

M E E T I N G N O T I C E
BENNINGTON SELECT BOARD
September 27, 2021
BENNINGTON FIRE FACILITY
MULTI PURPOSE ROOM-3RD FLOOR
130 River Street
Bennington, VT 05201

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

1. Pledge of Allegiance
2. Vision Statement
3. Consent Agenda 6:00 PM - 6:05 PM
 - A. Minutes of September 9, 13, 15, 16, 2021
 - B. Warrants
4. Public Comment 6:05 PM - 6:20 PM
5. Y Update 6:20 PM - 6:35 PM
6. Senior Center Update 6:35 PM - 6:45 PM
7. Morgan Springs Agreement 6:45 PM - 7:05 PM
8. Community Policing Update 7:05 PM - 7:15 PM
9. Manager's Report 7:15 PM - 7:30 PM
10. Upcoming Agendas 7:30 PM - 7:40 PM
11. Other Business 7:40 PM - 7:50 PM

**SELECT BOARD
MINUTES**


September 9, 2021

Present: Jeannie Jenkins, Chair, Jeanne Conner, V. Chair, Sarah Perrin, Gary Corey, Jim Carroll and Bruce Lee-Clark. Absent by refusal: Tom Haley.

The Chair called the meeting to order at 4:58 pm. The Board voted to enter executive session to conduct interviews for the Safety and Equity Committee.

The Board came out of executive session at 7:14 pm and adjourned.

Respectfully submitted,



Stuart A. Hurd

BENNINGTON SELECT BOARD MEETING

130 RIVER STREET

BENNINGTON, VERMONT 05201

SEPTEMBER 13, 2021

MINUTES

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

SELECT BOARD MEMBERS ABSENT: None.

ALSO PRESENT: Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Dr. Trey Dobson-Medical Director SVMC; Dara Zink and Lindsay Brillon-PAVE; Sarah Krinsky and Bri Magnifico-W. Collective; Nancy White; 3 citizens; Josh Boucher-CAT-TV; and Nancy H. Lively-Secretary.

At 6:02pm, Ms. Jenkins called the meeting to order and asked those not vaccinated to wear a mask and social distance. If unable to wear a mask, please sit in the designated area. There are wipes to wipe down the microphone if you wish to speak.

1. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

2. 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."

3. CONSENT AGENDA

A. MINUTES OF AUGUST 23, 2021

B. WARRANTS

C. LIQUOR LICENSES

Bruce Lee-Clark moved and Jim Carroll seconded to approve the Consent Agenda with the Minutes of August 23, 2021 amended as follows:

Lines 10 and 201, Change "Mann" to "Matte"

The motion carried unanimously.

31 **4. COVID UPDATE**

32 Dr. Trey Dobson, SVMC Medical Director, did the following COVID update:

- 33 • The virus is circulating within our community primarily among the unvaccinated with
- 34 50% in the under the age of 12 group.
- 35 • Testing in the State is at 3.5%-4% with our goal to be at 1%.
- 36 • Case numbers have been flat over the last 14 days, however, the State is in the mid-30's
- 37 of cases.
- 38 • Hospitals throughout the State are doing all surgeries, whereas, they were only caring
- 39 for COVID cases when cases were in the mid-60's.
- 40 • SVMC is averaging 5-7 COVID cases/day over the past few weeks.
- 41 • There are 5 unvaccinated people that test positive for every 1 vaccinated person that
- 42 does.
- 43 • There are 10 times the number of unvaccinated people to vaccinated people that are
- 44 hospitalized with 66% being over the age of 75.
- 45 • Vaccinated people can get, and give, COVID.
- 46 • We have positive tests in the schools but they don't appear to be transmitted in the
- 47 schools, themselves.
- 48 • It is expected that we will be able to vaccinate the 5-11 year olds within 60 days.
- 49 • There are differing opinions as to administering the third booster shot. We are ready to
- 50 do so and will know more on this next week.

51 *Board questions and comments responded to by Dr. Dobson:*

52 Mr. Carroll: Asked about the Delta and Mu variants. We follow all variants with some being

53 stronger than others. Delta replicates quickly so is more of a concern than Mu - this is how

54 viruses work.

55 Ms. Conner: When should people get tested? If a vaccinated person just wants to test for

56 surveillance, their false positive result numbers are close to their true positive results. There

57 should be a reason to test other than just being concerned on a given day.

58 Ms. Conner: When should we be getting the regular flu shot? You should get the regular flu

59 shot as soon as it's available which is now. If we begin to administer the third booster shot, we

60 will be doing both at the same time.

61 Mr. Corey: Are we admitting 5-7 people/day at SVMC? That is how many that are in the hospital

62 considering that when admitted, some may be staying for multiple days. The highest recently

63 has been 8 with 5 this morning.

64 Mr. Corey: Is Bennington considered high among the 30 in the State? It depends on the day and

65 varies among the 15 hospitals in the State. The whole State is in the red right now.

66 **5. 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.
2. 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.

Dara Zink, PAVE Board President, and Lindsay Brillon, PAVE Executive Director, did the following presentation:

- PAVE is celebrating their 40th anniversary.
- Donations will ensure that we can continue to provide guidance and shelter to the victims of sexual and domestic violence, supervised visitations, as well as, assistance at the Emergency Room at SVMC when needed.
- We are the only organization that provides these services in the county.
- A 40th Anniversary Raffle is being held with the following prizes:
 - \$500 cash.
 - \$100 gift certificate to Allegro Ristorante.
 - Subscription to Master Class.
 - 18 holes of golf at Mt. Anthony Country Club.
 - Tour of Hildene - The Lincoln Family Home.
 - Mani-Pedi and Eyelash extensions from Posh Place.
 - Electric toothbrush from Bennington Dental.
 - \$250 gift certificate from Madison Brewery.
 - Gift certificate from Thyme Tables.
 - Spring wildflower walk with Ruth Botzow.
 - Gift certificate for Maggi Randall bagels.
 - Gift certificate for 'comfort food'.
 - \$100 gift certificate from Wassick Tire, Inc.

- 106 ○ Gift certificate from Mighty Farm CSA.
- 107 ○ Tour of Bennington Museum.
- 108 ○ Outfit from Apricot Lane Boutique.
- 109 ○ \$500 cash - again.
- 110 ➤ The \$50 tickets can be purchased from PAVE staff, board members, or at
- 111 www.pavebennington.org by September 27th. Drawings will be done on October 1st.

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114 Nancy White requested the following three issues be on the next agenda:

- 115 ✓ The Benn High Project - owner - or someone else - should inform the community of
- 116 the costs involved with the renovations of the building and feels that the Town will be
- 117 paying for it through our Recreation Budget.
- 118 ✓ The Senior Center - she has been asking for a year about the future of the Senior
- 119 Center and doesn't feel that moving it to Benn High with multiple age groups is an
- 120 answer. Senior Center meetings should be at the Select Board meetings, November is
- 121 too late for discussion, and it isn't Bennington's responsibility to take care of seniors in
- 122 the rest of the county.
- 123 ✓ The Recreation Center - very disappointing to see all of the fencing on the property,
- 124 there's no room for parking expansion, and strangers from everywhere are allowed to
- 125 use the facilities. The Rec Center is not a YMCA building.
- 126 Ms. Jenkins stated that Appalachian Trail users have always been able to use the
- 127 showers at the Rec Center.

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130 Sarah Krinsky and Bri Magnifico, co-owners of W. Collective, did the following presentation:

- 131 ▪ We are trying to bring everyone together in the community by building up the arts
- 132 scene and work with Bennington College.
- 133 ▪ We've been working with many community based organizations and provide an
- 134 opportunity for artists to display and/or sell their work.
- 135 ▪ We are open Thursday thru Saturday from 10:00am-6:00pm, and Sunday from
- 136 10:00am-5:00pm.

137 -----
138 -----

139 Sarah Perrin announced that the Bennington Food Truck Fest will take place on September 18th
140 from 11:00am-6:00pm. We will have music, come hungry, come early, stay late, have a good
141 time, and please bring your own chairs. We will not have a tent to sit under because we will try
142 to social distance and are encouraging everyone to wear a mask.

143 **6. COMMUNITY POLICING UPDATE**

144 **A. CODE OF CONDUCT - SECOND READING**

145 Mr. Lee-Clark reiterated the changes that had been made but were not on the copy the
146 Board had received as follows:

- 147 ❖ Page 1, Related Policies; Delete "Response to Resistance" and "Duty to Intervene"
- 148 ❖ Page 1, Related Policies; Add "Fair and Impartial Policing"
- 149 ❖ Page 5, Line 4, Change "BOD" to "BPD"
- 150 ❖ Page 5, Line 14, Change "maintain" to "maintaining"
- 151 ❖ Page 5, Line 23, Change "H" to "K".

152 This language comes directly from the IACP and was requested to be added by
153 community members and the Committee used this a great deal to construct this policy.
154 Note that the Fair and Impartial Policing Policy has been sited.

- 155 ❖ Page 4, Line 32, Change "rust" to "trust"

156 ***Bruce Lee-Clark moved and Gary Corey seconded the adoption of the Policy on Code of***
157 ***Conduct with the corrections as stated.***

158 Ms. Jenkins noted that Page 5, K. CONDUCT TOWARD THE PUBLIC, Line 27, "Members
159 shall treat individuals with courtesy, respect, and dignity." is what we're after and that Line 28,
160 "Members shall not employ an officious or overbearing attitude or use language that might
161 belittle, ridicule, or intimidate individuals." is unnecessary and offensive.

162 Mr. Lee-Clark stated that the argument is that it's easier for someone to understand the
163 language of Line 28 when they've experienced it than for them to understand the lack of the
164 positive.

165 Ms. Conner added that it is assuming that is what the police officer would do, and Mr.
166 Lee-Clark disagreed stating that it is giving a positive and a negative without any assumptions
167 either way.

168 Ms. Conner asked if it could be put in procedures, and Mr. Lee-Clark noted that we don't
169 know if it will be addressed in procedures.

170 The presence of this statement doesn't bother Mr. Haley or Ms. Perrin.

171 ***The motion carried unanimously.***

172 Mr. Lee-Clark thanked Committee members Dan Monks, Dan Ferrara, Lynn Mazza, Beth
173 Sausville, Peter Lawrence and Lauren Wilcox for their work on this policy.

174 **B. UPDATES**

175 Ms. Conner reported the following:

- There are 7 sets of procedures that are very close to being ready for the Board's review.
- The interview process for the Task Force Candidates began last week and will be finished this week. We will appoint the Task Force by September 20th.

7. INFRASTRUCTURE/ECONOMIC DEVELOPMENT STRATEGY SUBCOMMITTEE

Ms. Jenkins stated that we have hired White and Burke to assess infrastructure, economic needs in the community and to look at a range of funding streams. They are very interested in seeing our list of projects to compile with the lists from BCRC and the BBC. We have formed a subcommittee made up of Ms. Conner, Mr. Corey, and Ms. Jenkins to create the Town's list. We will know more at our September 27th meeting and the public will ultimately be involved, as well.

8. MANAGER'S REPORT

Mr. Hurd reported the following:

Bruce Lee-Clark moved and Tom Haley seconded to appoint the Town Manager as Bennington's voting delegate to the VLCT Annual Meeting via Zoom on September 26, 2021. The motion carried unanimously.

- ✓ New Police Officers - We have hired 4 new officers that were recently sworn in at the BPD. Forest Hayden, James Macaulay, Ryan Racana, and Brandon Rumley begin their training this month and look to gain full certification to be able to patrol without supervision by April 2022. We have been down 6 positions plus the dispatch position so, if interested, check out the BPD website.
- ✓ Furnace Brook Property Clean Up - The site is just off of Chapel Road and is visible from the highway. The Town was named the responsible party because the Furnace Brook ran through the property. The Town and VTRANS are working with the State and the project is nearly completed. Topsoil is being applied over this week into next if needed. Kudos to the Bennington highway crew members that were either already certified, or we had certified, to work on an EPA project who have worked on this site. EPA led projects tend to be more complicated and difficult, and they are satisfied with the completion. All of the costs, except for our employees, have been paid for by the State of Vermont.

Additional comments:

We have hired Jonah Spivak as the Towns Communications Coordinator. This position will be a part of the Community Development division. He will start on September 20th and we look forward to harnessing his energy.

9. UPCOMING AGENDA

September 27, 2021 - YMCA Update - Including Use of Greenspace

211 September 27, 2021 - Senior Center Report - Mr. Hurd. (Mr. Hurd will not report on the
212 privately owned Benn High Project.)

213 **10. OTHER BUSINESS**

214 Mr. Haley: Thanked everyone involved with putting on Garlic Town - "It was spectacular".

215 Mr. Haley: Dragon bags are now available from the Bennington Free Library Children's Room.
216 They have 5 riddles in them to solve and can get supplies to sculpt and decorate their own
217 dragons. On September 18th there is a dragon puppet workshop at 10:30am. To register call
218 the Library at 442-9051 or e-mail children@bfli.org.

219 Mr. Haley: As a collaboration between the Bennington Free Library and Bennington Museum,
220 on September 16th at 1:30pm there will be the Museum ABC's for Preschoolers and Grownups
221 at the George Aiken Wildflower Trail.

222 Ms. Jenkins: Thanked the Town and all that participated in the moving tribute to 9/11.

223 **10. EXECUTIVE SESSION**

224 **A. CONTRACT**

225 *At 7:04pm, Bruce Lee-Clark moved and Sarah Perrin seconded that the meeting was*
226 *adjourned finding that an Executive Session be held on a Contract as premature public*
227 *knowledge would place a person involved in the subject matter at a substantial*
228 *disadvantage. There will be no actions taken on these items when going back into Open*
229 *Session. The motion carried unanimously.*

230

231 Respectfully submitted,

232 Nancy H. Lively

233 Secretary

234

**SELECT BOARD
MINUTES**

September 15, 2021

Present: Jeannie Jenkins, Chair, Jeanne Conner, V. Chair, Sarah Perrin, Gary Corey, Jim Carroll and Bruce Lee-Clark. Absent by recusal: Tom Haley.

The Chair called the meeting to order at 5:01 pm. The Board voted to enter executive session to conduct interviews for the Safety and Equity Committee.

The Board came out of executive session at 7:14 pm and adjourned.

Respectfully submitted,



Stuart A. Hurd

**SELECT BOARD
MINUTES**

September 16, 2021

Present: Jeannie Jenkins, Chair, Jeanne Conner, V. Chair, Sarah Perrin, Gary Corey. Jim Carroll and Bruce Lee-Clark. Absent by recusal: Tom Haley.

The Chair called the meeting to order at 5:00 pm.

On a motion by B. Lee Clark, seconded by J. Conner, the Board voted unanimously to amend the agenda to add appointments to Safety and Equity Taskforce.


The Board then voted to enter executive session at 5:02 pm to conduct interviews for the Safety and Equity Committee.

The Board came out of executive session at 7:02 pm. On a motion by S. Perrin, seconded by B. Lee Clark, the Board voted unanimously to appoint the following to the Taskforce:

Clark Adams
Officer Benjamin Cassavaugh
Natalie Basil
Margae Diamond
April Dunham
Gail Harbour
Marshall Hudson Knapp
Lynn Mazza
Jim Vires
Sarabeth Ward
Lauren Wilcox

The Board voted to adjourn at 7:23 pm.

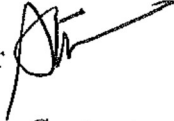
Respectfully submitted,


Stuart A. Hurd

MEMORANDUM

To: Select Board

From: Stuart A. Hurd, Town Manager



Re: Morgan Spring Delivery System Contract

Date: September 21, 2021

As you know, we have been negotiating with a company named Primo Waters. They are the major vendor for Premium Waters in Pittsfield and are currently purchasing Morgan Springs water through Premium Waters. The company is willing to help finance the relocation of our delivery system through a pre-buy contract which will grant them a discount on the cost of water over the first five years. Under the terms of the contract, Primo Waters will pre-buy in two installments, one in January 2022 and one in February 2022. The contract will also include three renewal periods of five years each with no discount as outlined below. The new contracts will provide an annual escalator clause at 3%. The proposed contract is non-exclusive to other vendors, excepting Premium Waters in the first five years due to the existing contract with Primo Waters. It gives priority of access to the delivery system to Primo Waters. It sets the hours of operation according to the DRB permit conditions; it sets the access route to and from the facility; it restricts parking on Main Street and other streets in Bennington; it sets a minimum annual draw of 5 million gallons; and provides for a maximum annual draw of 15,000,000 gallons, an average 52,500 gpd.

The proposed discounted rate for the first five years would be locked in at the current rate, \$0.0095/gallon. Our new proposed rate is \$0.015/gallon, 50% higher. This is the rate all new vendors would pay including Primo Waters once their discounted pricing ceases. In this way, we see no loss in revenue with the relocation.

I ask for your approval of this contract agreement. It allows the Town to proceed to construction immediately.

MANAGER'S REPORT
September 27, 2021

ACTION

Resolution Establishing Deposit Accounts for Tax Sale Payments Peoples Bank requires approval of the attached Resolution authorizing the opening of 6 accounts to deposit tax sale payments for each property sold for the next 12 months or until a property is redeemed. The Treasurer and I will open and oversee the accounts.

Action requested Motion to waive the reading of the Resolution and authorize the Chair to sign on behalf of the Board.

INFORMATIONAL

ARPA Funding Update Town departments, BCRC staff, BBC staff, and the Select Board's Economic Development and Infrastructure sub-committee have pulled together a lengthy list of potential projects to consider for use of the ARPA funds. It has not been vetted by the sub-committee and is not yet ready for public review. We have received the first half of the funds and placed them in a separate reserve. We expect the other half of the funds around this time next year. The total amount expected is just under \$4.0 million. Next steps include vetting and prioritizing the list, seeking public input, finalizing the list and planning for future use of the funds.

EPA led Furnace Brook clean up This project is now completed. EPA representatives have been to the site and appear satisfied with our efforts MSK must now certify the work and EPA will conduct a formal project completed review.

Public Works projects The Town and its contractors are nearing the completion of our seasonal work including PFOA related water line extensions, the south end water system improvements to increase pressure in higher elevations, and lead line removal finish work in areas where the service lines have been replaced. Lead line removal efforts will continue for a time in those neighborhoods where lead service lines have been identified and remain.

Senior Programs Attached please find the number of visits to the Senior Center during August and September. It is clear that Bingo and Bone Builders are very important offerings.

FOLLOW-UP

The Bennington Police Department Report is attached.

The Bike/Ped Monthly Report is attached.

AUGUST 2021 SENIOR DATA

[illegible]

SEPTEMBER 2021 SENIOR DATA

[illegible]

Town Manager Report to the Select Board September 2021

Chief Paul Doucette and Lt. Camillo Grande were unable to attend the IACP Conference in New Orleans this month as a result of the devastating effects of Hurricane Ida. Our hearts go out to the residents of Louisiana and surrounding states effected by this storm. Chief Doucette and Lt. Grande are scheduled to attend FBI-LEEDA training in November.

The new statewide use of force policy takes effect on October 1, 2021. The Use of Force Policy has been updated at the Bennington Police Department. Chief Doucette, Lt. Grande, Sergeant Burnham and Sergeant Stemp all attended the Supervisor/Administrator training in Waterbury presented by the Vermont Criminal Justice Council. The Bennington Police Department hosted two in-person Line Officer Training programs at the Bennington Fire Facility allowing members of the Bennington Police Department and surrounding agencies to receive training on the new statewide Use of Force Policy.

Members of the Bennington Police Department participated in the following community events: Special Olympics Torch Run, Garlic Town, Food Truck Festival and Copsicle events at local schools.

Members of the Bennington Police Department planned and participated in a memorial service on the 20th Anniversary of the September 11th terrorist attacks against the United States. The memorial was held on South Street and was well attended. Members of the Bennington Fire Department, Bennington Rural Fire Department, North Bennington Fire Department, Bennington Elks Lodge #567, Veterans of Foreign Wars Post 13, Mount Anthony Union High School Choir, Lynn Sweet, Sue Green, Representative Mary Morrissey and Town Manager Stuart Hurd all participated in the ceremony.

We took possession of our new hybrid police vehicle from the upfitter, and had the decals applied at White Rocks Studio. The new police vehicle will be used by members of the patrol division. You will note the back hatch on the vehicle now has our website listed. The vehicle was featured on our Facebook page and will be on patrol in October.

Review of the identified Bennington Police Department procedures, to go along with revised policies, is complete. The policies and procedures have been returned to the three person select board committee for final review. We thank all of the community members that assisted the select board members with reviewing and suggesting changes to our policies.

The Bennington Police Department is working with United Counseling Service in order to bring Mental Health First Aid training to law enforcement officers in the area. The Bennington Police Department will host the trainings at the Bennington Fire Facility once dates and times are set. We are looking forward to learning more about dealing with people that suffer from mental health and substance abuse issues.

Town of Bennington Bike/Ped Projects Update September 2021

Orchard Village (formerly Applegate) to Willowbrook Path

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

Status: Construction of the pathway is complete with the exception of a couple of minor punch list items. The path is experiencing significant use already. A final inspection of the project by the Town and the State will occur soon.

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. An 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. Clearing of vegetation has begun. Excavation is likely to begin in October. Construction 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 complete and will be submitted to the State for review and approval next month. Project scheduled to be put out to bid in Spring of 22. Construction is scheduled for 2022-23.