MEETING NOTICE September 13, 2021

BENNINGTON SELECT BOARD BENNINGTON FIRE FACILITY MULTI PURPOSE ROOM - 3RD FLOOR 130 River Street Bennington, VT 05201

AGENDA 6:00 P.M.

1.	Pledge	of	Allegiance

2.	Vision Statement				
3.	Consent Agenda A. Minutes of August 23, 2021 B. Warrants C. Liquor License	6:00	PM -	6:05	PM
4.	Covid Update	6:05	PM -	6:20	PM
5.	Public Comment	6:20	PM -	6:35	PM
6.	Community Policing A. Code of Conduct, 2nd Reading B. Updates	6:35	PM -	6:45	PM
7.	Infrastructure/Economic Development Strategy			7:00	PM
8.	Manager's Report	7:00	PM -	7:15	PM
9.	Upcoming Agendas	7:15	PM -	7:20	PM
10.	Other Business	7:20	PM -	7:30	PM

11. Executive Session Contract

1	BENNINGTON SELECT BOARD MEETING
2	130 RIVER STREET
3	BENNINGTON, VERMONT 05201
4	AUGUST 23, 2021
5	MINUTES
6 7	SELECT BOARD MEMBERS PRESENT: Jeannie Jenkins-Chair; Jeanne Conner-Vice Chair; Bruce Lee-Clark; Jim Carroll; Tom Haley; and Gary Corey.
8	SELECT BOARD MEMBERS ABSENT: Sarah Perrin.
9 10 11	ALSO PRESENT: Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Michael McDonough; Jim Vires; Bruce Lierman; Debbie Mann; Rose Telford; Josh Boucher-CAT-TV; and Nancy H. Lively-Secretary.
12 13 14	At 6:00pm, Ms. Jenkins called the meeting to order and asked those not vaccinated to wear a mask or social distance if unable to wear a mask, and that there are wipes to wipe down the microphone if you wish to speak.
15	1. PLEDGE OF ALLEGIANCE
16	The Pledge of Allegiance was recited.
17	2. VISION STATEMENT
18 19	Ms. Conner read the Town's Vision Statement that was adopted by the Select Board on August 24, 2020:
20 21	"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."
22	3. CONSENT AGENDA
23	A. MINUTES OF AUGUST 9, 2021
24	B. WARRANTS
25 26	Jim Carroll moved and Bruce Lee-Clark seconded to approve the Consent Agenda with the Minutes of August 9, 2021 amended as follows:
27	Line 21, Change "recited by" to "recited."
28	Line 99, Change "Pike." to "Dyke and Kate Canning."
29	The motion carried with Sarah Perrin absent.
30	4. PUBLIC COMMENT

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

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

Bruce Lierman, coordinator of Window Dressers, an organization to help people winterize their houses. Window inserts - built by volunteers - go in the interior of your house next to existing windows to provide two dead air spaces and cut out drafts. The inserts last about 10 years, and if one gets damaged, one will be rebuilt for you at minimal cost. These are available for both residential and commercial properties, and if you sign up for a workshop, your building will be evaluated as to your needs with a price given at the time of the visit. Pricing of an average sized window is ~\$40 with special pricing available as needed, and some scholarships available, as well. Also, as long as something is paid toward the inserts, Efficiency Vermont will send you a rebate of up to \$200. There will be a workshop at 239 Main Street to build the anticipated 200 inserts from November 4-7, 2021. Sign up can be done at www.windowdressers.org or at our local website.

5. COMMUNITY POLICING UPDATE

A. SECOND READING - EMPLOYEE NEPOTISM AND FRATERNIZATION

Bruce Lee-Clark moved and Jim Carroll seconded the adoption of the Policy on Employee Nepotism and Fraternization as presented. The motion carried with Sarah Perrin absent.

Mr. Lee-Clark thanked Committee members Lon McClintock, Kara Lusa, John Dyke and Kate Canning for their work on this policy.

B. FIRST READING - CODE OF CONDUCT

Mr. Lee-Clark stated:

- Thanked Committee members Lynn Mazza, Beth Sausville, Peter Lawrence and Lauren Wilcox for their work on this policy with Dan Monks, Dan Ferrara and himself.
 - Our Town Attorney has reviewed the policy and "for the most part, left it alone".
- Code of Conduct policies, in general, are how we expect our law enforcement officers to
 behave.
 - This policy speaks to performance and discretion sometimes action is needed and sometimes no action is needed.

Board comments/suggestions:

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- o In foreshadowing of the Use of Force Policy (Statewide), Page 1, Related Policies, should be deleted.
- o Page 4, Line 14, Change "Council" to "Center"
- o Page 5, Line 4, Change "BOD" to "BPD"
- Page 5, Line 14, Change "maintain" to "maintaining"

Any additional Board comments/suggestions need to be to Mr. Lee-Clark just after Labor Day, September 6th.

C. USE OF FORCE POLICY (STATEWIDE)

Mr. Lee-Clark noted the following on the Use of Force Policy (Statewide):

- > The Statewide Policy on Police Use of Force that is to go into effect on October 1, 2021 must be adopted by all police departments in the State of Vermont.
- > We cannot change it, however, in many ways it mirrors our policy in terms of fundamental definitions.
- > It addresses use of force and not response to resistance which Mr. Lee-Clark finds favorable.
- > The Committee that reviewed our policy also reviewed this policy with positive comments finding a statewide standard favorable.
- > This policy covers both policy and procedure, as well as, both Use of Force and Duty to Intervene that we had separated in our policies.

Bruce Lee-Clark moved and Jeanne Conner seconded to adopt the Statewide Policy on Police Use of Force as presented. The motion carried with Sarah Perrin absent.

Mr. Lee-Clark feels that the presentation of this policy should be consistent with our policies and will ask our attorney if that is acceptable.

D. OTHER

- Ms. Conner reported the following:
- The application period to apply for the Safety and Equity Task Force is closed.

- We received 14 applicants thank you to them and the Town Office Staff who helped us with the process.
- 103 Interviews will begin in mid-September and Ms. Jenkins, Mr. Lee-Clark, and Ms. Conner are in the process of writing the interview questions.
 - ❖ The Task Force is expected to be chosen the week of September 20th.

6. COVID RELATED ISSUES

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Ms. Jenkins shared the following:

- This is on the agenda because of the changing climate with COVID.
- We had asked questions of Dr. Trey Dobson, Medical Director at SVHC, that he has
 responded to in an e-mail that encourages wearing masks for everyone during meetings
 or any inside event.
- Town Counsel has stated that we can set aside an area of the room for those that cannot, or choose not to, wear a mask for the protection of everyone.
 - The Town Office has signage on the door asking the unvaccinated to wear a mask.
 - From the Vermont Department of Health (VDH), the vaccination rate in Bennington is at 80.4% of eligible population and the State is at 85.1%.
 - From the VDH, current 4-day rate of new cases of COVID in Bennington County is 73 which is consistent with neighboring counties.
 - From the VDH, the average 7-day statewide positivity rate is 3%.
- 120 Dr. Dobson will be attending the September 13th Board Meeting.

121 Board comments:

- Mr. Lee-Clark: Wears a mask in other inside environments and encourages the Board to do so for Board meetings.
- Ms. Conner: Currently was exposed to an individual that tested positive, all that were exposed tested negative, and feels that being outside was the reason for the negative tests. Also wears her mask in other inside environments and will wear it at the meetings regardless of the Board decision. There are no down sides to wearing a mask, except its slight discomfort, but there are down sides to not wearing one.
- Ms. Conner: Should we also be social distancing in addition to masking, and Mr. Hurd answered not at this time.
- 131 Mr. Carroll: Wears a mask at all inside venues and has no problem with wearing it at the meetings.
- 133 Mr. Haley: Began wearing a mask inside again so as not to give anyone else COVID and favors wearing a mask at the meetings. A mask will not stop who's wearing it from getting COVID.
- 136 Mr. Corey: Feels that the case rate of 18-19/day may continue so it is smart to protect ourselves and those around us.

Mr. Corey: Would like to ask Dr. Dobson if he feels we should also social distance in 138 addition to masking, and Ms. Jenkins said we will ask him. 139 Public comments: 140 Michael McDonough: The Better Bennington Corporation has resumed wearing masks because 141 they deal with visitors from everywhere but will also be wearing them for internal meetings. 142 Jim Vires: Wears a mask to protect those that he loves, himself and those that cannot get 143 vaccinated such as those under the age of 12. 144 Jeanne Conner moved and Bruce Lee-Clark seconded to ask that everyone be masked 145 at the Board meetings, including the Board members, and to set aside an area for those that 146 cannot, or chose not to be vaccinated, beginning at the September 13, 2021 Board Meeting. 147 The motion carried with Sarah Perrin absent. 148 Mr. Monks added that the Development Review Board and Planning Commission are 149 already wearing masks. 150 7. MANAGER'S REPORT 151 Mr. Hurd reported the following: 152 Garlic Town Road Closures -153 Bruce Lee-Clark moved and Tom Haley seconded to approve the following road 154 closures from 6:30am-6:00pm for the Garlic Town event on September 4, 2021 after all 155 abutting land owners have been notified: 156 School Street from Main Street to Pleasant Street 157 Valentine Street (the whole length) from Union Street to Pleasant Street 158 Depot Street from Main Street to the Entrance to GBIC's 159 The motion carried with Sarah Perrin absent. 160 Senior Programs - The Senior Center Director has shared the number of visits to the 161 Senior Center during June and July with Bingo and Bone Builders very important 162 offerings. However, it would also be helpful to know the range of ages, number of male 163 and female, what programs are desired, how to better communicate with the senior 164 community, what other centers are doing, the role of Meals on Wheels, how does the Y 165 fit in, what other space may serve us better, and how other agencies may assist us in 166 meeting the needs of the Seniors. We have begun to collect some of this data, and my 167 goal is to report back to the Board no later than November 8, 2021 to consider changes 168

Ms. Jenkins had done some research with the following results:

and to better understand budgetary impacts for the following fiscal year.

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171	✓	Our Senior Center is the only designated senior center in Bennington
172		County, whereas, Rutland County has four.
173	✓	We have an obligation to seniors in the entire county.
174	✓	The age range is almost entirely 70-89 years old with four 90 year olds
175		and a few 50-60 year olds.
176	✓	Over 90% are women with a small number of men. The Art Program has
177		the most male participants.
178	✓	There were 100 people that had any interaction with the Center from the
179		beginning of June to the end of July.
180	✓	Most participants are from the Town of Bennington.
181	✓	More than 50% of those that had anything to do with the Center had
182		either attended Bingo or Bone Builders with very little crossover of
183		programs.
184	✓	Card games are not an official activity yet but groups are being
185		developed.
186	✓	We don't know how many seniors are also utilizing the YMCA activities.
187	✓	Other towns with senior centers stated that "talking up" the activities is
188		important.
189	✓	All of the 30 senior centers in the State are in the process of reimagining
190		their programing. Rutland changed their name from Senior Center to
191		Adult Center and offer e-bike rentals.
192	✓	Many are becoming more inclusive with the population that they serve
193		by offering programs for those with physical and mental disabilities.
194	· •	Those that are affiliated with their towns are "seamless" with their
195		budgets and other town programming.
196	✓	Everyone should visit the Rutland GODNIK website to see what they have
197		done.
198	✓	A consideration for the Board as they look into our fee structure is to not
199		base it on age but rather on usage or another criteria.
200	Public comments/que	estions:
201	Debbie Mann: Is con	cerned about mixing age groups at the Senior Center since the older
202		receptive to it, more help is needed for the Director as she isn't able to
203		d the hardship of relocating away from Meals on Wheels. Also, Silver
204		offered at the Center but is now part of the YMCA programing that is an
205	additional charge.	
206		nore help at the Senior Center with activities.
207	Highway Disc	ontinuance Issues - Two issues have arisen regarding two roads brought to

my attention by VTRANS. The first involves highway mileage (TH29) and the second

209 210	involves E911 addressing (the drive into the Brookside Apartments). Those impacted by the recommended changes have been notified and have no objections.
211 212	It was the consensus of the Board for Mr. Hurd to proceed to formally warn a public hearing for late October.
213 214 215 216 217	Morgan Spring Delivery System Relocation - We are very close to an agreement on this perhaps by September 15 th . If we close this negotiation, construction could start in September 2021 and conclude before March 2022, possibly by December 2021. Select Board approval will ultimately be needed for any new contracts for water purchases. The current contract expires on January 3, 2023.
218	In addition:
219 220 221	✓ The Town Clerks Office and Secretary of State's Office were recently sued for voter fraud which has been dismissed by the courts. There is a 30-day appeal process to go to the Supreme Court, however, that is unlikely.
222	8. UPCOMING AGENDA
223	September 13, 2021 - Policy 2 nd Reading - Code of Conduct
224	September 13, 2021 - Dr. Trey Dobson - COVID Update
225	9. OTHER BUSINESS
226	Mr. Carroll: Thanked the Fire Department for the Battle Day Parade that they put on.
227 228	Ms. Conner: Thanked the community for their patience with the road construction projects that are ongoing in Town, as well as, the upcoming cleanup from Tropical Storm Henri.
229 230	Mr. Corey: Update on Energizer - BCRC is reviewing the report from Camoin Associates 310 and should have a recommendation by Labor Day.
231 232	Ms. Jenkins: The ribbon cutting for the Headstart Spring Center will be August 25^{th} at $2:00\text{pm}$.
233	10. EXECUTIVE SESSION
234	A. CONTRACTS
235 236 237 238 239	At 7:12pm, Jeanne Conner moved and Bruce Lee-Clark seconded that the meeting was adjourned finding that an Executive Session be held on Contracts as premature public knowledge would place a person involved in the subject matter at a substantial disadvantage. There will be no actions taken on these items when going back into Open Session. The motion carried with Sarah Perrin absent.

- 241 Respectfully submitted,
- 242 Nancy H. Lively
- 243 Secretary
- 244

CODE OF CONDUCT

Related Policies: Social Media, Response to Resistance/Use of Force, Duty to Intervene, Use of CEW's, Collaborative Partnerships

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

Applicable Vermont Statutes/Rules:

Applicable	AGUIIOUI	Statutes/Nules	5
(T. 15)			

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Date Reviewed:

I. PURPOSE

The mission of the Bennington Police Department (BPD or Agency) states in part, "The BPD is accountable to the community for providing everyone, regardless of identity, with respectful and equitable law enforcement, protection, and service." In accordance with that mission, all members of the BPD ("Member" or "Members," as defined in Section III, below) must be fully aware of the ethical responsibility of their position, and must strive constantly to live up to the highest standards of professional policing, and must commit to understanding and following all of the General Orders (adopted Policies) of the BPD.

The purpose of this policy is to provide standards of conduct embodied in the Law Enforcement Officer's Oath of Honor and this Agency's statement of values and mission so that all officers and employees of the BPD have a clear understanding of Agency and community expectations pertaining to conduct and activities while on and off duty.

II. POLICY

A. PRIMARY RESPONSIBILITIES OF A POLICE OFFICER

A Bennington Police Officer acts as an official representative of government who is required and trusted to work within the law. The Officer's powers and duties are

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conferred by statute. The fundamental duties of a Police Officer include serving the community; safeguarding lives and property; protecting the public; keeping the peace; and ensuring the rights of all to liberty, equality and justice. Officers shall follow the BPD's mission and values statement, oath of honor and this Code of Conduct. If an officer experiences an ethical conflict with respect to these obligations, the Officer should consult a supervisor for further clarification. Officers shall abide by all laws, regulations, BPD policies, rules and procedures. Officers shall obey all lawful orders.

B. PERFORMANCE OF THE DUTIES OF ALL MEMBERS (See Policy on Fair and Impartial Policing)

All Members shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration actual or perceived race, color, religion, national origin, sex, ancestry, age, service in the US Armed Forces, disability as defined by 21 V.S.A. § 495d(5), sexual orientation, or gender identity (13 V.S.A. § 1455). All citizens will be treated equally with courtesy, consideration, and dignity.

Members shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward racial, religious, ethnic, or other groups or classes of individuals protected by law. Members will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, Members will strive to achieve the greatest level of cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.

C. DISCRETION

A Member will use the discretion vested in the position responsibly and exercise it within the law. The principle of reasonableness will guide the Member's determination, and the Member will consider all surrounding circumstances in determining whether any legal action should be taken.

Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest, in appropriate circumstances can be a more effective means of achieving an outcome that is just, equitable, and beneficial to the community, so long as such discretion is not exercised in a manner that is discriminatory.

D. USE OF FORCE (See Response to Resistance/Use of Force, Duty to Intervene, and Use of Force and Use of CEW's)

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"Respect for Life is the primary value of the Bennington Police Department." The BPD and all officers believe "recognize that the sanctity of human life serves as the guiding principle in use of force decisions "in the sanctity of every human life and in the value of de-escalation and effective communication."

A Bennington Police Officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.

The use of force should be used only with the greatest restraint and only after discussion, negotiation, persuasion, or other de-escalation techniques have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every Police Officer will refrain from unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhumane treatment of any person.

E. CONFIDENTIALITY (See Social Media Policy)

When a Member sees, hears, or learns of information that is generally understood to be confidential in nature, the member will maintain such confidentiality unless the performance of duty or provision of law requires otherwise, or as directed by Court Order.

Members of the public have rights to security and privacy, and information obtained about them must not be improperly divulged. This includes but is not limited to:

- Members are prohibited from using law enforcement sensitive information gained through their position to advance financial or other private interests of theirs or others, or where such disclosure is not reasonably necessary in furtherance of job performance or other official duty
- Members shall not take or release photographs capturing sensitive information or images unless authorized to do so.
- Members shall not, when officially acting as a representative of the BPD, divulge or willfully permit to have divulged any information gained by reason of their position, for anything other than its official, authorized purpose.

F. INTEGRITY

A Member will not engage in acts of corruption or bribery, nor will a Member condone such acts by others.

The public demands that the integrity of Bennington Police Department Members be above reproach. Members must avoid any conduct that might compromise integrity

^{11 &}quot;Response to Resistence/Use of Force Policy" See Use of Force Policy of the Bennington Police Department, adopted 12/14/2020.8/23/21, p. 1.

and thus undercut the public confidence in the Bennington Police Department. Members will refuse to accept any gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to influence the Member from performing official responsibilities honestly and within the law. Bennington Police Department members must not receive private or special advantage from their official status. Respect from the public cannot be bought, it can only be earned and cultivated.

G. COLLABORATION WITH OTHER AGENCIES (See Collaborative Partnerships)

Bennington Police Department Members will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. In addition, the BPD will collaborate with a variety of community agencies and organizations in order to fulfill its vision and mission; to include, but not limited to: United Counseling Service, Project Against Violent Encounters (PAVE), Southwestern Vermont Medical Center (SVMC), Vermont Center for Independent Living (VCIL), or other agency or organization.

An Officer or Agency may be one among many organizations that may provide law enforcement services to a jurisdiction. (e.g., Vermont State Police, Bennington County Sheriff's Department). It is imperative that all Members assist colleagues fully

Commented [MB1]: Spell them out

When the BPD enters a collaborative relationship with an agency expressed in a Memorandum of Understanding (MOU) a copy of that MOU will be made available to all Members of the department.

H. PERSONAL-PROFESSIONAL CAPABILITIES

and completely, with respect and consideration at all times.

Bennington Police Department Members will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence.

Through study and experience, a Bennington Police Department Member should acquire a high level of knowledge and competence that is essential for the efficient and effective performance of duty. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

I. PRIVATE LIFE (See Social Media Policy)

Bennington Police Department Members will behave in a manner that does not bring discredit to the agency or themselves. (see J. below)

Members shall follow applicable law and the policies of the BPD regarding their participation and involvement in political activities. Where legal mandates are silent on this issue, members shall be guided by the following examples of prohibited political activities while on-duty, in uniform, or otherwise serving as a representative of the BPD. Members shall not:

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- Place, affix, or display any campaign literature or other paraphernalia in or on government-owned or controlled property, to include offices and vehicles.
- Solicit political funds from any member of the BOD or other governmental agency of this jurisdiction.
- Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures.
- 4. Use official authority to interfere with any election or with the political actions of other officers or the general public; or
- Favor or discriminate against any person seeking employment because of political opinions or affiliations.

A Member's character and conduct while off duty must always be exemplary, thus maintain a position of respect in the community in which they live and serve. The Member's personal behavior must be beyond reproach.

J. CONDUCT UNBECOMING AN OFFICER

Members shall not conduct themselves in a manner, on or off duty, that:

- · casts doubt on their integrity, honesty, moral judgment, or character.
- brings discredit to the Bennington Police Department.
- · impairs the BPD's efficient and effective operation.

H. CONDUCT TOWARD THE PUBLIC

Members shall interact with the public in a civil and professional manner that conveys a service orientation to foster public trust and cooperation and adheres to the concepts associated with procedural justice.

- Members shall treat individuals with courtesy, respect, and dignity.
- Members shall not employ an officious or overbearing attitude or use language that might belittle, ridicule, or intimidate individuals.
- Members shall perform their duties equitably in both the enforcement of laws and the delivery of law enforcement services within the community and shall strive to maintain public rust by conducting all law enforcement business in an unbiased, fair, and impartial manner.²

III. DEFINITIONS:

- A) Discretion: A power or right conferred upon officers by law of acting, or not acting, officially in certain circumstances, according to the dictates of their own judgement and conscience and their Oath of Honor.
- B) Reasonable: The behaviors and actions that would be used by other reasonable and well-trained officers if faced with the same or similar circumstances.

² See Fair and Impartial Policing Policy

1	C) Member: As used in this document, this means any employee of the Bennington
2	Police Department, whether sworn, civilian, full time, part-time, or otherwise.
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5	This Policy is adopted by the Select Board of the Town of Bennington, Vermont, this
6	day of, 2021 and is effective as of this date until amended or repealed.
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10	Jeannie Jenkins, Chairperson

MANAGER'S REPORT September 13, 2021

ACTION

<u>VLCT Annual Meeting delegate</u> It's that time of year when the Town appoints a voting delegate to the annual meeting of VLCT. I've been the delegate for the last two decades or more.

Action requested Motion to designate the Manager as Bennington's voting delegate.

INFORMATIONAL

New Police Officers Four new officers were recently sworn in at the BPD. They are Forest Hayden, James Macaulay, Ryan Racana, and Brandon Rumley. They begin their training this month and look to gain full certification by April 2022.

<u>Town Offices hours of operation</u> The Town Offices have been open with the new hours for two weeks as I write this. Everything appears to be working well. We will continue to monitor this change to fully understand its impact.

<u>Furnace Brook property clean up</u> This project is nearly completed. Topsoil is being applied over this week into next if needed. I must tip my hat to the Bennington highway crew members who have worked on this site. EPA led projects tend to be more complicated and difficult. We all will be glad that this will soon be behind us.

FOLLOW UP

Overtime Reports for August are attached.

Community Development and Permitting/Planning Reports are attached.

Town of Bennington Payroll Overtime Report 08/28/21 - 09/02/21

DEPARTMEN	T			OT HRS	GROSS AMT	OVERTIME	PRCT
TOTALS	FOR DE	EPT 3	321	0.00	3,573.60	0.00	0.00%
TOTALS	FOR DE	EPT 3	340	,0.00	294.31	0.00	0.00%
TOTALS	FOR DE	EPT 3	341	0.00	3,530.40	0.00	0.00%
TOTALS	FOR DI	EPT 3	343	0.00	2,160.00	0.00	0.00%
TOTALS	FOR DI	EPT 3	344	0.00	2,198.00	0.00	0.00%
TOTALS	FOR DI	EPT :	350	0.00	2,610.00	0.00	0.00%
TOTALS	FOR DI	EPT :	362	0.00	3,784.00	0.00	0.00%
TOTALS	FOR DI	EPT :	365	1.50	2,278.38	55.62	2.44%
TOTALS	FOR DI	EPT :	371	0.00	8,292.43	0.00	0.00%
TOTALS	FOR DI	EPT	410	92.50	43,586.79	4,100.49	9.41%
TOTALS	FOR DI	EPT .	510	7.50	18,605.22	261.75	1.41%
TOTALS	FOR DI	EPT .	540	14.00	9,341.05	549.45	5.88%
TOTALS	FOR D	EPT :	590	6.50	6,933.16	275.96	3.98%
TOTALS	FOR D	EPT '	790	0.00	848.80	0.00	0.00%
REPORT	TOTAL	s		122.00		5,243.27	==== 4.85%

Town of Bennington Payroll Overtime Report 08/21/21 - 08/26/21

DEPARTMENT	OT HRS	GROSS AMT	OVERTIME	PRCT	
TOTALS FOR DEPT 30	0 0.00	758.31	0.00	0.00%	
TOTALS FOR DEPT 32	0.00	3,573.60	0.00	0.00%	
TOTALS FOR DEPT 34	0.00	294.31	0.00	0.00%	
TOTALS FOR DEPT 34	0.00	3,530.40	0.00	0.00%	
TOTALS FOR DEPT 34	3 0.00	2,160.00	0.00	0.00%	
TOTALS FOR DEPT 34	4 0.00	2,198.00	0.00	0.00%	
TOTALS FOR DEPT 35	0,00	2,610.01	0.00	0.00%	
TOTALS FOR DEPT 36	0.00	4,084.00	0.00	0.00%	
TOTALS FOR DEPT 36	0.00	2,210.40	0.00	0.00%	
TOTALS FOR DEPT 3	1 4.00	8,156.87	185.84	2.28%	
TOTALS FOR DEPT 4:	.0 220.50	50,012.10	9,500.28	19.00%	
TOTALS FOR DEPT 5	.0 22.50	19,857.49	1,016.90	5.12%	
TOTALS FOR DEPT 54	12.00	9,222.18	534.46	5.80%	
TOTALS FOR DEPT 5	20.50	7,427.58	770.38	10.37%	
TOTALS FOR DEPT 7	0.00	848.80	0.00	0.00%	
REPORT TOTALS	======= 279.50		======= 12,007.86		

Town of Bennington Payroll Overtime Report 08/14/21 - 08/19/21

DEPARTMENT	OT HRS	GROSS AMT	OVERTIME	PRCT
TOTALS FOR DEPT 321	0.00	3,573.60	0.00	0.00%
TOTALS FOR DEPT 340	0.00	294.31	0.00	0.00%
TOTALS FOR DEPT 341	0.00	3,530.40	0.00	0.00%
TOTALS FOR DEPT 343	0.00	2,160.00	0.00	0.00%
TOTALS FOR DEPT 344	0.00	2,198.00	0.00	0.00%
TOTALS FOR DEPT 350	0.00	2,610.01	0.00	0.00%
TOTALS FOR DEPT 362	0.00	3,784.00	0.00	0.00%
TOTALS FOR DEPT 365	0.00	2,222.76	0.00	0.00%
TOTALS FOR DEPT 371	11.00	8,110.45	439.42	5.42%
TOTALS FOR DEPT 410	71.00	39,901.00	3,173.64	7.95%
TOTALS FOR DEPT 510	18.00	20,188.41	628.41	3.11%
TOTALS FOR DEPT 540	12.00	9,327.29	535.69	5.74%
TOTALS FOR DEPT 590	8.00	7,003.56	334.72	4.78%
TOTALS FOR DEPT 790	0.00	848.80	0.00	0.00%
REPORT TOTALS	120.00		5,111.88	==== 4.83%

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08/10/21 02:21 pm

Town of Bennington Payroll Overtime Report 08/06/21 - 08/12/21

DEPARTMENT	OT HRS		OVERTIME	
TOTALS FOR DEPT 321	0.00			
TOTALS FOR DEPT 340	0.00	294.31	0.00	0.00%
TOTALS FOR DEPT 341	0.00	3,530.40	0.00	0.00%
TOTALS FOR DEPT 343	0.00	2,160.00	0.00	0.00%
TOTALS FOR DEPT 344	0.00	2,198.00	0.00	0.00%
TOTALS FOR DEPT 350	0.00	2,610.00	0.00	0.00%
TOTALS FOR DEPT 362	0.00	3,784.00	0.00	0.00%
TOTALS FOR DEPT 365	0.00	2,210.40	0.00	0.00%
TOTALS FOR DEPT 371	4.00	8,535.91	138.48	1.62%
TOTALS FOR DEPT 410	72.25	39,525.40	3,229.81	8.17%
TOTALS FOR DEPT 450	0.00	875.00	0.00	0.00%
TOTALS FOR DEPT 510	22.00	19,980.43	767.79	3.84%
TOTALS FOR DEPT 540	17.50	9,521.15	729.55	7.66%
TOTALS FOR DEPT 590	12.00	7,163.63	506.43	7.07%
TOTALS FOR DEPT 790	0.00	848.80	0.00	0.00%
REPORT TOTALS	127.75		5,372.06	

Town of Bennington Payroll Overtime Report 07/31/21 - 08/05/21

DEPARTMENT	OT HRS	GROSS AMT	OVERTIME	PRCT
TOTALS FOR DEP	T 321 0.00	3,573.60	0.00	0.00%
TOTALS FOR DEP	T 340 0.00	294.31	0.00	0.00%
TOTALS FOR DEP	т 341 0.00	3,536.18	0.00	0.00%
TOTALS FOR DEP	T 343 0.00	6,625.55	0.00	0.00%
TOTALS FOR DEP	T 344 0.00	2,198.00	0.00	0.00%
TOTALS FOR DEP	T 350 0.00	2,610.00	0.00	0.00%
TOTALS FOR DEP	T 362 0.00	4,584.00	0.00	0.00%
TOTALS FOR DEP	т 365 0.00	2,210.40	0.00	0.00%
TOTALS FOR DEP	T 371 4.00	8,536.81	139.38	1.63%
TOTALS FOR DEP	T 410 84.00	39,013.49	3,597.86	9.22%
TOTALS FOR DEP	T 510 19.00	19,218.64	623.87	3.25%
TOTALS FOR DEP	T 540 18.00	9,534.87	750.51	7.87%
TOTALS FOR DEP	T 590 12.50	7,141.43	484.22	6.78%
TOTALS FOR DEP	T 790 0.00	848.81	0.00	0.00%
REPORT TOTALS	137.50	**,***.**		==== 5.09%

Recreation:

a. YMCA program planning:

The Rec Center is reopening on September 15 after their annual shut down for cleaning. Pool, adult fitness, and youth program schedules are updated on the Bennington Recreation center Facebook page. The Y's summer camp wrapped up and adult fitness classes are continuing at Benn High. Afterschool programming is happening outside at the Rec Center for middle and high school students to drop in for basketball and group games. The Y is also running afterschool programs at the Village School in North Bennington and at the Bennington Sports Center (old Catamount School). Youth soccer for ages Pre-K-2nd grade will also be offered at the Bennington Rec Center starting on September 11.

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 and Callie Fishburn of BCRC are working with me to develop the wayfinding signs and locations. I am also working with Cat on an application for a VOREC (Vermont Outdoor Recreation Economic Collaborative) grant focused on trail development, wayfinding, marketing, a new parking area, and lookout for the Bennington Area Trail System on the former SVC campus.

c. Appalachian Trail Community designation:

The Appalachian Trail Conservancy officially designated Bennington as an Appalachian Trail Community, which puts 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. The town received four AT Community road signs that will be installed at entry points into town. The AT Community held a potluck and planning session at Willow Park on August 19.

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. Bennington was one of 5 communities chosen to receive the grant of \$15,000 from the Vermont Arts Council. We held a community workshop, "Reimagining the Rec Center Green" and common themes were creating a play zone for kids, more landscaping, a shade structure and incorporating local history and photos into the artwork that is created. Matthew Perry of the Vermont Arts Exchange will lead

the artist recruitment and planning for the art installations. Mark Sawyer hired Dwyers Four Seasons to install the new fence along Gage Street and it should be complete in the next week just in time for youth soccer on the green.

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 are running Facebook ads to promote fall travel to Bennington. VBH blog posts for September promoted upcoming events such as Garlic Town, the Bennington Food Truck Festival, and *The Turn of the Screw* at Oldcastle Theater.

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 Regional Food Network, which promotes a stronger regional network for sustainable local agriculture.

The downtown market advisory group developed out of the SVRFN and is focused on a downtown market that supports local farms and food producers and supplies fresh produce to downtown Bennington. This advisory group is forming a nonprofit called the Four Corners Community Market and developing a business plan and assessing available downtown space for the food market.

Community Development Block Grants:

The Berkshire Family YMCA, UCS Head Start, and Sunrise Family Resource Center received VCDP 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 working on paperwork required for each grant agreement and subgrant agreement along with progress reports. Shires Housing submitted a VCDP application for two recovery housing projects and Hale Resources received additional funding for the affordable housing development at 219 Pleasant Street.

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. The kiosk will be completed and installed by September 30. 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 final improvements to Franklin Lane. Scheduling contractors during the busy summer season has been a challenge and it looks like the work will need to start next 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. A public meeting to discuss the Energizer Reuse Study was held on July 21 and BCRC has collected community ideas for reuse of the property through an online survey. Camoin is completing their final report and it will be released soon.

Designated Downtown:

I submitted an amendment application to Bennington's Designated Downtown to the state's Downtown Board, with an amended map provided by BCRC, along with a narrative and photos that I provided. The state approved the amendment to extend the Designated Downtown along the east side of Main Street to Pleasant Street. This will include Benn High within the downtown district and will provide benefits to the extended area such as historic tax credits and state grant funding. Benn High's application for historic tax credits was awarded by the state.

Garlic Town USA:

I was on the planning committee for the Chamber's event Garlic Town, USA, which will was held in downtown Bennington on Saturday, September 4. I volunteered at the BBC during the event, which had a great turnout and many people exploring downtown as well as the vendor cloves.

Communications Coordinator Hiring Committee:

I participated in the hiring committee to interview candidates for the Town's new Communication Coordinator position. The committee unanimously chose Jonah Spivak for the position and he and I will be moving into a shared office when he begins on September 20.

BBC Executive Director Hiring Committee:

I am also a member of the hiring committee for the Better Bennington Corporation's new Executive Director position. Resumes and cover letters for the position need to be submitted to the BBC by September 15.

In the past month, I have met with the Berkshire Family YMCA management team, the owner of Benn High LLC, Spectrum Design, Eight Oh Two Marketing, Historic Preservation Commission, Southern VT Regional Food Network, Workforce and Education committee, Town's Economic Development committee, Better Bennington Corporation, Shires Housing, Vermont Arts Exchange, BCRC, and AT Community advisory committee.

Summary of Building Permits Issued August 2021

Construction Type	Month to date	Month to Date Volume	Year to date	Year to Date Volume
	Permit Totals		Permit Totals	
				#700 000 00
Single Family Dwelling	0	\$0.00	2	
Duplex	0	\$0.00	0	\$0.00
Mobile Homes	0	\$0.00	2	
Apartments	0		1	\$3,200,000.00
Apartment Renovations	1	\$33,000.00	11	\$2,650,500.00
Condominiums	0		0	
Residential Renovations	0		5	
Residential Additions	C		. 2	
Commercial Construction	C		0	
Commercial Renovations	1	\$198,000.00	17	
Industrial Construction		\$0.00	0	
Industrial Renovations	0	\$0.00	1	
Garages	1	\$30,000.00	6	
Sheds	2	\$13,400.00	15	
Decks/ Porch	4	\$58,900.00	23	
Institutions	,	\$10,000.00	6	
Signs	(\$0.00	11	
Use & Zoning	(\$0.00	12	\$24,918,055.00
Subdivision	•	\$0.00	6	\$0.00
Home Occupation	(\$0.00	1	\$0.00
Propane Tank/Storage Tank	(\$0.00		
Boilers/Furnaces/RTU's, A/C	(\$0.00	(
Tents		\$1,200.00		
Handicap Access/Ramps		\$0.00	•	\$4,327.00
Concreate Slabs		\$0.00	(\$0.00
Cell Towers/Communications	(\$0.00		\$0.00
Solar Installations		\$0.00	4	\$490,251.00
Camps		\$0.00	(\$0.00
Withdrawn		\$0.00		\$90,100.00
Demolition		2 \$0.00	(\$0.00
Dominion.		0 \$0.00		
Total	1		139	9 \$36,116,779.00

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	23
June	32	34	32	20	19	21	19	10	14	12	25	16
July	23	20	24	33	29	47	16	29	30	28	12	16
August	26	14	30	21	29	20	18	25	25	16	27	16
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	
	35											

Town of Bennington Planning and Zoning Detailed Permit Report

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Permit types included: Building

Approval status included: Gran

Occupancy status included: Any status

Decision dates included:

Between 08/01/2021 and 08/31/2021

Parcel number Land Record Book and Pages	Permit number	Owner's name Applicant's name Location	Permit type Cert. of	Decision Occ.		Fee paid f project
41501801	21-110	VOLPE ROCCO & BERNADETTE Rocco Volpe 9 HILL SHADOW FARM RD New entry wasy and porch	Building C.O. Pen	Granted ding	08/04/2021	35.00 25,000.00
50517100	21-111	DIONYSUS LLC (50%) William Gardner 113 DEPOT ST Tenst for Homebrew Festival 1 - 20'x20' 2-20	Building C.O. Not 0'x30' Temp. 8/5/2	Granted required 121 - 8/6/2021	08/06/2021	35.00 1,200.00
43516000	21-112	CHENAILLE WENDY S Wendy Chenaille 3 SHARON DR 12x16 Shed	Building C.O. Per	Granted nding	08/20/2021	60.00 7,400.00
67500200	21-113	DECKER RAYMOND & HELEN Raymond & Helen Decker 144 HURLEY LN 10x20 Front Porch	Building C.O. Per	Granted nding	08/11/2021	50.00 2,400.00
51535500	21-114	332 PLEASANT ST LLC Hale Resources 332 PLEASANT ST Renovate unit #8	Building C.O. Pe	Granted nding	08/11/2021	50.00 33,000.00
43514600	21-116	FREDETTE MICHAEL A Michael Fredette 143 CONVENT AV Repair Deck	Building C.O. Pe	Granted nding	08/19/2021	25.00 1,500.00
38501621	21-117	SQUIERS MAX D JR & SARAH J Max & Sarah Squires 128 BRADLEY DR 24x24 garage	Building C.O. Pe		08/20/2021	97.60 30,000.00
57505100	21-118	MUNDT JOSEF C & SAMANTHA A Wes Wade 116 COULTER ST Front Proch (344 sf)	Building C.O. Pe	Granted nding	08/20/2021	71.60 30,000.00
22500401	21-119	BENNINGTON COLLEGE CORP Rain or Shine Tent 1 COLLEGE RD Temp Tents 1 - 90x100 1 - 15x30 Use between		Granted at required	08/19/2021	50.00

09/02/2021 10:37 am

Town of Bennington Planning and Zoning Detailed Permit Report

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Parcel number Land Record Book and Pages	Permit number	Owner's name Applicant's name Location	Permit type Cert. of	Decision f Occ.		Fee paid f project
17502000	21-120	BENNINGTON EARLY CHILDHOOD CTR Bennington Early Childhood Center 1506 HARWOOD HILL RD 20x32 Pavillion and 8x10 shed	Building C.O. Per	Granted nding	08/24/2021	356.00 10,000.00
52531600	21-121	SAUNDERS PAUL L & MARCI J Paul and Marci Saunders 52 SAUNDERS DR 12x20 Shed	Building C.O. Per	Granted nding	08/24/2021	35.00 6,000.00
50563500	21-122	VERMONT RE DEVELOPMENT LLC Vermont Redevelopment LLC 425 MAIN ST Office Renovations (3600 sf)	Building C.O. Pe	Granted nding	08/26/2021	720.00 198,000.00
51540500	21-123	TOWN OF BENNINGTON Jeffery Davis 655 GAGE ST 20x40 Temp Tent (8/25-9/3/2021)	Building C.O. No	Granted t required	08/24/2021	50.00

09/02/2021 10:39 am

Town of Bennington Planning and Zoning Detailed Permit Report

Page 1 bgallant

Permit types included: Local/Custom

Approval status included: Granted
Occupancy status included: Any status

Decision dates included:

Between 08/01/2021 and 08/31/2021

Parcel number Land Record Book and Pages	Permit number	Owner's name Applicant's name Location	Permit type Cert. of	Decision FOcc.	n F Cost of	ee paid project
43516000	2021	CHENAILLE WENDY S Wendy Chenaille 3 SHARON DR	Local/Custom C.O. Not	Granted required	08/20/2021	25.00
52531600	2021	SAUNDERS PAUL L & MARCI J Paul & Marci Saunders 52 SAUNDERS DR Remove rotted shed	Local/Custom C.O. Not	Granted required	08/20/2021	25.00

09/02/2021 10:39 am

Town of Bennington Planning and Zoning Detailed Permit Report

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Permit types included: Subdivision

Approval status included: Granted

Occupancy status included: Any status

Decision dates included:

Between 08/01/2021 and 08/31/2021

Parcel number Land Record Book and Pages	Permit number	Owner's name Applicant's name Location	Permit type Cert. of	Decision Occ.	n F Cost of	ee paid project
52514700	21-115	CALLAHAN THOMAS Thomas Callahan 426 BURGESS RD 2 lot subdivision	Subdivision C.O. Not	Granted required	08/13/2021	50.00