we're doing it.

188 Ms. Perrin: Are there examples of where recovery housing would be near a rec center? Yes, it is
189 important to have these houses blend into the community and be near services since their
190 residents may not have transportation. There is a grievance and appeal process for the
191 neighbors, as well as, a good neighbor policy for the participants, which if not adhered to, could
192 lose the house their certification. No participants are placed in recovery housing that have a
193 history of arson or are on the sex offender list.

194 *Public comments/questions answered by the presenters:*

195 Lon McClintock: Owns the Squires House with Nora Parsons, and shared his personal
196 experiences with alcoholism and the importance of recovery housing to transition back into the
197 community with a new identity and meaningful relationships.

198 Dare Chammings: Will children be living in the houses? Yes, children could live in the women's
199 facility and children can visit in the men's facility. It involves many layers to have children living
200 in the houses plus it is important for the participants to focus on their own recovery and
201 introduce family members later.

202 Jackie Kelly: By placing the houses in the downtown, aren't you putting them next to the
203 sources of their addictions? The recovery process is peer supported and connections so the
204 participants are surrounded by those in long term recovery regardless of the street that they're
205 on so people can be successful in their recovery. Why is the Town's relationship always with
206 Shires Housing and don't other housing businesses bid on these projects? Ms. Barsotti stated
207 because the State is looking for experienced housing developers and Shires Housing is generally
208 the only one we have in town at this time. Mr. Hurd added that the Town doesn't go out to bid
209 on these projects - those interested in doing these projects come to us as the money has to
210 flow through the Town.

211 Mike Bethel: After hearing tonight's presentation, has changed his mind on the projects and
212 suggested that another presentation be done at an in-person Select Board meeting. Will Shires

213 Housing be there to help people transition out of the recovery housing into community
214 housing? Yes, we will be part of the long term solution. There are grants available if someone
215 needs financial assistance along with several other organizations that will be part of the
216 transition.

217 Nancy White: Will there be staffing 24/7? There won't be staffing present in the Squires House
218 24/7 because these are people's homes with a home environment, however, there is staff
219 available 24/7 if needed. And, there will be a live-in house manager at Gage Street.

220 Why isn't Turning Point running both houses? We are all working as a team so there is local and
221 state presence everywhere.

222 Will out-of-state individuals be placed in the houses? Yes, people can apply from other states
223 but placement is on a case-by-case basis.

224 ***Bruce Lee-Clark moved and Tom Haley seconded to approve the application to the***
225 ***Vermont Community Development Program for funding of Recovery Housing at 185 North***
226 ***Street and 612 Gage Street as submitted and authorize the Chair to sign the Resolution on***
227 ***behalf of the Board.***

228 Ms. Perrin is in favor of the first application for \$500,000 for the purchase of a property
229 in Bennington for use of Recovery Housing for male participants at the Turning Point centers
230 and possibly having community members weigh in on the location.

231 ***The motion carried with Sarah Perrin opposed.***

232 Ms. Perrin was hesitant to vote against the motion but wanted community members to
233 weigh in on the location.

234 **7. COMMUNITY POLICING**

235 **1. CREATING AND MAINTAINING COLLABORATIVE PARTNERSHIPS - 1ST READING**

236 Mr. Lee-Clark reviewed the following:

- 237 ○ II POLICY, Page 2, B. Line 10, Change "institution." to "institution. The MOU shall
238 thoroughly address and carefully describe the specific roles and responsibilities
239 of the particular "partners."
- 240 ○ III DEFINITIONS, Page 3, B. Line 7, Change, "time." to "time. The use of the terms
241 "partnership" and "equal partners" is not intended to create expectations of a
242 legal relationship that does not accurately reflect the statutory duties and
243 powers of a police department and sworn officers."
- 244 ○ We are making policy for the Police Department saying that they need to be in
245 partnership with other community agencies and there is a particular way to pull
246 that off.
- 247 ○ Send any comments or typos to Mr. Lee-Clark by 6/22/21.

2. SAFETY AND EQUITY COMMITTEE PROPOSAL

Ms. Jenkins stated the following:

- ✓ This is a revised proposal that 15 different individuals or organizations weighed in on.
- ✓ The proposal is for up to 11 community members who will develop the details for the Town's Safety and Equity Decision-Making Board with four areas of focus.
- ✓ The areas of focus are:
 - Recommendations on Training and Collaboration
 - Policy and Procedures
 - Review of Complaints
 - Data Analysis
- ✓ The Community Policing Task Force has done a lot of reading and talked to many organizations, such as - IACP; Attorney General's Civil Rights Division; NACOLE; Vermont Partnership for Fairness and Diversity; Vermont State Police, as well as, with many different communities, such as - Ferguson, Missouri; Athens, Georgia; and several in Vermont.
- ✓ The 6-month window includes everything from the training through the recommendations submitted to the Select Board.
- ✓ If the Proposal and NACOLE Scope of Work are approved tonight we plan to meet with NACOLE on July 15th.

Board comments/question answered by Ms. Jenkins:

Ms. Conner: Added that the time frame from July 15th to May is a long time but our goal is to get it right, not get it fast.

Ms. Perrin: Will we get the citizen comments? They are in the online packet but were not included in the paper packet. All comments were addressed.

Ms. Perrin: Is concerned that the required 7.5 hours of criminal justice training will exclude some people. We were told by every community that everyone must understand how the criminal justice system works. The 7.5 hours is in 3 separate trainings with some on Zoom and some in person.

Ms. Perrin: Will the July 15th training be in person? It is a possibility but would only be with our Cambridge trainer unless we wait until August to also have the Indianapolis trainer present. There are dollars in the NACOLE agreement for travel but Indianapolis seems to be out of our price range.

Mr. Haley: Is concerned that we may still not be including a segment of our population - will we be addressing that? The Task Force is self-organizing and working together, so their first task would be to schedule their meetings to accommodate everyone. Mr. Lee-Clark added that the Board will be naming the people that will be on the Task Force and feels that we could make it

284 possible for everyone named to participate. Ms. Conner noted that the Task Force could make
285 it possible for someone to participate without being on the Task Force, itself.

286 Mr. Carroll: Couldn't there be some accommodation with Zoom? Yes, that's a good suggestion.

287 3. NACOLE SCOPE OF WORK

288 Ms. Conner stated the following:

- 289 ✓ The NACOLE Scope of Work is included in the Select Board materials on the Town's
290 website.
- 291 ✓ NACOLE = National Association for Civilian Oversight of Law Enforcement.
- 292 ✓ Their Scope of Work is:
 - 293 1. Formulate and deliver a one-hour initial training program for Town of Bennington,
294 Vermont on July 15th that is for anyone that wants to attend.
 - 295 2. Formulate and deliver a six-hour training program for Town of Bennington, Vermont's
296 Task Force to Develop Civilian Oversight of Law Enforcement.
 - 297 3. Provide up to 16 hours of support and assistance to Task Force members working to
298 establish recommendations for a civilian oversight mechanism for the Town of
299 Bennington.
- 300 ✓ The fee for the Scope of Work is \$8,575.
- 301 ✓ Included within the \$8,575 is \$2,375 for 5 in-person trips. We will not pay for any trips
302 that do not take place.
- 303 ✓ They are a national organization that comes with experience with communities that
304 have stumbled through the process so we will benefit from not having to stumble, as
305 well.

306 *Bruce Lee-Clark moved and Jim Carroll seconded to approve the Task Force Proposal*
307 *and the NACOLE Scope of Work as presented.*

308 Mr. Lee-Clark stated that NACOLE has come highly recommended by every other
309 organization that he has spoken to.

310 *The motion carried unanimously.*

311 8. COMMUNICATIONS COORDINATOR POSITION

312 Ms. Jenkins explained that we have split out the website upgrade re-do piece from the
313 now named Communications Coordinator position which was previously named Public
314 Relations.

315 Mr. Hurd added that this position will help us improve our communication abilities and
316 wants to hire this individual before we do the website upgrade.

317 *Board comments/questions answered by Mr. Hurd:*

318 Ms. Conner: Should the Communications Coordinator not only create regular social media
319 postings but monitor what people are posting, as well? Ms. Barsotti noted that we already have
320 staff that are doing that. And, Mr. Hurd added that this position would be taking in all of the
321 questions that the staff person has raised.

322 Mr. Corey: Do you think this position requires a full time person? Yes. We currently contract for
323 management of the Police website, the Town's website, the Planning and Zoning website, and
324 the Town Clerk website. We also have current staff taking in all of the questions that need to
325 be addressed and this position would be getting the information from all departments in a
326 more timely fashion.

327 Mr. Corey: Will the funds come from current staff that are doing this job? We will be paying this
328 person from excess funds from our Recreation budget for operating supplies that have not
329 been utilized. Current staff have been performing every added responsibility that has been
330 asked of them over the years without additional compensation. Taxes will not be raised to pay
331 for this position now, or in future years.

332 Mr. Haley: Many people don't realize what is involved in this day and age with this type of work
333 and to keep loading it onto existing staff is not correct. One person gives us a single voice and
334 accountability. He is in favor of the changes that have been made to the position.

335 Mr. Carroll: This will eliminate much of the criticism of the Town Office.

336 Ms. Conner: It makes perfect sense to hire someone specifically for this position than to keep
337 asking others to do what they weren't hired to do.

338 Ms. Perrin: Sees the position as being helpful, it should be a part time or job share position, and
339 doesn't feel that it should come from the Rec Center budget. Mr. Hurd explained that the
340 funds will be coming from unused dollars in the Rec Center budget during FY21. In FY22, this
341 position will be part of the Community Development Department budget shown as additional
342 personnel.

343 Ms. Perrin: Feels the extra dollars in the Rec Center budget should go for Rec Center growth,
344 and Ms. Barsotti noted that those dollars were not used because we have a contract with the
345 YMCA and our recreational growth is through them.

346 Mr. Lee-Clark: You get the best candidate for a full time job, not a part time job. We need to
347 give this our full support now because we will know soon enough if this is money well spent.

348 *Tom Haley moved and Bruce Lee-Clark seconded to approve the Communications*
349 *Coordinator position as proposed. The motion carried with Sarah Perrin opposed.*

350 Ms. Perrin supports the position but would like to see it a job share or part time.

351 **9. MASK RESOLUTION RESCISSION**

Ms. Jenkins stated that the Mask Resolution put into place in May and June 2020 is moot because the Governor has lifted the State of Emergency. No Board action is needed.

10. BOARDS & COMMISSIONS APPOINTMENTS

Jeanne Conner moved and Bruce Lee-Clark seconded to approve the following appointments to the 2021 Boards and Commissions:

<i>Development Review Board</i>	<i>Charles Copp</i>	<i>3 year term</i>
	<i>Catherine Bryars</i>	<i>3 year term</i>
	<i>Robert Ebert</i>	<i>1 year Alternate seat</i>
<i>Historic Preservation</i>	<i>Anne Bugbee</i>	<i>3 year term</i>
	<i>Mike McDonough</i>	<i>3 year term</i>
	<i>Sarah Krinsky</i>	<i>3 year term</i>
	<i>Robert Tegart</i>	<i>3 year term</i>
	<i>Neil Ritter</i>	<i>3 year term</i>
<i>Housing Authority</i>	<i>Rosemary Morrison</i>	<i>5 year term</i>
<i>Planning Commission</i>	<i>Mike McDonough</i>	<i>4 year term</i>
	<i>Bruce Lierman</i>	<i>4 year term</i>
<i>Energy Committee</i>	<i>Al Bashevkin</i>	<i>2 year term</i>
	<i>Deanna Oakes</i>	<i>2 year term</i>
	<i>Michael Kuser</i>	<i>2 year term</i>
	<i>Bill Christian</i>	<i>3 year term (to begin</i>
<i>when</i>		<i>officially a resident)</i>
	<i>Bill Karis</i>	<i>3 year term</i>
	<i>Bruce Lierman</i>	<i>3 year term</i>
<i>Regional Commission</i>	<i>Donald Campbell</i>	<i>2 year term</i>
<i>Bennington Free Library Town Liaison</i>	<i>Tom Haley</i>	<i>1 year term, non-</i>
<i>voting</i>		
<i>Better Bennington Corp. Town Liaison</i>	<i>Jeannie Jenkins</i>	<i>1 year term, non-</i>
<i>voting</i>		

415 **13. OTHER BUSINESS**

416 Mr. Lee-Clark: Reminded everyone that you can still get fluorescent home numbers for
417 \$3.00/number by calling the Bennington Fire Department.

418 Ms. Conner: Curtiss Reed, Executive Director of Vermont Partnership for Fairness and Diversity,
419 who has worked with the Town for nearly 2 years, received an Honorary Degree from
420 Middlebury for his work in Civil Rights in Vermont. They stated that "He is a champion in equity
421 and inclusion."

422 Mr. Haley: Noted that CAT-TV either won or were nominated for the Unsung Heroes Award for
423 their work during COVID. Kudos to CAT-TV.

424 Mr. Carroll: Spoke to the success and fun that is had at the Splash Pad.

425 Ms. Jenkins: Noted that the first event at the Splash Pad was excellent with the performances
426 by Soul Steps, the Vermont Arts Exchange band, and the flow dancer. Also, thanks to CAT-TV
427 for their coverage of a 3 ½ hour meeting this evening.

428 Ms. Perrin: Encouraged everyone to be kind to each other during our next in-person meeting.

429

430 *At 9:26pm, Sarah Perrin moved and Bruce Lee-Clark seconded the adjournment of the*
431 *meeting. The motion carried unanimously.*

432

433

434

435

436 Respectfully submitted,

437 Nancy H. Lively

438 Secretary

439

FIRST/SECOND/THIRD CLASS LIQUOR LICENSE AND TOBACCO APPLICATION

(License year is May 1ST through April 30TH of the following year)

SC Distillation LLC

Print Name of Person, Partnership, Corp., Club or LLC

Village Garage Distillery

Doing Business as – Trade Name

39 Maryland Ave Armonk NY 10504

Street

Bennington, VT 05201

Town or City & Zip Code

802 771 3073

Telephone Number

Mailing Address (if different from above)

Email address: regcomp@villagegarage.com

APPLICATION FEES:

FIRST CLASS LICENSE - \$115.00 to DLC and \$115.00 to Town/City

SECOND CLASS LICENSE- \$70.00 to DLC and \$70.00 to Town/City

SECOND CLASS RETAIL DELIVERY PERMIT - \$100.00 to DLC

THIRD CLASS LICENSE - \$1,095 for a full year to DLC
\$550 for 6 or fewer months to DLC

TOBACCO LICENSE- (there is no application fee for tobacco if
applying for second class)

TOBACCO ENDORSEMENT PERMIT - \$50.00 to DLC

**If applying for Tobacco only license, please use the Tobacco Only form.*

Please check appropriate categories

☒ FIRST CLASS

☐ SECOND CLASS

☒ THIRD CLASS

☐ TOBACCO

☐ Retail Delivery Permit

☐ Tobacco Endorsement

☒ Restaurant

☐ Hotel

☐ Club

☐ Commercial Kitchen (a Liquor Control Commercial
Caterer's License is needed with this license)

TO THE CONTROL COMMISSIONERS OF THE TOWN/CITY OF Bennington

Application is hereby made for a license to sell malt and vinous beverages under and in accordance with Title 7, Vermont Statutes Annotated, as amended, and certify that all statements, information and answers to questions herein contained are true; and in consideration of such license being granted do promise and agree to comply with all local and state laws; and to comply with all regulations made and promulgated by the Board of Liquor and Lottery. Upon hearing, the Board of Liquor and Lottery may, in its discretion, suspend or revoke such license whenever it may determine that the law or any regulations of the Board of Liquor and Lottery have been violated, or that any statement, information or answers herein contained are false.



Better Bennington Corporation

Budget and Work Plan Presentation to the Bennington Select Board

Monday, June 28, 2021

To: Members of the Select Board
Town Manager
Assist. Manager and Planning Director
Community Development Director:

The Better Bennington Corporation and its Board of Directors is pleased to present its 2021-2022 Work Plans and Budget. This is in prelude to the presentation we will be making to the Board at Monday's meeting. In spite of the crisis we all have been living through, our presentation comes at a time of re-awakening and progress. No where can that be felt more tangibly than in our downtown. Visions conceived before the pandemic have withstood this challenging time and have emerged intact ready to impact Bennington for years to come.

The list is well known but bears repeating – of course at the heart of it all, the reimagining of the Putnam, the long hoped for redevelopment of the former Ben-Hi, the Rec Center expansion and re-programing, distilleries and restaurants, new and expanded businesses, 336, the Splash Pad, and more in the pipeline. Despite the pain, we are living in a very exciting time for Bennington.

Our budget and work plans reflect this reality. The budget is proposed to be held stable with a small cost of living increase. We believe our work plans reflect and respond to Bennington Downtown's new energy, focusing on ways to build on this success and utilize the support which is available through traditional and new state programs.

Our long-time director, John Shannahan, has guided the BBC to and through all this. John has taken a medical leave, and Michael McDonough has been appointed interim director. The BBC is using this period to analyze its mission and the manner in which that mission is executed, both internally and within the community. This analysis is centered on our "New Downtown" which is unfolding. in no small measure based on the work we all have been doing for a very long time to foster this new vitality. John will play a key role in this conversation. We do not anticipate any disruption in the day-to-day operations of the BBC and its interactions with our partners.

We look forward to our presentation which will communicate the challenges which the BBC has faced, the support it has provided to our downtown community, and the efforts we are planning to build on Bennington's newfound successes.

Better Bennington Corporation
Annual Budget
July 2021 through June 2022

														TOTAL
Income/Expense	Jul 21	Aug 21	Sep 21	Oct 21	Nov 21	Dec 21	Jan 22	Feb 22	Mar 22	Apr 22	May 22	Jun 22	Jul 21 - Jun 22	
Income														
000-00 Operating Income Misc.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
-01 Membership Dues	450.00	350.00	275.00	400.00	325.00	250.00	150.00	150.00	150.00	300.00	200.00	300.00	3,300.00	
-02 Downt. Improvement Dist. Funding	6,835.51	6,835.51	6,835.51	6,835.51	6,835.51	6,835.51	6,835.51	6,835.51	6,835.51	6,835.51	6,835.51	6,835.51	82,026.12	
-03 Sponsorships	0.00	0.00	0.00	345.00	0.00	0.00	0.00	0.00	0.00	0.00	1,500.00	0.00	1,845.00	
-04 Grants	0.00	8,000.00	6,000.00	0.00	5,000.00	5,000.00	0.00	0.00	0.00	0.00	0.00	0.00	24,000.00	
Total Funding Income	7,285.51	15,185.51	13,110.51	7,580.51	12,160.51	12,085.51	6,985.51	6,985.51	6,985.51	7,135.51	8,535.51	7,135.51	111,171.12	
200-00 Events Income Misc.														
-01 Midnight Madness Inc.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
-02 Small Business Saturday Inc.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
-04 Arts Event Inc.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
-05 Fallapalooza Inc.	0.00	0.00	150.00	375.00	250.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	775.00	
-07 Mayfest Inc.	0.00	0.00	0.00	0.00	0.00	0.00	2,750.00	1,800.00	2,300.00	2,200.00	1,600.00	650.00	11,300.00	
-08 Roundtables Inc.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
-12 Annual Meeting Inc.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	675.00	0.00	0.00	0.00	0.00	675.00	
Total Event Income	0.00	0.00	150.00	375.00	250.00	0.00	2,750.00	2,475.00	2,300.00	2,200.00	1,600.00	650.00	12,750.00	
TOTAL ALL INCOME														
	7,285.51	15,185.51	13,260.51	7,955.51	12,410.51	12,085.51	9,735.51	9,460.51	9,285.51	9,335.51	10,135.51	7,785.51	123,921.12	
Expense														
3000-00 Payroll Expense Misc.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
-01 Salaries	5,115.00	7,672.47	5,115.00	5,115.00	7,672.47	5,115.00	5,115.00	7,672.47	5,115.00	5,115.00	5,115.00	5,115.00	69,052.41	
-02 Payroll Taxes	1,167.60	390.37	390.37	1,066.05	390.37	390.37	1,066.05	390.37	390.37	1,066.05	390.37	390.37	7,488.71	
-03 Health Insurance	625.00	625.00	625.00	625.00	625.00	625.00	625.00	625.00	625.00	625.00	625.00	625.00	7,500.00	
-04 Workers Comp	115.00	115.00	115.00	115.00	115.00	115.00	115.00	115.00	115.00	115.00	115.00	115.00	1,360.00	
Total Payroll Expense	7,022.60	8,802.84	6,245.37	6,921.05	8,802.84	6,245.37	6,921.05	8,802.84	6,245.37	6,921.05	6,245.37	6,245.37	85,421.12	
3100-00 Program Expense Misc.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
-01 Window Works Exp.	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	300.00	
-06 Downtown Dollars Exp.	50.00	50.00	75.00	50.00	50.00	500.00	75.00	50.00	50.00	75.00	75.00	50.00	1,150.00	

Better Bennington Corporation
Annual Budget
July 2021 through June 2022

TOTAL													
Income/Expense	Jul 21	Aug 21	Sep 21	Oct 21	Nov 21	Dec 21	Jan 22	Feb 22	Mar 22	Apr 22	May 22	Jun 22	Jul 21 - Jun 22
-07 Streetscape Exp.	200.00	250.00	150.00	250.00	200.00	250.00	100.00	100.00	100.00	250.00	200.00	250.00	2,300.00
-08 Pop-Up Shops	500.00	0.00	0.00	500.00	0.00	0.00	0.00	500.00	0.00	0.00	0.00	500.00	2,000.00
Total Program Expense	775.00	325.00	250.00	825.00	275.00	775.00	200.00	675.00	175.00	350.00	300.00	825.00	5,750.00
1200-00 Events Expense Misc.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
-01 Midnight Madness Exp.	250.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	250.00
-02 Holiday Season Events Exp.	0.00	0.00	0.00	0.00	150.00	200.00	225.00	0.00	0.00	0.00	0.00	0.00	575.00
-04 Arts Events Exp.	0.00	1,200.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,200.00
-05 Fallapalooza Exp.	0.00	0.00	0.00	475.00	250.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	725.00
-07 Mayfest Exp.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,150.00	1,900.00	3,050.00
-08 Roundtables Exp.	0.00	45.00	0.00	0.00	45.00	0.00	0.00	45.00	0.00	0.00	45.00	0.00	180.00
-12 Annual Meeting Exp.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,245.00	0.00	0.00	0.00	0.00	1,245.00
	250.00	1,245.00	0.00	475.00	445.00	200.00	225.00	1,290.00	0.00	0.00	1,195.00	1,900.00	7,225.00
3300 -01 Midnight Madness A&P	150.00	200.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	350.00
-02 Holiday Season A&P	0.00	0.00	0.00	0.00	250.00	200.00	0.00	0.00	0.00	0.00	0.00	0.00	450.00
-04 Arts Event A&P	100.00	150.00	100.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	450.00
-05 Fallapalooza A&P	0.00	0.00	0.00	200.00	150.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	350.00
-07 Mayfest A&P	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	475.00	345.00	820.00
-12 Co-op Advertising A&P	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	600.00	0.00	0.00	0.00	600.00
-16 BBC A&P	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
-17 Websites Exp.	100.00	100.00	130.00	250.00	250.00	100.00	330.00	185.00	175.00	100.00	1,000.00	100.00	2,820.00
-18 Kiosk Expense	0.00	125.00	125.00	0.00	125.00	0.00	0.00	0.00	0.00	0.00	125.00	0.00	500.00
Total Marketing Expense	350.00	575.00	355.00	550.00	775.00	300.00	330.00	185.00	775.00	100.00	1,600.00	445.00	6,340.00
5400 -01 General Liability	160.00	160.00	160.00	160.00	160.00	160.00	160.00	160.00	160.00	160.00	160.00	160.00	1,920.00
-02 D&O Ins.	90.00	90.00	90.00	90.00	90.00	90.00	90.00	90.00	90.00	90.00	90.00	90.00	1,080.00
-04 Office Supplies	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	360.00
-06 Copier Rental & Service	72.00	150.00	72.00	140.00	72.00	72.00	72.00	72.00	250.00	72.00	320.00	72.00	1,436.00
-07 Telephone & Internet	135.00	135.00	135.00	135.00	135.00	135.00	135.00	135.00	135.00	135.00	135.00	135.00	1,620.00
-09 Printing	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
-10 Postage	0.00	50.00	0.00	50.00	0.00	50.00	0.00	0.00	0.00	50.00	0.00	50.00	250.00

TOTAL

Page 3 of 3

Ranking	Initiative	Ntn'l Main Street	Notes	Person(s) Responsible	Start Date	Target Date	Measure of Success
PRIORITIES:							
1	SPARC	physical improvements	Spaces Parks, Art Recreation, Community	committee	January	on-going	continued improvements to public spaces
	Park at 336	Completion and Recognition	Gate lock, story/donor panel, reg. signs, landscaping, assess installation at west wall	committee	March	22-Jun	lock, signs/landscaping installed (tree), west wall assessed and designed.
	Riverwalk Assessment	Physical Improvements	Planning and advocacy for 5 year improvement plan	committee	June	Dec	Enhancements and improvement for increased identity and use
	Future Targeted Areas for Development	Identify, Expanded Use, Improvements	Library Park, Church Mini-Park, Putnam Plaza	Committee, Ownership	July	Nov	Enhancements and improvement for increased identity and use
	2 DOWNTOWN ENVIRONMENT						
	Pedestrian Spaces	Identify, Expanded Use, Improvements	assess areas for redesign: Franklin Lane, alleyways, Putnam Sq. streetscape, furnishings	committee, Town, BRG	January	Aug	rethink how new downtown environment will utilize public spaces
	Putnam Square Kiosk, Mini Kiosks and Wayfinding		identify additional informational signage	committee, Community Development	January	Dec	improved informational and instructional signage
	Better Places Grants	physical enhancements	winter lights, banners, BIB, flags, etc...	Committee, BBC	March	May	plan in place to apply for grant
	Downtown Transportation Grants		Provide input on projects to be selected and grant application	Comm. & Town's Community Dev. Office	Sept	Dec	proposal made to town
ONGOING:							
1	BIB and Street Furnishings	planning and design	continue to work with town on layout and improvements	committee, BIB, town staff	Feb	on-going	
3	Awards Program/Community Accomplishments	partnerships	Provide recommendations to Organization Committee, promote downtown development	Committee	January	June	improvements to be recognized and development recognized

Ranking	Initiative	4 Point Approach	Notes	Person(s) Responsible	Start Date	Target Date	Measure of Success
PRIORITIES:							
1	Putnam project	New Economic Uses	Make connection and build working relationship	Committee	Jan	22-Jun	downtown improvements enhance the new project
	member communication	Partnerships	members will need access to info this year more than ever	Committee	Jan	22-Jun	additional member input on decision making
	Grand Openings / Celebrations	Recruitment and Retention	Help members start off solid	Committee	Jan	22-Jun	
ONGOING:							
1	TIF: Bonding support	New Economic Uses	Work with town to educate community	Committee	July	as needed	completed project
2	Zoom Meetings to stay connected	Recruitment & Retention	Schedule, plan, and host	Committee	Apr	22-Jun	ongoing roundtables
3	PROMOTE DOWNTOWN VITALITY THROUGH:						
	a- New Business introduction policy	Recruitment & Retention	Distribute a professional welcome packet, invite new businesses to Board meeting	Committee / Staff	Jan	on-going	Updated packet for distribution, invitations to new businesses to attend a Board meeting
	b- Promote financial incentives to merchants	Financial Incentives	Encourage merchants to take advantage of loan and grant programs	Committee	Jan	on-going	Increase in the number of loans/grants utilized downtown
	c - Active partnerships with Economic Development entities in Bennington	Partnerships	Meetings include recruitment activity and lead sharing	Committee / Staff	Jan	on-going	regular meetings occurring
	d- Promote continued residential development of upper floors	New Economic Uses	Encourage conversion of upper floors and advocate for financial incentives	Committee	Jan	on-going	additional residential units added to inventory

Ranking	Initiative	Ntn'l Main Street	Notes	Person(s) Responsible	Start Date	Target Date	Measure of Success
PRIORITIES:							
1	Evaluate working relationships with town, Select Board, and outside organizations	Governance	specific responsibilities and reporting	Committee	Apr	Oct	agreement with town. Published policy for outside organizations
	Membership Input	Governance	prepare and distribute survey regarding COVID experience to our members	Committee / Staff	Apr	July	collected data presented to Board to re confirm our direction and effectiveness
	Downtown District Future Growth	Governance	collect data and input regarding the future of downtown boundaries	Ad Hoc Committee	Feb	June	a written report regarding possible expansion opportunities
ONGOING:							
1	Scheduling and prepare for monthly and annual Board meetings and annual retreat	Governance	agendas, notification, "priority topics"	Committee	Jan	on-going	
	Annual director evaluation	Governance		Committee	Jan	on-going	
	Volunteer and membership development	Governance	full Board, and committees. Increased membership	Committee	Jan	on-going	
	Community representation	Governance	participation in outside organization meetings	Committee	Jan	on-going	

Ranking	Initiative	4 Point Approach	Notes	Person(s) Responsible	Start Date	Target Date	Measure of Success
PRIORITIES:							
1	Marketing Assistance and Training	Promotion	building and engaging audiences	committee / staff	May	Jun-22	at least two meetings with reasonable attendance
	Publish "Good News" and promote reasons to celebration"	Promotion	share the positive things that are happening to lift spirits	committee / staff	Jan	Jun-22	at least once a month publication
	Restart Vermont Marketing Grants	Promotion	continue communicating with state and filing applications	staff	Mar	Jun-22	successfully being awarded grants that become available
ONGOING:							
1	BetterBennington.com / VermontBeginsHere.com	Promotion	keep sites updated and visible	committee / staff	Jan	Jun-22	all info current and accurate
2	Events	Special Events	Host COVID-safe smaller scale events	committee / staff	July	Jun-22	perhaps something in the late fall, depending on state regulations
3	Promotions	Special Events	continue creating small in-store activities	committee / staff	Mar	Jun-22	start with holiday promotions on the street
4							



Creating and Maintaining Collaborative Partnerships

Related Policies: Responding to Persons Experiencing a Mental Health Crisis, Domestic Violence Investigations, Traffic Enforcement, Investigation and Reporting of Hate Crimes

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

Applicable State Statutes:

Date Adopted:

Date Reviewed:

I. PURPOSE The purpose of this policy is to provide guidance on creating and maintaining collaborative partnerships between the Bennington Police Department (BPD) and community agencies, research institutions, and groups of citizens.

Collaborative partnerships within the community provide a foundation for community policing. Community policing responds to emerging issues and long-range goals that are a priority to the community. Collaborative partnerships are based on the following principles: strong leadership that supports collaboration, orientation towards service, transforming training, building community relationships, proactively engaging with diverse communities, improving communication with the community, understanding different community perspectives, and engaging the community as equal partners.¹

II. POLICY

¹ See: "Smart Policing Collaboration Principles", BJA published Report, January 2017, NCJ Number-250565, [SPICollaborationPrinciples.pdf \(henryleeinstitute.com\)](#)

- 1 A. The Chief of Police and senior officers shall provide leadership and vision for
2 the development of collaborative relationships and partnerships between the
3 BPD and community agencies, research institutions, and groups of citizens,
4 as well as within the BPD.
- 5 B. The BPD shall collaborate closely and as equal partners with community
6 agencies, groups and individuals to address complex problems and priorities
7 in the community. When creating collaborative partnerships with community
8 agencies or research institutions, the BPD, under the leadership of the Chief,
9 or the Chief's designee, shall develop and implement a Memorandum of
10 Understanding [MOU] with that agency or institution. The MOU shall
11 thoroughly address and carefully describe the specific roles and
12 responsibilities of the particular "partners."
- 13 C. The BPD shall implement on-going training programs that support
14 collaboration and the development of skills that include but are not limited to:
15 social interactions, communication, and empathy. Training in the following
16 areas shall also include, but not be limited to: de-escalation, trauma-informed
17 procedural justice, implicit bias, cultural awareness, collaboration and
18 problem solving, and evidence-based policing.
- 19 D. The BPD shall encourage frequent interactions between Officers and
20 members of the community in order to humanize the community to the
21 Officers and the Officers to the community. Such interactions shall include
22 community gatherings or other events for formal or informal conversations
23 and problem solving; particularly with diverse and historically disadvantaged
24 community members.
- 25 E. The BPD shall promote positive community interaction through improved
26 communications and outreach strategies and create an organizational culture
27 reflecting the benefits of collaboration. Community outreach and
28 communication efforts shall emphasize listening to the community in addition
29 to the distribution of information.²
30

² Based on "Collaborative Principles for Police" Ibid.

1 **III. DEFINITIONS**

2
3 A. **Collaboration:** Police and community stakeholders working together to address
4 issues and goals by sharing responsibilities, resources, and decision making.

5
6 B. **Collaborative Partnership:** A long-term, durable, structured commitment to a
7 range of common goals or multiple projects over time. The use of the terms
8 "partnership" and "equal partners" is not intended to create expectations of a
9 legal relationship that does not accurately reflect the statutory duties and powers
10 of a police department and sworn officers.

11
12 C. **Memorandum of Understanding (MOU):** A document designed to clearly define
13 and outline the goals, expectations, roles, responsibilities, duration, and
14 accountability mechanisms of the partners within a collaborative partnership.

15
16 D. **Research and Data Analysis:** The systematic investigation of law enforcement-
17 related subjects by trained personnel aimed at answering questions or
18 addressing concerns that arise within law enforcement organizations.

19
20 * * * * *

21
22 This Policy is adopted by the Select Board of the Town of Bennington, Vermont, this
23 ____day of _____, 2021 and is effective as of this date until amended or repealed.

24 _____)

25 Jeannie Jenkins, Chairperson

ARTICLE - 9. CARE AND CONTROL OF ANIMALS ORDINANCE

ARTICLE 9-1. AUTHORITY

The Select Board of the Town of Bennington under the grant of authority set forth in 20 V.S.A. §§ 2291 (10) and (14), hereby enacts the following Ordinance in order to protect the health, safety and welfare of the citizens of the Town of Bennington and others by regulating the keeping of pets. This Ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

It is the intention of the Select Board of the Town of Bennington to comply with the provisions of 20 V.S.A. §§ 3540d¹ and 3546(d)².

ARTICLE 9-2. DEFINITIONS

2.01 **Cat** shall mean an animal of the feline species.

2.02 **Dog** shall mean an animal of the canine species.

2.03 **Pet** shall mean a dog or cat or any animal that is kept for companionship, interest or amusement.

2.04 **Excessive Noise** shall mean any noise that is created by a pet audible to an individual in a location where ~~he or she~~ he/she/they is lawfully permitted to be; which noise occurs repeatedly for at least a seven minute period of time with one minute or less lapse of time between each noise during the seven minute period.

¹ 20 V.S.A. § 3541a. Feral animals; responsibility

It is not the intent of the General Assembly to require a person to be responsible under this chapter for a feral animal that takes up residence in a building other than the person's home, even if the person occasionally provides feed to the animal.

² 20 V.S.A. § 3546(d) The procedures provided in this section shall apply if the domestic pet or wolf-hybrid is not a rabies suspect. If a member of the legislative body or a municipal official designated by the legislative body determines that the animal is a rabies suspect, the provisions of subchapter 5 of this chapter and the rules of the department of health shall apply.

2.05 **Animal Control Officer** shall mean any Bennington Police Officer or any other individual designated by the Town Manager or Chief of Police to enforce the provisions of this Ordinance.

2.06 **Nuisance ~~Animal~~ Pet** shall mean any pet that:

1. Makes Excessive noise.
2. Acts **aggressively or** viciously **towards**, or attacks, **persons or** other animals.
3. Causes damage to public or private property.
4. ~~Molests-Interferes with~~ or threatens passes-by or passing vehicles on public roads or property.
5. Scatters Refuse.
6. Obstructs traffic.
7. Is not licensed as required by this Ordinance.
8. Is uncontrolled or running at large. ~~or~~
9. Otherwise acts to create a **common-law** nuisance or **unreasonable** disturbance.

2.07 **Owner** shall mean any person or group of persons who owns, harbors, or keeps any pet, or permits any pet to be or remain in or about buildings or premises owned or occupied by him or them.

2.08 ***Aggressive or Vicious ~~Dog~~ Pet*** shall mean any pet which is found to menace, chase, display threatening or aggressive behavior, or otherwise endanger the safety of any human or domestic animal, or pets with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals, or any pet which attacks a human being or domestic animal one or more times.

"Aggressive or vicious pets" shall be classified as follows:

Level 1. A Level 1 pet is one which menaces, chases or displays threatening behavior to any domestic animal, or has been found running at large two or more times during a 12-month period.

Level 2. A Level 2 pet is any pet which has already shown aggressive tendencies by menacing, chasing or otherwise endangering the safety of a human.

*Level 3. A Level 3 pet is any pet which when unprovoked has bitten a human **or physically harmed** or killed a domestic animal.*

Level 4. A Level 4 pet is any pet which has attacked a human resulting in serious injury or death, or which has bitten a human on two or more occasions, or which has attacked and killed another domestic animal on two or more occasions.

ARTICLE 9-3. PET OWNER RESPONSIBILITY

The owner of a pet shall at all times comply with all provisions of this Ordinance and shall ensure that any pet ~~he/she~~ *they* owns complies at all times with all provisions of this Ordinance.

ARTICLE 9-4. CONFINEMENT/CONTROL

4.01 The owner of a dog shall at all times confine the dog within a building or other secure enclosure or securely tie the dog on an exercise wire or similar contrivance, except as otherwise provided in article 9-4.02 (*below*). Perimeter, underground electric fences qualify as confinement.

4.02 The owner of a dog may have his/her dog outside a building enclosure or not otherwise confined or restrained as required in Article 9-4.01 (*above*), but only when the dog is:

1. Securely held on a leash, or
2. Within a vehicle preventing escape, or
3. On land owned or occupied by ~~such~~ *the same* dog's owner, or
4. Clearly subject to the verbal command of ~~such~~ *the* owner and within sight of the owner and not trespassing upon the land of others. *To be in compliance with this ordinance,* dogs under such *verbal* command shall not harass citizens or other pets. ~~to remain in compliance with this Ordinance.~~

4.03 A dog found in violation of this article (9-4) shall be deemed to be “running at large.”

ARTICLE 9-5. AUTHORIZED AGENT

The owner of a dog may release his/her dog in the charge of his/her duly authorized agent, who shall thereupon control the dog in accordance with Article 9-4.

ARTICLE 9-6. DOG IN HEAT

The owner of any dog in heat shall keep such dog confined or on a leash at all times. (*See Article 9-4*)

ARTICLE 9-7. DISTURBANCES AND NUISANCES

7.01 ~~A.~~ The owner of a pet shall not allow the pet to be vicious or to be a nuisance ~~animal~~ **pet**.

7.02 ~~B.~~ The owner of a pet shall not allow waste from the pet to accumulate so that either a health or odor problem results.

7.03 ~~C.~~ The owner of a pet shall remove immediately and properly dispose of any waste created by the pet when the pet is not on the private property of the owner or ~~keeper~~ *authorized agent*.

ARTICLE 9-8. IMPOUNDING FOR VIOLATION OF ORDINANCE

An Animal Control Officer may apprehend and impound in a facility designated by the Town Manager any pet found to be in violation of this Ordinance including, but not limited to, any dog found *to be* running at large or unlicensed, or any pet that has bitten a person *or pet*.

Impoundment may be initiated by an Animal Control Officer based on a *filed* complaint or based on the Officer’s personal knowledge. The owner of an impounded pet shall be responsible for all fines, fees, and costs associated with the impoundment and, if applicable, humane ~~destruction~~ **killing** of the pet.

ARTICLE 9-9. IMPOUNDING PETS THAT HAVE BITTEN PERSONS

A pet that has been impounded for biting a person *or other pet* may be impounded for ten days to determine if the pet is rabid. At the expiration of ten (10) days, such pet may be redeemed by the

owner in accordance with Article 9-12 *subject to the provisions of ARTICLE 9-10, below. (See also 20 V.S.A. §3546(d) as to suspected rabid animals.)*

ARTICLE 9-10. VICIOUS DOG PET HEARING

~~No person shall keep or harbor a dog deemed vicious under the terms of this Ordinance. A dog known to be vicious or to have attacked a person or animal or to have done damage constituting a menace to the public health and safety shall, at the discretion of an Animal Control Officer, be impounded by the Town or strictly confined by the owner until the outcome of a hearing. Upon the receipt of a complaint by the Town Manager, a hearing shall be scheduled and warned as a special Select Board meeting. All parties shall be invited to attend. A failure of any party to attend shall not prevent the hearing from proceeding. The hearing board shall consist of the members of the Select Board. After presentation of all evidence, the Board shall issue findings of fact and issue an order to chain the dog permanently, or muzzle the dog whenever off premise, or dispose of the dog in a humane manner, or issue such other order deemed appropriate by the Select Board.~~

10.01 A citizen of the Town of Bennington or the Animal Control Officer may file with the Town Manager a written complaint regarding a pet they believe to be vicious under this ordinance. The Complaint shall include the date and time of the triggering events and other such information so as to assist the Hearing Board in its findings.

10.02 Upon the receipt of a complaint the Town Manager, in consultation with the Chair of the Select Board, shall schedule a hearing in which the parties to the complaint shall be heard, and at which the Select Board shall sit as the Hearing Board.

10.03 The hearing will be warned as a Special Select Board meeting and all parties to the complaint shall be invited to attend; however the failure of any party to attend shall not prevent the hearing from proceeding and a decision by the Select Board.

10.04 The hearing shall be conducted as a "quasi-judicial" proceeding as that concept is understood under the law of the State of Vermont. As such:

- 1. Parties may choose to be represented by legal counsel;*

2. *Parties may provide competent and material evidence to support their position including any witnesses, photographs, reports, etc.;*
3. *Parties may conduct cross examination of witnesses subject to the consent of the hearing board;*
4. *All witnesses shall be sworn by oath or affirmation in accordance with State law under the pain and penalty of perjury;*
5. *The Chair of the Hearing Board may exclude disorderly or disruptive persons from the hearing or make other orders as necessary to ensure the fair and orderly conduct of the hearing.*
6. *A record of the hearing shall be kept by the Select Board for use in cases of appeal;*
7. *The Complaining Party shall have the burden of proving by a preponderance of the evidence that the pet is aggressive or vicious and should be subject to the restrictions pertaining to aggressive and vicious pets.*
8. *The Select Board shall, after all evidence is taken, issue findings of fact as well as an order to chain or confine the dog permanently, muzzle the dog whenever it is off-premise, dispose of the dog in a humane manner, or such other order deemed appropriate by the Select Board in accordance with the provisions of 10.04 (below);*
9. *Any party may choose to appeal the decision of the Select Board to the appropriate County Court.*
10. *It shall be an affirmative defense against a vicious pet complaint that the complaining party was trespassing on the respondent's property as that term is defined in Vermont Statutes. [13 V.S.A. §3705]*

10.05 *When, after a hearing, the Select Board determines that the pet is an aggressive or vicious pet as defined in this ordinance, the Board shall determine what level the pet is, and at minimum, impose the following appropriate orders. (See Art. 9-2.2.07)*

1. *A Level 1 pet is required to be restrained whenever outside the owner's home, and shall be prevented from reaching any adjoining or public or private property. When off the property, the pet must be on a leash of no longer than eight feet, and under the control of a responsible person.*

1 2. A Level 2 pet is required to be restrained on the owner's property by a secure fence with
2 a secure locking device, with the fence to be at least six feet high or securely tied on an
3 exercise wire or similar contrivance. *Underground perimeter fencing shall not be*
4 *considered as restrained when a pet has been determined to be Level 2 or Level 3 (See*
5 *below).* When off the property, the pet must be on a leash of no longer than eight feet, and
6 under the control of a responsible person.

7 3. a. A Level 3 pet is required to be restrained on the owner's property in the same manner
8 as a Level 2 pet with the additional requirement that signs be prominently displayed at
9 all entrances to the premises clearly warning of the presence of an aggressive or vicious
10 pet. When off of the owner's property, the pet must be muzzled in addition to the
11 requirement for a Level 2 pet.

12 b. The owner of a Level 3 pet must present to the Animal Control Officer evidence that a
13 surety bond issued by a surety insurer in a form acceptable to the Animal Control Officer in
14 the sum of at least \$50,000 payable to any person injured by the Level 3 pet, or a policy of
15 liability insurance, such as home owner's insurance, issued by an insurer qualified in the
16 amount of at least \$50,000, insuring the owner for any personal injuries inflicted by the
17 Level 3 pet.

18 4. A Level 4 pet shall immediately be taken into custody and be humanely killed not less
19 than ten (10) working days after impoundment.

20
21 [Articles 9-11 through 9-20 remain the same subject to the date of adoption by the Select Board
22 of the Town of Bennington.]

MEMORANDUM

To: Select Board

From: Stuart A. Hurd, Town Manager



Re: Water/sewer budgets adoption and rates FY22

Date: June 23, 2021

Following our work session scheduled for this evening and assuming that the budgets will be reviewed and accepted, the next steps are to formally adopt the budgets at our June 28th meeting and set the rates which were attached to the budget presentation. Should the proposed budgets be amended, a new rate sheet will be sent to you and included in this packet.

FY2022

WATER & SEWER RATE CALCULATION RATE PROPOSAL WATER & SEWER

Board approval: xx/xx/xx

WATER				
NUMBER OF UNITS	PROPOSED QUARTERLY RATES		FY21 Rates	DOLLARS GENERATED
	RATES			
	FLAT:	145.95		
	PER 1,000 GALLONS:	5.41	145.95	0% Increase
	METER SURCHARGE	87.73	5.41	0% Increase
			87.73	0% Increase

2841	N/A	583.80	1,658,576	Per Person Yrly Increase 0.00
1180	191,298,030	5.41	1,034,922	0.00
		350.92	414,086	0.00
			\$ 3,107,584	
			\$ 3,107,580	
			\$ 4	

SEWER				
NUMBER OF UNITS	PROPOSED QUARTERLY RATES		FY21 Rates	DOLLARS GENERATED
	FLAT:	130.89		
	PER 1,000 GALLONS METER SURCHARGE	4.54		
		81.34	118.45	10.5% Increase
			4.11	10.5% Increase
			73.51	10.5% Increase

2594	N/A	523.55	1,358,086	Per Person Yrly Increase 49.75
1234	203,838,530	4.54	925,743	0.43
		325.36	401,490	30.92
			\$ 2,685,319	
			\$ 2,708,400	
			\$ (23,081)	

ANNUALIZED FLAT RATE

UNITS X PER 1,000 GALLONS
ANNUAL TOTAL SURCHARGE

TOTAL DOLLARS GENERATED

BUDGETED EXPENDITURES NET OF
OTHER REVENUES

SURPLUS OVER BUDGET

(23,100)
19

Planned From Fund Balance

FLAT: \$114	FLAT: \$104
PER 1,000 GALLONS: \$1,913	PER 1,000 GALLONS: \$2,038
METER SURCHARGE \$12	METER SURCHARGE \$12

THE ANNUAL IMPACT OF INCREASING EACH RATE BY A PENNY WOULD
INCREASE REVENUE BY THE AMOUNTS SHOWN FOR

← WATER AND SEWER →

MEMORANDUM

To: Select Board and Stuart Hurd

From: Daniel Monks

Re: American Rescue Plan Act (ARPA) – Accepting Funds

Date: June 23, 2021

As part of the American Rescue Plan Act (ARPA), Vermont municipalities, including Bennington, are eligible to receive Federal funding. The funding will be distributed by the State of Vermont. Bennington will receive a total of \$1,375,178. The funding will most likely come in two payments – one payment totaling half of funds allocated in Summer of 2021 and a second payment next Spring with the other half.

The State of Vermont will also receive \$121,202,550 in County Funding from ARPA. This county funding may go to county governments before it goes to Vermont's cities, towns, and municipalities. VLCT is working with the State of Vermont and Vermont's Congressional Delegation to ensure this funding reaches local governments. Final allocations are not yet available but will likely be distributed to municipalities on a per capita basis.

Although broad criteria outlining eligible uses are contained in ARPA, final rules regarding how the funds may be spent are not yet available. However, the Town has lots of time to develop spending priorities for the funds and seek public input before the funds must be spent. ARPA does not require the funds to be spent until December 31, 2024. However, the Treasury Department issued an interim rule that proposes to allow municipalities to obligate the money by 2024 but allow funds to be spent through December 31, 2026.

To access the funds, the Select Board must formally accept the funds, agree to comply with all Federal requirements, and appoint an authorized representative who must use the State of Vermont's web portal to request the funding.

The passage of a motion to formally accept the ARPA funds, agree to comply with all Federal requirements, and appoint Melissa Currier, Finance Director, as the Town of Bennington's ARPA Authorized Representative will allow Town staff to proceed with the administrative requirements for accessing the funds. How the money will be spent will be determined by the Select Board at future meetings after the final rules are published and after completing any process undertaken by the Select Board to finalize spending priorities.

MANAGER'S REPORT
June 28, 2021

ACTION

Summer Home Brew Fest Street Closing The concerned party has met with the Brew Fest organizer and the attached road closure request has been submitted.

Action requested Motion to close the portion of Depot Street from the Depot Street entrance to the public parking lot north to the sidewalk entrance to GBICS. After 1 pm, the closure will be moved north to the bridge.

INFORMATIONAL

Fireworks July 4th The Town, Price Chopper, Casella Waste Management, and the Bennington Banner will be sponsoring the 4th of July fireworks this year at Willow Park. The shoot begins at 9:30 pm. Those who are unvaccinated should wear a mask and safe distance.

Community Built Park Town staff have worked diligently this Spring to rehabilitate several segments of the playground to ensure its continued safe use throughout this Summer. It is hoped that the Town can fund sufficient funds in the near future to replace this facility. We look forward to working with children and families to find an affordable welcoming and enjoyable design.

Sidewalk Paving Consideration After consultation with the Select Board subcommittee on where asphalt sidewalks might be used as a cost-cutting measure, staff has decided to withdraw the change requested which would have allowed for greater use of asphalt within the former Village limits.

FOLLOW-UP

The Bennington Police Department Report is attached.

The Bike/Ped Monthly Report is attached.

Stuart Hurd

From: William Gardner <William@hopridgefarms.com>
Sent: Tuesday, June 22, 2021 10:26 AM
To: Natalie Basil
Cc: Mary & Bruce Lee-Clark; Jeannie Jenkins; Stuart Hurd
Subject: Re: Proposed Road Closure

Greetings All,

I wanted to give an update on this as Natalie and I met on Tuesday of last week. We had a great talk and I believe we made headway on the proposed road closure. The Festival is happy to move the closure to the sidewalk that leads to the GBICS building to allow any traffic full entrance/exit to their facility from the north side (River Street to Depot Street). This access will be granted until they are fully done for the day (around 12:30-1pm) then we will move the barrier beyond the bridge so folks will not be able to park in their lot. We will print up signage to indicate that GBICS is open for food distribution that morning and place it on the road closure signage as well as inform our volunteers in case they receive any questions the day of the festival. Additionally, we chatted about layout and sensitivity to their morning food distribution. The festival will be altering the layout slightly to accommodate this and we are happy to work with GBICS throughout the layout process to get feedback and keep them informed.

I would like to go forth with the proposed road closure with the modifications listed above. I thank all those involved for starting this dialog and look forward to having a fun, safe festival.

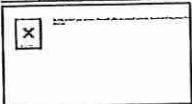
Best,
W

On Mon, Jun 14, 2021 at 4:27 PM William Gardner <William@hopridgefarms.com> wrote:
Great see you then.

On Mon, Jun 14, 2021 at 4:24 PM Natalie Basil <director@gbicsbennington.org> wrote:
Tomorrow at 10a.m. will be perfect. See you then.

Natalie

Natalie Basil, Executive Director
Greater Bennington Interfaith Community Services, Inc.
121 Depot Street, P.O. Box 702
Bennington, VT 05201
Office (802) 447-3700 x102, Cell (802) 379-0149
Fax (802) 447-3711
<https://gbicsbennington.org/>
<https://www.facebook.com/gbicsBENNINGTON/>





**BENNINGTON POLICE DEPARTMENT
118 SOUTH STREET
BENNINGTON, VERMONT 05201**

**PAUL J. DOUCETTE
CHIEF OF POLICE**

**June 2021
Activity Report**

The Bennington Police Department has four vacancies for the position of Patrol Officer at this time. We have been advertising on the Vermont Criminal Justice Council website, along with multiple other law enforcement agencies in Vermont, as well as our website in an effort to recruit prospective candidates. Chief Paul Doucette, Lt. Camillo Grande, Sergeant Joshua Stemp and Peter Niles conducted interviews for prospective law enforcement officers. The process will continue through the summer months and we anticipate being able to send four candidates to the next available Level III certification course in February 2022. This is a long process as it requires multiple steps in order to satisfy requirements of the training council and the Town of Bennington. We anticipate two or three additional Officers will be leaving employment during fiscal year 2022.

We continue our drug investigation and enforcement efforts in and around the Town of Bennington. We are collaborating with state and federal law enforcement agencies in our efforts to detect, disrupt, interdict and curtail drug trafficking activities. We know we have full support of the community in our efforts.

Our Copsicle trailer has been at numerous community events and we have a long summer ahead of us! Our community partners have been generous with donations and we thank all of them for their continued support. Staffing of the trailer is done with volunteers so don't forget to thank the officers and civilian staff when you see the trailer in operation.

Community members and local businesses supported the K-9 fundraising event held at Farm Road Brewing, LLC. Ramuntos was a large part of the fundraising as well. This event raised \$1,550.00 in support of the Bennington Police Department Canine Program, AKA K-9 GRACIE! It is truly a pleasure to see the support from the community for this program.

Town of Bennington Bike/Ped Projects Update June 2021

Orchard Village (formerly Applegate) to Willowbrook Path

Project Description: Pathway to connect Orchard Village, Willowbrook Apartments and Molly Stark Elementary School.

Status: Construction continues and is scheduled to be completed by the end of July.

Ninja Trail

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

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

Bennington Pathway – Rail/Trail

Project Description: Shared use path (bike path) along Railroad Right-of-Way from Bennington Station to Emma Street (off of Northside Drive). The portion of the path from Bennington Station to Orchard Road will be paved. The remainder of the path will be gravel.

Status: State/Federal Grant for 90% of cost has been secured. A local match of \$100,000 is being held in a reserve account. An additional \$80,000 match is necessary and will impact the FY 22 budget. The Town has contracted with Markowski Excavating to construct the project. A preliminary construction schedule will be developed soon. Construction will likely begin in

August/September and will likely conclude in September of 2022.

Benmont Avenue Bike/Ped Improvements

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

Status: A total of \$559,000 in State/Federal Grants have been awarded. The Town match will be approximately \$140,000. All easements have been obtained. Additional funds may need to be sought. The Town DPW will likely construct the planned improvements to the Hunt Street intersection to keep costs down. Grant funds will be used to construct the remainder of the project. Final plans are scheduled to be completed by Fall of 2021. Project scheduled to be put out to bid in Spring of 2021/22. Construction is scheduled for 2022-2023.