

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

BENNINGTON SELECT BOARD

Monday, March 14, 2022

Bennington Fire Facility

Multi-Purpose Room - 3rd Floor

130 River Street

Bennington, VT 05201

A G E N D A

6:00 PM

1. Pledge of Allegiance
2. Vision Statement
3. Consent Agenda 6:00 PM - 6:05 PM
 - A. Minutes of February 14 and 21, 2022
 - B. Warrants
 - C. Liquor Licenses
4. Covid Update 6:05 PM - 6:15 PM
5. Public Comment 6:15 PM - 6:30 PM
6. Community Policing Advisory and Review Board 6:30 PM - 7:00 PM
7. Economic Development Strategy and Infrastructure Update 7:00 PM - 7:30 PM
 - A. Willow Park Playground
 - B. Employee Pay and Benefits
8. Mask Resolution 7:30 PM - 7:40 PM
9. Pathways Funding Support 7:40 PM - 7:45 PM
10. Zoning Bylaw Amendment - Set Hearing Dates 7:45 PM - 7:50 PM
11. Support for Arts Grant 7:50 PM - 8:00 PM
12. Implementing the Town Vision 8:00 PM - 8:05 PM
 - A. Declaration of Inclusion
13. Manager's Report 8:05 PM - 8:15 PM
14. Upcoming Agenda 8:15 PM - 8:20 PM
15. Other Business 8:20 PM - 8:25 PM

1 **BENNINGTON SELECT BOARD MEETING**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **FEBRUARY 14, 2022**

5 **MINUTES**

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

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

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Cassandra
10 Barbeau-Town Clerk; Dr. Trey Dobson-SVMC; Dr. Richard Dundas, Bill Christian, William Karis, Al
11 Bashevkin-Energy Committee; John Rogers-Pathways Vermont; Deb Mann; Nancy White; 5
12 citizens; Jim Vires-CAT-TV; and Nancy H. Lively-Secretary.

13 At 6:00pm, Chair Jeannie Jenkins called the meeting to order.

14 **1. PLEDGE OF ALLEGIANCE**

15 The Pledge of Allegiance was recited.

16 **2. VISION STATEMENT**

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

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

21 **3. CONSENT AGENDA**

22 **A. MINUTES OF JANUARY 24, 2022 AND January 31, 2022**

23 **B. WARRANTS**

24 **C. LIQUOR LICENSE**

25 *Bruce Lee-Clark moved and Tom Haley seconded to approve B. Warrants, C. Liquor*
26 *License, and the Minutes of January 24, 2022 amended as follows.*

27 *Lines 12, 93, 261, 343, 345, and 358 Change "Ripper" to "Hurley"*

28 *Line 333 Change "What do you attribute building stronger criminal cases to?"*
29 *to "Thank you for speaking. Is the department seeing more drug seizures because of the*

resources you have, and may not have had in the past? Are substances more prevalent in the community, or is it a combination of both that is bring awareness?"

Line 368 Change "un About Us." to "under "About Us.""

The motion carried unanimously.

Bruce Lee-Clark moved and Gary Corey seconded to approve the Minutes of January 31, 2022 as presented. The motion carried with Jim Carroll abstaining.

4. COVID UPDATE

Dr. Trey Dobson did the following presentation:

- The risk for community transmission is still high but is declining.
- If we remove all of the mitigations at once people will die and get sick unnecessarily.
- Being current on vaccinations is the best strategy we have. It doesn't prevent you from getting the virus but prevents you from getting very sick.
- We are moving in the direction of individual accountability.
- If we stop mitigations in schools, the virus will increase somewhat - "not to say that's terrible".
- The availability of the treatments has increased for those with severe cases of COVID with a high degree of efficacy.

Board questions/comments answered by Dr. Dobson:

Mr. Carroll: Where are we at with people refusing to be vaccinated? We have two groups getting moderately to severely sick - older vaccinated or not and unvaccinated young folks. At SVMC we've had 1 or 2 in their 20's and several in their 30's, however, the hospital is not full of unvaccinated 30 year olds.

Mr. Carroll: If you are unvaccinated do you have more of a chance to be in the long COVID category? We don't have the data to support that but, as with any disease, it is plausible that the sicker you are the better chance you have of retaining long term symptoms.

Ms. Conner: It has been written that, if you level of Vitamin D is high enough, it will boost your immune system. That was said in April 2020 and if it was a magical cure we would know by now. However, it is inexpensive with no side effects so it won't hurt to take it.

Mr. Monks: Is there a reason that Bennington County has a higher rate of the disease? It doesn't appear to be behavior but could be travel because we are so close to other states. We don't spend a lot of time looking into this because of the resources it would require.

Dr. Dundas: Thanked Dr. Dobson for his work with COVID over the past two years.

5. PUBLIC COMMENT

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

66 1. Public Comment is to allow residents an opportunity to share information or make
67 announcements that benefit the community at large.

68 2. The topic should not be related to an agenda item. If a member of the public wants
69 to comment on an agenda item they can do so during the discussion of that item.

70 3. Comments should be 3 minutes or less.

71 4. You are required to state your real name and town of residence.

72 5. Sharing comments, announcements and concerns are encouraged rather than asking
73 questions. Public Comment is not a time for discussion. If you have specific questions it is best
74 to call the Town Manager to get a full explanation and accurate information.

75 6. If the topic requires much discussion the item will be considered as an agenda item at
76 a future meeting.

78 Nancy White: Where did the \$40,000 come from for Burke and White to do their work? Ms.
79 Jenkins answered that they were hired as consultants to help us spend the ARPA and other
80 funds the best way we could and their payment came from ARPA funds.

81 Nancy White: The public is being asked to fund Phase 2 of the Putnam Block and the Benn High
82 renovation. Ms. Jenkins responded that this is a report from Burke and White but nothing in it
83 has been approved.

84 Nancy White: Asked about TIF Plans, bike paths in the downtown, Ms. Jenkins membership in
85 BCIC and BCRC, and Energizer. Ms. Jenkins stated that she is not a member of either BCIC or
86 BCRC, and Energizer is owned by a private company that did two studies. Ms. White was
87 referred to Mr. Hurd for more information. Ms. Conner added that all of the meetings where
88 these items were discussed are open to the public.

90 Jenny Dewar-BBC Executive Director: Thanked the Fire Department for their response to the
91 fire at Bennington Pizza on Main Street. And, there will be a ribbon cutting at the Coffee Bar
92 and Bespoke Salon Suite on February 18th beginning at the Coffee Bar at 11:00am.

94 6. ENERGY COMMITTEE UPDATE

Dr. Richard Dundas stated that he is not a member of the Energy Committee but is a member of Climate Advocates who were paramount in recommending the creation of the Energy Committee, and the main purpose for tonight's update is to convince the Select Board that the Town needs a paid Energy Coordinator.

The issue is about upscaling the entire community in transportation, heating and cooling systems to switch to renewable energy. The Energy Coordinator would be the catalyst that is needed to accomplish this.

The initial Vermont Climate Action Plan requires a significant reduction of greenhouse gas emissions (GHG) with the first requirement to reduce by no less than 26% below 2005 emission levels by January 1, 2025.

The first informal energy committee was formed in 2003 with varying energy related causes in the following years until an official energy Committee was formed in October 2019 with the Bennington Energy Committee (BEC) making its first presentation to the Select Board in February 2021 focusing on 9 actions which had been culled from the original 47. Work has been done with energy efficiency that has saved the Town \$140,000, however, much more needs to be done. The Energy Committee needs help to get us through these times.

Bill Karis, Chair of the Energy Committee and Bill Christian did the following presentation:

- We have worked closely with Jonah Spivak, Communications Coordinator, to share with the public the Town's energy conservation efforts, with realtors to be sure that new home owners are aware of energy efficiencies, with Window Dressers, and identifying financial resources.
- We have discovered where EV car sharing at multi-family housing units has been successful.
- We have not contacted the BCRC with energy issues or dug into the Town's records on the mandated GHG savings.
- Bennington residents pay ~\$24M for heating and electricity, or \$3,800/residence and is 1/3 of our total energy cost.
- Bennington residents pay ~\$27M for gas and diesel for our vehicles and businesses commercial and industrial heating and electricity is ~\$31M.
- Municipal heating, electrical, and vehicles is just under \$1M with schools and colleges at ~\$2M.
- Oil, gas, propane, and diesel = 70% of the totals, or \$60M, which we have pledged to reduce by 80% in the next 28 years.
- We could produce much of our solar energy locally and enough wood to potentially export to the cities. "It costs money to save money."
- To successfully do this, an Energy Coordinator could give us focus, advice, contact people for investments, contact state and federal funding sources for shovel ready

133 projects, help private residents to get energy efficiency programs, and organizational
134 outreach. More than a volunteer committee can do to achieve these goals.

135 *Board questions/comments answered by Mr. Karis:*

136 Ms. Conner: Does the Energy Committee breakoff into sub-committees to do some of this
137 work? Mr. Lee-Clark answered yes, as well as, enlisting help from non-members that are
138 regularly at the meetings. The GHG is an issue and “the big stuff” is where all of the residents
139 live, where many of them work, and contacting every one of them. “That’s a lot for a 7
140 member committee.”

141 Ms. Jenkins: Was on the 2003 energy committee that warfed into a regional committee with
142 the BCRC which would be a good resource to our committee. The 9 actions that were brought
143 up were the committee’s suggestions for what 9 actions the BEC could work on “so that’s a bit
144 confusing”. “If the dashboard isn’t up to date then we can’t use it so we should probably cross
145 it off.”

146 Ms. Jenkins: What are the concrete things that the Energy Coordinator can do right away that
147 are different from what Efficiency Vermont does? Efficiency Vermont doesn’t participate in any
148 generation projects such as solar, land use issues, or transportation issues with EV availability.
149 And, the Coordinator could be on top of the ‘clean heat’ 518 that is rolling out for
150 municipalities.

151 Ms. Conner: Have you given any thought to sharing an Energy Coordinator with other
152 communities? Yes, discussions have taken place with other energy committees about sharing a
153 “boots on the ground” Energy Coordinator and would be worth considering.

154 *Public questions/comments answered by Mr. Karis:*

155 Deb Mann: Efficiency Vermont was to pay 50% of her insulation project, however, the cap was
156 \$4,000 so, even though it was less than 50%, she did the project and figured that she saved 200
157 gallons of fuel the first year. She started with NeighborWorks but there is a year’s waiting list
158 for local contractors that could do the work so her contractors came from a distance. She feels
159 that the older houses should be the ones targeted to get the word out to the residents.

160 Al Bashevkin: A member of the Energy Committee noted the scale of the work that needs to be
161 done is beyond a 7 member volunteer committee. Leadership from an Energy Coordinator is
162 necessary to achieve these goals.

163 Gentleman from Pownal: Hopes that the Energy Coordinator position is pursued and that the
164 Town continues to move in this direction.

165 **7. PATHWAYS VERMONT PRESENTATION**

166 John Rogers did the following presentation:

- ❖ Became a member of the Pathways Vermont Board when he witnessed them helping a chronically homeless friend of his find housing.
- ❖ Pathways is an evidence based program that refers to “Housing First” followed by a team of psychiatrists, case workers, and nurses that those being housed must agree to meet with weekly.
- ❖ Pathways is currently in 6 counties in Vermont and want to bring their services to Bennington County.
- ❖ They are asking the legislature for \$390,000 to expand their contract with the Department of Mental Health (DMH) that will help 30 chronically homeless in Bennington County housed.
- ❖ If approved, this would be an annual request.
- ❖ The ask is for the Board to write a letter of support for Pathways.
- ❖ Letters from agencies must be received by the legislature by Friday, February 18th, so soliciting letters from individuals wouldn’t be in time.

Ms. Jenkins read the Letter of Support that had been drafted and shared with the Board members.

Jim Carroll moved and Tim Haley seconded to send the Letter of Support for Pathways Vermont’s request for \$390,000 to expand their contract with the Department of Mental Health to help 30 chronically homeless in Bennington County to the Chair of the House Committee on Health Care. The motion carried unanimously.

Mr. Lee-Clark and Ms. Conner stated they were pleased that Housing First wants to come to Bennington.

8. ECONOMIC DEVELOPMENT STRATEGY AND INFRASTRUCTURE UPDATE

A. DIGITIZE LAND RECORDS

Cassandra Barbeau, Town Clerk, stated that there has been a 1 ½ years of research and work done on this request to be sure that what we get is a good fit for Bennington. Once the go ahead is given, we can sign the contract to have the system in place with trainings planned for herself and Assistant Town Clerk. Then we will begin digitizing going forward. Going back 40 years probably won’t happen until the fall. Sometimes we need to go back farther and we may digitize those records, too, if time allows.

Bruce Lee-Clark moved and Jeanne Conner seconded to release \$185,000 from ARPA Funding for the Digitizing of Land Records as requested by the Town Clerk.

Mr. Lee-Clark stated that this will make researching land records easier and less expensive for both sellers and buyers.

Ms. Perrin clarified that this is a Tier I expense, and it is.

The motion carried unanimously.

9. ACTION STEPS FOR DECLARATION OF INCLUSION

Mr. Haley explained that the Board approved a Declaration of Inclusion for the Town and he and Ms. Jenkins formed a sub-committee to establish the Action Steps for it. We solicited input from towns and organizations with the following 20 having provided input. They are:

Abundant Sun, Arlington Memorial Anti-Racism Committee, Bennington Bookshop, Better Bennington Corporation, Bennington County Open Arms, Bennington County Regional Commission, Bennington County Workforce and Education Group, Bennington Rotary Club, Cx Associates/Energy Engineering Consulting, Interfaith Council (Bennington), MSK Engineering, Richmond Equity Committee, Rutland Area NAACP, SVSU Equity Office, Town of Barre, Town of Middlebury, Town of Milton, Vermont Businesses for Social Responsibility, Vermont Center for Independent Living (Bennington), and Vermont Partnership for Fairness and Diversity.

Mr. Haley added that we must do this work together and be proactive instead of reactive. The following ideas are for everyone to use and collaborate on. They are not complete as this is a work in progress and will be on the website. The ideas are:

Town and/or SVSU Driven Action Steps

- ✓ Encourage the adoption of the Declaration in our schools and include on the website.
- ✓ Town questionnaire/interview process to gain insight and identify themes from underrepresented groups in Bennington.
- ✓ Create a school and/or Town contest using the words in the Declaration of Inclusion.
- ✓ Create a branded statement that captures the Town's sense of Diversity, Equity, and Inclusion.
- ✓ Highlight ongoing inclusion work in the media.
- ✓ Review Town Accessibility Plan with an eye to what we can do that goes beyond the basics.
- ✓ Look for ways to increase engagement of restorative justice and mental health professionals in policing.
- ✓ Encourage ongoing training for the Town, schools, and businesses around equity and fair and impartial practices.
- ✓ Create venues for employers (Town, SVSU, SVMC, business community) to learn and work together on hiring, retention, and support for a diverse workforce.
- ✓ Learn from other towns and school systems and develop networking opportunities.
- ✓ Develop public restroom facilities in additional park and recreation spaces.
- ✓ Review accessibility in playgrounds and recreation to include equipment, cost, and location.
- ✓ Select Board should look for ways to integrate inclusion discussions and practices into Town policies and culture.
- ✓ VLCT resources on Equity and Inclusion should be utilized as appropriate.

- 241 ✓ Build and strengthen groups that support inclusion at the high schools.
- 242 ✓ Select Board should continue to evaluate and discuss the Town vision at their meetings.
- 243 ✓ The Town should revisit the resources on the Town's website to include organizations
- 244 that invite LGBTQ+, BIPOC, low income, and people with disabilities.

245 Community Driven Action Steps

- 246 ✓ Weave the culture of welcoming throughout Bennington by encouraging organizations,
- 247 institutions, and the Town to examine activities, practices, and social media with an eye
- 248 toward inclusivity.
- 249 ✓ Encourage ongoing community dialogue around what it means to be welcoming.
- 250 ✓ Help new and not-so-new residents connect with existing organizations to increase a
- 251 sense of belonging.
- 252 ✓ Create a town-wide mechanism for addressing concerns and providing accountability as
- 253 a community to the Declaration of Inclusion.
- 254 ✓ Explore ways for ongoing community input and education to strengthen inclusion and
- 255 diversity.
- 256 ✓ Continue to work to engage marginalized populations.
- 257 ✓ Encourage equity and inclusion statements on websites for businesses and
- 258 organizations.
- 259 ✓ Include inclusivity clauses on websites, and in ads and flyers for community meetings,
- 260 events, forums with 1) wording that actively invites people with disabilities to attend
- 261 and 2) includes specific contact information for assistance.
- 262 ✓ Use community spaces including parks, trails, and the community center, as ways to
- 263 encourage all to meet, engage, enjoy each other.
- 264 ✓ Encourage and support opportunities to highlight cultural diversity in music, food, art,
- 265 holidays, etc.
- 266 ✓ Encourage business and civic organizations with equity groups to combine efforts, share
- 267 best practices, and encourage the development of equity groups in other organizations.
- 268 ✓ Build additional cultural capacity within institutions such as libraries and museums.
- 269 ✓ Utilize existing organizations as equity and inclusion resources.
- 270 ✓ Start an annual international food festival.

271 <https://vtdeclarationofinclusion.org/support-for-the-declaration/> is the website to continue to

272 make comments without names being used.

273 *Board questions/comments:*

274 Ms. Conner: Add SVMC to list of employers and how many of the organizations providing input

275 had BIPOC participants? Ms. Jenkins agreed to add SVMC but didn't have the number of BIPOC

276 available. The hope is to have twice as many comments in the next two months than we had in

277 the past two months.

278 *Public questions/comments:*

Nancy White: Would like to stop hearing about the “awful white people” and stop separating people into different groups. The majority of the people in this town have welcomed everyone and we all should be treated equally and the same.

10. TIF DISTRICT ANNUAL REPORT

Dan Monks, Assistant Town Manager, did the following presentation:

- Every year we are required to submit an Annual Tax Increment Financing (TIF) District Report.
- Our most important pieces of data is where the Grand List stands, any debt that we’ve incurred, and any taxes that we’ve retained.
- We haven’t incurred any debt and we haven’t retained any taxes.
- The Grand List that we’ve used for this report is from April 2020 which shows a \$1.179M decrease due mostly to the demolition of buildings associated with Phase 1 of the Putnam Project.
- We have a special meeting set up on March 7th to ask the Board to approve extending the TIF District.

It was the consensus of the Board to acknowledge receipt of the FY2021 Annual TIF District Report.

11. IMPLEMENTING THE TOWN’S VISION

Ms. Jenkins reported:

- The Declaration of Inclusion Action Steps is part of this and has already been discussed.
- The Select Board encourages anyone to speak at the Town Meeting under the same criteria as Public Comment.
- The Town Meeting is via Zoom and there is already a place on the Town’s website under the Government tab/Town Meeting to sign up to speak at the meeting if you so choose.
- If you don’t sign up, you can still speak, but signing up will put you in the que and let us know how many wish to speak.
- Town Meeting is February 28th at 7:30pm.

Mr. Lee-Clark encouraged everyone to read the Task Force Report. The comment period is open until March 7th.

Nancy White: Thought the Implementing the Town Vision was when the Police Oversight Committee was discussed. Ms. Jenkins explained that the Town Vision is broader so everything from the Declaration of Inclusion to Community Policing is under that umbrella. Ms. White claims the public has not had a chance to comment on Community Policing and the Board reiterated the multiple opportunities that have existed the last four months, and continue to

exist for another two months, for them to do so. Ms. Perrin thanked Ms. White for speaking and pointed out the Open Meeting Law gives the public access to more meeting than the Board has.

12. MANAGER'S REPORT

- State Loan Application - Pressure Reducing Valves (PRV) Analysis - In April 2021, the Board approved the application for the work on the PRV's. However, the State asked for more detail making the first application obsolete. Steps 1 and 2, feasibility, and final design is in the new application. The new application was circulated for signatures.

- Online Meetings Authorization - The Legislature and Governor have authorized online meetings through 2022. Counsel has recommended that the Board take an action to authorize the Chair to call for a change to online meetings if deemed appropriate.

Bruce Lee-Clark moved and Jim Carroll seconded to authorize the Chair to call for online meetings when deemed appropriate. The motion carried unanimously.

- Legislative Concern - The Vermont Senate Judiciary Committee is currently considering a bill, S.254 that will eliminate qualified immunity for police officers. Now, the town can be sued for those actions if they are found to have violated an individual's constitutional rights but not the police officers individually. Should S.254 become law, we may find it nearly impossible to recruit and retain our officers and it will become more costly for the taxpayers of this community to have a police force. My concerns have been addressed with our delegation. "It's a dangerous piece of legislation."

- Stormwater Permit Issues - The State is now requiring that in 3 older developments that the Town's Stormwater Permit include impervious surfaces on private lands. We sent a letter to the 175 homeowners affected, half of them responded, no one wanted to form a Home Owners Association, and are willing to let the Town control the installation of impervious surfaces on private lands within their developments. I have asked our engineers what next steps might look like and report back to you.

- Casella Meeting - Casella bought the transfer facility in the 1980's - they owned the facility and we ran the scale house. They now run the entire operation, hire the scale house operator, and pay the Town the fees that we are entitled to. The State has now said that they are a private facility and have to pay taxes on the waste that goes through the facility. Because of this, fees will be going up to cover the tax. This shouldn't be much to the average resident but will impact the large haulers more.

13. UPCOMING AGENDA

353 February 21, 2022 - Special Meeting - Task Force Report.
354 February 28, 2022 - Town Meeting via Zoom at 7:30pm.
355 March 1, 2022 - Voting Day
356 March 7, 2022 - Special Meeting - Public Hearing - TIF Extension Meeting
357 March 14, 2022 - ARPA Update
358 March 14, 2022 - Discussion on Action Steps for Declaration of Inclusion

359 **14. OTHER BUSINESS**

360 Mr. Haley: Thank you to whoever put the Hearts on Main Street, and spend money locally
361 whenever possible.

362 Mr. Carroll: Expressed his sympathies to the owners of Bennington Pizza in recognition of the
363 fire they had.

364 Mr. Lee-Clark: Reminded the public that the Headwaters Park is great for recreation but not for
365 motorized vehicles.

366 Ms. Perrin: Wished Happy Anniversary to Farm Brew and Madison's.

367 Ms. Jenkins: Congratulations to Gary Corey and Centerline Architects for earning the LEAD
368 Platinum Sustainability Certificate for the new dorm at Williams College.

369

370

371 ***At 8:10pm, Jim Carroll moved and Bruce Lee-Clark seconded the adjournment of the***
372 ***meeting. The motion carried unanimously.***

373

374

375

376 Respectfully submitted,

377 Nancy H. Lively

378 Secretary

1 **BENNINGTON SELECT BOARD MEETING**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **FEBRUARY 21, 2022**

5 **MINUTES**

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

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

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Shannon
10 Barsotti-Community Development Director; Jonah Spivak-Communication Coordinator; Margae
11 Diamond, April Dunham, Gail Harbour, Lynn Mazza, Clark Adams, Marsh Hudson-Knapp-Safety
12 and Equity Task Force; Brian Corr-NACOLE; Nancy White; Kevin Hoyt; Kelly Carroll; 10 citizens;
13 Jim Vires-CAT-TV; and Nancy H. Lively-Secretary.

14 At 6:00pm, Chair Jeannie Jenkins called the meeting to order.

15 **1. SAFETY AND EQUITY TASK FORCE PRESENTATION**

16 Ms. Jenkins noted that we will be hearing the recommendations from the Safety and
17 Equity Task Force and there will be discussion/questions from the Select Board and public. The
18 recommendations have been available for public comment on the Town website since February
19 7, 2022 and we will continue to take written comments until March 7, 2022. The
20 recommendations will be on the March 14, 2022 Select Board agenda for further consideration
21 and discussion with the final discussion and decision made at the March 28, 2022 meeting.
22 Kudos to the Task Force for the diligent work they have put into their charge.

23 The Task Force did the following presentation:

- 24 • Task Force members present are - Margae Diamond and April Dunham-Co-
25 Chairs; Gail Harbour; Lynn Mazza; Clark Adams; and Marsh Hudson-Knapp.
- 26 • Task Force members not present are - Lauren Wilcox; Sarabeth Ward; and Ben
27 Cassavaugh.
- 28 • Others that attended Task Force meetings are - Stuart Hurd-Town Manager and
29 Jonah Spivak-Communication Coordinator.
- 30 • The Vision Statement was read - "Bennington is a welcoming, engaged, inclusive,
31 resilient community where everyone regardless of identity shares in our vitality
32 and benefits from an outstanding quality of life."

- The goal and charge of the Task Force was to develop recommendations for the name, scope, structure, complaint process, membership and responsibilities of a community safety and equity board.
- Their four areas of focus were:
 - Trainings on BPD and community collaboration.
 - Review of Complaints Process
 - Development of BPD Policies and Procedures
 - Analysis of Safe and Equity Data
- Why All This Effort? -
 - Incidents in our Community
 - Traffic Stops Studies over the course of several years and the reports of the IACP that raised numerous other issues.
 - Nationwide Concerns
 - Rebuilding Trust between the BPD and our community moving forward with a collaborative working relationship.
- Conducted interviews with 48 community members and the Town Survey which brought the major concerns to the Task Force's attention.
- How Has Bennington Responded -
 - IACP Review, Recommendations, and implementation
 - Curtiss Reed and the Vermont Partnership for Fairness and Diversity helped us create a Vision Statement for our town, to coach police and for them to attend fairness and diversity trainings.
 - The Select Board members that guided the review process with community members were Jeannie Jenkins, Jeanne Conner, and Bruce Lee-Clark.
 - Police have been working hard to increase a collaboration in efforts while having a shortage of officers.
 - Work with the National Association for Civilian Oversight of Law Enforcement (NACOLE).
 - Creation of the diverse and committed Task Force.
- What Prepared the Task Force? -
 - Task Force Training - 3 sessions on justice, justice systems, and policing practices.
 - IACP Report and NACOLE Presentation.
 - Ordinances and Practices from other Communities.
 - Vision, Timeline and Task Force Charge.
 - BPD Tenets, Policies and Procedures, Chart of Officers, Investigation Process and Chart of Complaints.
 - BPD Presence on Task Force.
- How Did The Task Force Proceed? -

- List of Task Force Concerns and Hopes for the System.
- Obtain a sense of the strengths and weaknesses of our present policing system.
- Interviews with Community Members (48) on their positive and negative police experiences.
- What Concerns Drove Efforts? -
 - We broke into subcommittees of 3 people each to grab materials on purpose, outreach, complaint processes, etc..
 - Balance complaints with compliments, concerns with encouragement, so we are not one sided.
 - Safe feedback from all corners of the community and listening skills to those that were hearing the feedback.
 - Create diverse paths so people with all abilities could express their concerns with safety and confidence.
 - Establish accountable, transparent, and response tracking to formal and informal input - particularly complaints.
 - Create a Board that is independent - neither dominating or powerless with respect to the BPD.
 - Two-way Communications between Police and Community.
 - Arrange and Evaluate Training for the Board and BPD.
 - Gather and Utilize Data for the Board and BPD for continuous improvement.
- What is the Purpose of the Board - the Community Police Advisory and Review Board (CPARB)?
 - Rebuilding and Sustaining Trust
 - Increase Levels of Communication, Collaboration, Even-Handedness
 - Build Accountability
 - Build Respect and Service Between the Community and the Police Department
- What is the Main Work of the Board?
 - Recommend Training for Police Department and Board
 - Complaints Process for Formal and Informal Feedback
 - Set a Calendar for Reviewing or Recommending Policies to the BPD to develop procedures.
 - Monitoring BPD Data Collection - recommending new data collection and reporting on the results with recommendations.
 - Facilitating Collaborations and Promoting Diversity
 - Make Recommendations to the BPD and Select Board for Action and Funding.
- How Would the Board be Formed?

- Recruit 5-7 Members Chosen by Select Board to Serve 3-4 Year Terms
Based on:
 - Strong ability to make impartial decisions.
 - Deep commitment to strengthening BPD and community relationships.
 - Residency or Long-term relationship with the Town.
 - Readiness to fulfill expectations for the Board with initial and ongoing training, and regular presence and work with the Board.
 - Seeking diversity.
 - Bringing a range of awareness, experience and skill.
- What Other Recommendations?
 - Extensive Initial and Ongoing Training
 - Compensation, Removal, and Filling Vacancies
 - Identifying Community Resources
- Formal Complaints Process
 - A large part of our community do not feel heard with complaints or compliments.
 - Processes and Methods for both Types of Complaints - importance of finding good measures and mechanisms for the community and BPD to address each other.
 - Formal complaints always trigger an internal BPD investigation where informal complaints may not.
 - Formal complaints can go through the BPD directly or through the Town's Communication Coordinator to record and feedback to the BPD and Board simultaneously.
 - This shift ensures people are heard and creates a level of accountability.
 - Informal complaints would be handled the same way.
 - Solicit community members to aid those that are unable or uncomfortable making their complaints.
 - After a complaint is filed, the BPD will respond in a specific timeline to gain trust.
 - The Board will follow-up on complaints quarterly, identify trends, as well as, review specific situations for consistent fair treatment.
 - The Board will review the complaint process and report on the findings and make suggestions that would then be forwarded on for the next steps.
- Informal Complaints
 - There is no tracking of informal complaints or compliments.
 - There is confusion about what kind of complaint is being filed - formal or informal - nor is there a standard response or response time.

- The recommendation is that CPARB develop the process and timeline for tracking, resolving, and integrating discoveries from informal complaints and compliments.
- What Remains to be Done?
 - Train the CPARB.
 - Develop Task Groups for data, feedback, policy review, training, and community relations.
 - Refine Formal/Informal Complaint Processes.
 - Recruiting and Training Community Partners to build trust among the marginalized segments of our community.
 - Data Collection and Continuous Improvement will be an integral part of the Board's work.
- Deep Appreciation To:
 - Select Board, Town Staff, Brian Corr from NACOLE, and the BPD Personnel.
 - Community Members for Sharing Experiences.
 - CAT-TV.
 - Task Force Members and the Community.
- Conclusion
 - Our hope is to help bring our Town Vision to life.

Board comments/questions answered by the Safety and Equity Task Force (SETF) and Brian Corr, NOCALE:

Mr. Carroll: How did you arrive at the "Expectations, 3c., Active members of our police department and officers of the town government will not serve on the board until 4 years after their service is completed." for the composition of CPARB, and was there a discomfort with a police officer serving on the Task Force? SETF: There was a police officer on the full Task Force, as well as, the Composition Task Force, who was very helpful. The intent was to have a separation between CPARB and the BPD so that police officers weren't evaluating themselves. Otherwise, there will be much work and collaboration with the BPD.

Mr. Corey: How will the Board be involved in the complaints? SETF: The recommendation is for the CPARB to review the complaints quarterly, identify trends, and where we can be more proactive. The Board will not be receiving the complaints directly.

Mr. Corey: How often will the Board meet? SETF: We will let the Board decide that for themselves.

Mr. Corey: Do you feel the Board should be volunteer or receive compensation? SETF: Many of recommendations came from other towns that have a Board in place and most of them offer some compensation for the Board members.

190 Mr. Lee-Clark: A formal complaint would be a written, signed, not anonymous complaint.
 191 Would anything other than formal be informal? SETF: Correct, a formal complaint would be
 192 written, signed or submitted online and everything else is informal. Because there has been no
 193 tracking of the informal complaints we don't know how many there were or what the response
 194 to them was.

195 Mr. Lee-Clark: Is an informal complaint the same as informal feedback? SETF: Yes, and feedback
 196 can be either a complaint or a compliment.

197 Mr. Lee-Clark: "The CPARB serves as an independent board...". What is the meaning of
 198 'independent' here? SETF: This means that CPARB is independent from the police but not the
 199 Select Board who will be evaluating CPARB's recommendations. We were using independent to
 200 equal 'not under the influence of'.

201 Ms. Conner: On 3. Expectations, e., there should be clarification as to how many unexcused
 202 absences equal 'multiple', as well as, definitions for 'formal and informal'. SETF: Some of the
 203 vagueness in the recommendations was intentional so as not to "paint CPARB into a corner".

204 Ms. Conner: How did you establish the Board size of 5-7 members? SETF: This is a range of
 205 dedicated people that would be an attainable, realistic number.

206 Ms. Conner: On 1. Initial Training - do you have any idea who would be doing the training?
 207 SETF: We don't have a comprehensive list, however, Julio Thompson from the Attorney
 208 General's Office, has said that the State is in the process of developing trainings for the towns
 209 that are developing this process.

210 Ms. Jenkins: What is the general flow of a CPARB meeting? Ms. Corr answered the Board wants
 211 to be independent in terms of judgement - advocates for fair process and outcomes and not
 212 advocates for complainants or the BPD. It's about clear lines of responsibility and authority
 213 and clear standards about how decisions are made.

214 Ms. Conner: How does the dynamic exist between the Board and the police department? Mr.
 215 Corr responded that it varies among the 200 oversight entities in the country. Where there's
 216 tension is when people assume "sides - we're the community side, we're the police side". "The
 217 two can work independently yet collaboratively." SETF: Agreed, and is how their Task Force
 218 functioned - in the spirit of supporting the police and community to both be better.

219 Ms. Conner: Will the recommendations evolve and change over time? Mr. Corr answered yes.
 220 Some oversight entities remain the same for decades but most do change either by ordinance,
 221 rules and regulations, etc., as well as, policing, itself, and communities changing. Start out the
 222 best you can and review it in 2-3 years as to how it is working.

223 Ms. Conner: Is it customary for boards to investigate and interview witnesses? SETF: No.

224 *Public comments/questions answered by the Safety and Equity Task Force (SETF) and Brian*
 225 *Corr, NOCALE:*

226 Kevin Hoyt: Will the CPARB have the power to suspend or arrest? SETF: No. Mr. Hoyt further
227 continued with the Select Board lying, the Police Chief doesn't always have a badge, called for
228 the resignation of Chad Schmidt and all Select Board members, multiple similar EIN numbers,
229 shell companies, would not defund the police, and the letter from the Secretary of State. He
230 was ruled out of order and escorted out of the room.

231 Nancy White: Appreciates the work put in by the Task Force but doesn't see anything in the 12
232 pages of recommendations that will help make Bennington safer. The CPARB will be appointed
233 by the Select Board and not elected so they're not accountable, the public did not have an
234 opportunity to speak to the process, where will the money come from to pay them or for the
235 trainings, some good ideas but anything in there that would cause us to lose officers should be
236 removed, and do you need access to an attorney, and what will the Select Board have to do
237 with the BPD in the future? SETF: There was a complete lack of attendance or questions posed
238 to us at our meetings where there were 10 minutes dedicated to public comment at each
239 meeting. We did not specifically discuss a budget - "if it's important enough to the community,
240 it's important enough to find the money". "We made it quite clear that the role of this
241 committee is not to supervise or direct the operation of the police department. The committee
242 will review complaints and decisions, and review how the final decisions evolved - not to run
243 the police department." Ms. Jenkins added that all Towns Boards and Commissions have access
244 to the Town's attorney as needed.

245 Nancy White: Stated that making a comment isn't the same as asking a question and getting an
246 answer.

247 Kelly Carroll: Encouraged that the process move forward so we can improve transparency and
248 communication, build trust, and provide trainings to support the police and our community.

249 The Select Board thanked the Task Force for all of their work and invited them to the
250 March 14, 2022 meeting for further discussion.

251 **2. RESOLUTION FOR DOWNTOWN TRANSPORTATION FUND APPLICATION**

252 Shannon Barsotti, Community Development Director, did the following presentation:

- 253 ❖ We are seeking approval for a Municipal Resolution grant application for the
254 Downtown Transportation Fund for the Redevelopment of the Walloomsac Riverwalk.
- 255 ❖ The current pathway consists of an existing section completed in 1980 and three
256 subsequent sections completed in the 1990's in varying states of pavement
257 deterioration and cracking.
- 258 ❖ The redevelopment is intended to upgrade and revitalize a dated environment,
259 enhance safety and comfort, and re-establish the Riverwalk as a Bennington
260 Downtown people place.
- 261 ❖ Re-development includes:

- 262 ✓ Widen the 6-8 feet paved pathway to 10-foot-wide paved path to bike-ped
- 263 specifications.
- 264 ✓ Construct a new 300-foot path to bike-ped specifications connecting the
- 265 Riverwalk to the Walloomsac Valley Rail-Trail bike-ped pathway currently
- 266 under construction.
- 267 ✓ Install new LED lighting along the easterly (Bennington Elementary) section of
- 268 the Riverwalk with the Town match of 20%, or ~\$25,000. If the scope of work
- 269 is \$200,000, then the match would be ~\$40,000.
- 270 ✓ Install safety rails at six concrete bridge abutments.
- 271 ✓ 7 pairs of trash and recycling receptacles; 6 new benches; 8 trees; and 9
- 272 Walloomsac Walkway signs.

273 ***Jim Carroll moved and Bruce Lee-Clark seconded to approve the Municipal Resolution***
274 ***for Downtown Transportation Funds up to \$200,000. The motion carried unanimously.***

275 **3. EXECUTIVE SESSION**

276 **A. CONTRACTS AND REAL ESTATE**

277 **B. PERSONNEL**

278 **At 7:31pm, Bruce Lee-Clark moved and Gary Corey seconded that the meeting was**
279 **adjourned finding that an Executive Session be held on Contracts, Real Estate, and Personnel**
280 **as premature public knowledge would place a person involved in the subject matter at a**
281 **substantial disadvantage. There will be no actions taken on these items when going back into**
282 **Open Session. The motion carried unanimously.**

283

284

285 Respectfully submitted,

286 Nancy H. Lively

287 Secretary

**SELECT BOARD
MINUTES ADDENDUM**

February 21, 2022

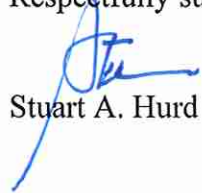
Present: Jeannie Jenkins, Chair, Jeanne Conner, V. Chair, Sarah Perrin, Jim Carroll, Ton Haley, Gary Corey, and Bruce Lee-Clark.

The Board went into executive session at 7:30 pm. for contracts, real estate and personnel.

The Board came out of executive session at 8:20 pm.

The Board took no action. There being no other business, the meeting adjourned at 8:20 pm.

Respectfully submitted,



Stuart A. Hurd

TOWN OF BENNINGTON

2022 LIQUOR LICENSE RENEWAL APPLICATIONS

2022 1st Class Renewals

1. Aramark Dining Hall (& Outside Consumption)
2. Bennington Lanes
3. Chili's Grill & Bar
4. Dutchmans Tavern (& Outside Consumption)
5. Eagles, Fraternal Order of, Aerie 1861
6. Elks Lodge #567 (& Outside Consumption)
7. Farm Road Brewing (& Outside Consumption)
8. Jensen's Restaurant, Inc.
9. Kevin's (& Outside Consumption)
10. Oldcastle Theatre Company

2022 2nd Class Renewals

1. Bennington Beverage Outlet
2. CVS Pharmacy #337
3. Dollar General Store #14357
4. Hannaford Supermarket & Pharmacy #8301
5. Stewart's Shop #195
6. Tennybrook

2022 3rd Class Renewals

1. Aramark Dining Hall
2. Chili's Grill & Bar
3. Dutchmans Tavern
4. Elks Lodge #567
5. Eagles, Frat. Order of, Aerie #1861
6. Kevin's

**The Bennington Select Board hereby approves the above
2022 Liquor License Renewal Applications
Dated: March 14, 2022**

Jeannette Jenkins, Chair

Jeanne Conner, Vice Chair

Jim Carroll

Bruce C. Lee-Clark

Gary Corey

Sarah B. Perrin

Tom Haley

cc: Town Clerks Office

Subject: RE: Questions for Merrill on Taskforce Recommendations

Here is a great example of a set-up like what the Board is contemplating:

<https://www.miltonvt.gov/413/Police-Advisory-Committee>

Hi Stuart,
My responses below:

Questions for Merrill

General Process- Is it better to create the new board through an ordinance, a charge from the Select Board, or some other mechanism?

The Select Board can create an advisory board under the direction of the Select Board through voting on a resolution. An advisory board would have no authority on its own, other than to make recommendations to the Select Board to act on. Such a board would be subject to open meeting requirements, public records laws, etc., and should be trained in those subjects.

Creating an independent Board that is not under Select Board oversight would most likely require a Charter Amendment.

In either case, I would caution against involving this Board in review of personnel matters, as there are specific due process rights involved.

Section Two

2 Complaints

(b) -Any reason why the BPD and the CPARB wouldn't/couldn't be the two conduits?

If this concerns Complaints against individual officers, there is already a process for this in [24 V.S.A. § 1932](#). I think that is the process that must be followed for officer complaints. Is there another type of complaint contemplated?

(e) - Are there ADA requirements or would a sentence stating how one might receive assistance be sufficient?

It can just be stated. I would caution against this spilling over into review of personnel matters.

(f-g) - would interviewing witnesses and doing investigating be outside the scope and skills of the CPARB without a trained investigator on staff?

I do not think there would be any authority for an Advisory Board to compel witnesses, and I do not think that the Board should be investigating personnel matters. I do think you would want someone with training if the Board was to interview any witnesses.

5 Community Relations

(f) – Would CPARB and Town be open to liability if it were assessing and making recommendations on topics such as mental health, domestic violence, substance misuse disorder rather than inviting professionals to make recommendations on trainings, etc?

That would depend on the recommendation. The Board should avoid making recommendations that would be within the scope of practice of a professional, such as doctors, psychologist, treatment counselors, etc.

Section Three

2. Qualifications

- are there specific rules about when a board is open to only Bennington residents and when anyone can apply?

No.

7.-8. Composition of CPARB

- Do town boards and commissions require a staff or SB liaison or member? Any other models we should be looking at?

It is not required, but it sounds like there is enough data collection/compilation work that having assistance from Town's staff might be warranted. Would also want to have the same assistance as other boards in satisfying open meeting/records requirements.

Section Four

3. Removal

- What is the general requirement for removal of members on Town Boards Appointment and removal would be by the Select Board.

Under SB oversight?

If not under SB oversight would require a Charter Amendment. Correct.

5. Compensation

- None of our appointed boards receive compensation. Is there anything different about this board that would argue for compensation?

Not in my view.

SUMMARY OF PUBLIC COMMENTS ON THE CPARB - 03/10/22

First of all thank you to the Safety and Equity Task Force for their hard work. This is a very detailed document that covers a lot of issues. I urge the Select Board, Town Manager and Police Department to support the adoption of this report and move forward to form the CPARB. One area that I feel will need to be further defined is "informal vs formal complaints". Perhaps this could be the work of the CPARB when it is formed.

Second: I am concerned that the CPARB may require subpoena power, but from the remarks of Brian from NACOLE I can see this may not be crucial if there is a respectful healthy working relationship with the Police Department.

First off, I commend the Task Force for their recommendations based on four months of dedicated and hard work to produce a report on which they could achieve consensus. It is an essential step in establishing a permanent oversight board which itself will evolve over time. I sincerely hope the Select Board will be rewarded by many varied comments both online and in person which it can incorporate into a final proposal on which it will vote on March 24th for a Board that can start work in May.

To my mind, Rebuilding and Sustaining Trust, and Reducing Harm are the two most important goals of a Town Safety and Equity/CPARB/Oversight Board "to ensure safety, accountability, transparency and trust in the community and to move Bennington toward achieving its vision of becoming 'a welcoming, engaged, inclusive, and resilient community where everyone, regardless of identity, shares in our vitality and benefits from an outstanding quality of life.'"

I suggest that the word "oversight" be used in the Board's name and also "civilian" rather than "community" since the BPD are also members of the community!

To ensure that the oversight board will have the power needed for Bennington's current justice system to be transformed I suggest:

1. A larger membership in order to be able to ensure broader community representation
- 2, Energetic recruitment especially among those whose voices may go unheard, but who can contribute essential perspectives and information from their lived experience. (Interviews opened Task Force members' eyes to the extent of Bennington's problems.)
3. The addition of subpoena powers under specific circumstances, or if not, the ability to take testimony under oath.

4. The assistance of the Town Communication Coordinator to provide regular reports to the public on progress being made - monthly at a Select Board meeting, in the Bennington Banner, on Front Porch Forum, and in Social Media.

For oversight on progress, I suggest following the IACP's two page Action Plan at the end of its 46 page report that was released to the public on April 20, 2020. It recommends "timelines be created and responsibility for implementation be assigned to the appropriate individuals, committees, or groups." for specific Actions, Steps, and Outcome/Measurement in seven areas: Internal Investigations; Build Mission Statement/Values; Create a Code of Conduct; Engage Critical Stakeholders; Start Systematic Review of Policy; Create Five-Year Strategic Plan; and Recruitment and Retention.

I suggest increased regular interaction between BPD and community members – walking or riding regular beats so members of the BPD and the community can get to know each other as people who share town wide goals rather than as suspicious characters.

I suggest that the public be informed about the judicial process from the time an incident occurs to the final outcome and/or resolution i.e from the time of a civilian complaint or police engagement, citing the roles that individuals, committees, or groups play in the process. Also that the data by type about individual incidents which documents who did what and when, be recorded, analyzed, and regularly reported on, and be available for review by the civilian oversight board.

I strongly suggest that the BPD partner with individuals and groups in the community that focus on and are trained in Social Services relating to substance misuse, mental health, disabilities, domestic violence, racial bias, trauma etc and that members of the BPD be provided with sufficient training to recognize when they can and should call on such support. And that they be trained in deescalation!

I leave it to others to comment on other issues. On March 14th, when we'll learn what editing the Select Board has done on Task Force's report, I may speak up again.

Thank you!

Subject: Support for Community Police Advisory and Review Board

Good evening,

I'm writing to show my support for a Community Police Advisory and Review Board. I believe that this would strengthen our community and see this as an incredibly positive asset to our town. With the Bennington Police's history of racial bias, I think that this Board is critical to

addressing that history and moving forward in a positive manor. I also see the benefit and protections this offers the BPD, when there is accountability, it helps protect them as well. I appreciate your support on this matter.

Thank you,

I am writing to express my support for the CPARB as a way to support our police as well as our marginalized populations to build a more vibrant community.

Please share your comment regarding the final report from the Safety and Equity Task Force
Huge thank you to the Safety and Equity task force for their efforts, and to the Select Board for working on this important issue. I fully support the creation of a community police and advisory review board, and would suggest that the board have 7 to 9 members, rather than 5 to 7, since there will always be somebody absent, and this also allows a broader representation.
Otherwise, I support the report submitted by the task force as presented to the Select Board. I would suggest a focus on a collaborative/restorative justice approach, with the Select Board monitoring and requiring full participation of the BPD.

Thank you!

Please share your comment regarding the final report from the Safety and Equity Task Force
This is absolutely ESSENTIAL to moving forward to a town where human dignity is valued and human rights are preserved and observed.

PLEASE move forward with this taskforce and civilian oversight. I, personally, have seen too many situations in which the subculture of the BPD does NOT respect the dignity of others--particularly those who are marginalized--this includes BIPOC, differently abled and economically disadvantaged peoples. I have had experiences myself in which my Native American heritage was made into a "joke".

PLEASE help them to establish a different subculture, in which the officers who DO respect persons' dignity are in the majority and do not feel out of place.
thank you!

The task force has obviously done a great job and put in a great deal of effort to be fair and balanced in their approach. I suspect that those who object to this idea and feel that it is a means to badger the Bennington Police Department have not fully read the 12 page report. I would certainly ask anyone who has an objection to state exactly which parts of the 12 page report upon which they would like to focus their objections.

there should be an embedded hr worker that answers directly to the selectboard.

This final report is incredibly comprehensive, well organized and demonstrates a lot of work hours. Thank you all.
You have represented my thoughts and hopes for our Police Department, please contact me if I can be of any support.

I think this is a step forward towards better policing and a better relationship between police and the community. While I have suggestions for changed wording, I support the content of the report.

This initiative could have been broadened by trying to make police operations more transparent and giving the public more information about public safety in the town. Informing citizens of what kinds of activities and situations the BPD is engaged in, and counting instances of these activities/situations each year would be useful. Developing and reporting measurements of various aspects of public safety would interest and educate citizens and possibly inform decisionmaking. I support broadening of the CPARB mission and mandate to gather such data. Putting together information about other aspects of the public health of the community would also be useful, but that goes beyond the scope of the CPARB, although safety and health are closely connected.

Two items were hard for me to decipher.

In Section Two, item 5a, I think a better formulation would be mutual education of the BPD and all organizations supplying support services to individuals in need. BPD needs to know which organizations can help, and organizations need to know who the police are, how they work, and how the organizations can contribute to better outcomes. Item 5a doesn't state that clearly, in my opinion.

In Section Five, item 2a, the clause in parentheses does not clearly say what the Police Chief will do if ongoing problems prevent him/her from responding within a given timeline.

The report represents considerable and thoughtful work, and I thank those who contributed to it.

Subject: Comment on the Safety and Equity Task Force Report

I have read the subject report and followed the progress of the task group out of a decent and proper civic concern and respect for our community and the police that serve and protect it. The report is an excellent piece of work, underscoring the desirability and viability for citizen/community oversight over one of the most important agencies of local government. The report is factual, well-researched and documented, and serves as a template for staffing the "CPARB" and its rules and regulations as an operational entity of Bennington government.

As the report underscored, the Criminal Justice System in this country, state, and municipality is a complicated, multi-faceted entity. No one component, such as the police, functions in it by itself. Nor does the community, of and by itself, with its elected and appointed officials, dictate or control all police functions. Applicable statutory law and judicial oversight cannot be overlooked or underestimated in the review of community policing. Judicial Oversight and Procedural Due Process are critical concepts for all elected officials, administrators, and police managers and officers to bear in mind in the performance of police functioning and the community direction and review of policing.

I have found over the course of my career in law enforcement, and in graduate studies, that many police officers and their departments act and enforce laws consistent with their view of the job and the public they police. Many, perhaps too many officers and departments, take on a paramilitary approach to policing. Look at the armament, appearance and equipment of today's police. They are self-perceived "civic soldiers," "crime fighters," the "thin blue line" between "us and them," community chaos or worse if they don't maintain the peace. The Hollywood portrayal of policing is responsible for this, as it is for the community's perception of the police.

Albeit, policing is a dangerous profession in a society and community where guns proliferate and people are often violent or mentally unstable. But there is another mind-set for the police that better fits: I think a concept and construct of Our Town, the Town of Bennington, in the great state of Vermont! That is "Community Policing," where the police are fair, open-minded

members of their community, serving friends and neighbors in keeping the peace, protecting property, tolerant of diversity, and performing a difficult job with dignity, under the watchful eye of the Chief of Police, the Select Board, the CPARB, and the Court.

I understand that the Select Board will soon be in the process of naming individuals to sit on the CPARB. I am not nominating myself for consideration, and will not serve due to age and travel considerations, if nominated. However, if the duly-nominated board should have need or recourse to my advice or counsel on particular matters that may arise in the performance of their oversight responsibilities, I would consider it my duty and honor to respond—pro bono.

I hope these comments have been helpful and my best regards to all who have been and will be involved in this important community process.

I hope the Select Board decides to go forward with the recommendations from the task force for the CPARB. I know the Select Board can “pick and choose” so to speak when it comes to accepting all, none or some of the recommendations.

I believe that recommendations that can help improve transparency, communication and education are worth trying. I think the training and communication components are critical. Consistent, quality training not only improves skills, job knowledge and confidence it can also be used to champion our differences and help promote an inclusive and welcoming culture within all of us in Bennington.

We need to have fair and equitable policies in place. These policies and procedures need to hold people accountable and they need to be monitored for revision and keeping up with current trends, issues etc.

I think requiring the participants to have quarterly training with BPD such as ride-alongs is a great idea (I would also like to see the Select Board do this- maybe not quarterly but once elected for the first time and perhaps annually afterwards. I think this should be considered as part of new Select Board orientation and if it doesn't already, it should apply to all town departments)

You don't know what you don't know. Communication can help us bridge the gaps and I think the complaint and compliment processes are key.

The complaint process is important. The person making the complaint needs to feel confident that they will be treated fairly, with dignity & respect and above all confidentially. People need to feel safe coming forward and just like in any private organization, they need to know when policies are broken, that those people will be held accountable. Having the CPARB as an option for assistance can help with trust.

The compliment process is just as important as the complaint process. No one person, department or municipality is perfect. We all wish there was something we could have done maybe a little differently at some point. Like any of us, BPD has made some mistakes but there are a lot of things BPD does right. Many times they are the champions for our community. The compliment process will bring some of that forward. Again communicating that is key.

It's going to take a lot of collaboration from multiple stakeholders to build, develop and maintain a feeling of trust and respect and I think the CPARB is a step in the right direction. I hope you all support it.

I appreciate all the work and consideration that went into this document.

An intensional method of reviewing and tracking complaints is important. My hope is the chief will review both formal and informal complaints with regularity (annually or every two years) for individual officers. Yet, I worry each complaint, once concluded, will be considered closed, so unless another complaint comes in quick succession, a pattern might be missed.

I don't see that this aspect is clearly laid out, but merely mentioned near the end of the report. I think a systematic check of previous complaints needs to be in place with any new complaints to ensure confidence in our police force and the overall work of the committee. Therefore, I prefer an institutional memory of the complaints beyond the police department.

Ideally, the complaints and outcomes of the reviews become part of the permanent record of each officer, although I don't know how to accomplish it, for two reasons: 1. To know if the outcomes of previous complaints have affected an individual officer's behavior, attitude, and or approach. 2. To ensure officers with reoccurring issues spread over years of service are appropriately dealt with. In fact, my preference is a permanent tracking method that follows the individual. This would reduce the likelihood of an officer simply leaving one organization because of complaints, issues of discrimination, or bullying, only to be hired by another police service.

Otherwise, I think the committee did a thorough job of setting up guidelines to ensure fair and equitable consideration of complaints.

Bennington's problems with the Police Department will never be resolved until the current Chief is gone and a competent one is hired. Just check the FBI town ratings for Bennington online. This Chief does not have the necessary leadership skills to solve the public's mistrust of the department.

Dear Select Board,

I have followed your proposed plan for a permanent Review Board for the Bennington Police Department these past months. The plan has so many of the "catch words" that we hear now a days: transparency, sustaining trust, collaboration, shared vision, rectifying biases,(what is that?) accountability, inherent bias, data analysis, and on and on. Plainer language would help citizens understand why all this is needed and how this is going to help those who do obey the law, and simply want be safe in their homes. Policing the police is the easy way out of dealing with — the violence in our community: robberies on Main Street, slitting a young women throat in back of the bank, a body dump on a back road, hit and run of an elderly women in Walmart, teachers telling us they "fear for our future" as our students have become so disruptive.

What happened to Kiah Morris was wrong, and the law needs to change so that doesn't happen again using the First Amendment as a defense to harass. I believe in social justice for all our citizens, but worry you will go too far with all good intentions making me and my family less safe.

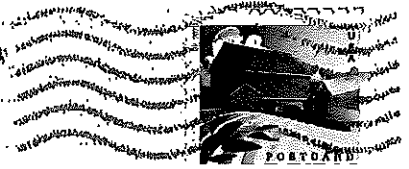
When I felt threatened late one night I was never so relieved to the blue lights of the Bennington Police come down my driveway. God bless them, it is a dangers job.

Just an ordinary Bennington Citizen.

Maxfield Parrish
The Lantern Bearers, 1908
Oil on canvas mounted on board
40 x 32 in. (101.6 x 81.3 cm)
Crystal Bridges Museum of American Art,
Bentonville, Arkansas. 2006.71
Photography by Dwight Primiano.

WHITE RIV JCT VT 050

10 FEB 2022 PM 2 1



Select Board,
needs to go
out on some
domestic violence
calls - I'm thinking
you would be
terrified.

JD Review
Box 469
Benn. Vt.
05201



ARPA Projects List

rev. 03/08/22

Preamble

In order to have an open and clear process for discussing, sharing, and reviewing project ideas for ARPA funding, the town created a draft list of priority projects and a month-long process of public input to discuss those projects and solicit feedback.

DRAFT PRIORITY LIST

The Draft Priority List put projects into two large categories; **Economic Development** and **Infrastructure / Town Projects**. Projects in those categories were sub divided into “tiers” that indicated the project eligibility based on the following criteria:

- Eligible for ARPA Funding
- Project Readiness
- Community Impact
- Stakeholders at the Table
- Clear Role for the Town
- Whether or Not the Project Could be Funded Using Other Sources.

PUBLIC INPUT

The public input process began with a presentation of the Draft Priority List which included recommendations by White and Burke and an explanation of the tier system for categorizing projects. The goal was to allow the public to comment on the draft list, to inform the Town of new details about projects that might affect how it was categorized, and to get new ideas for projects. A two week public comment period and a followup presentation of those comments was completed. A total of one hundred and thirty-four comments were received.

Next Steps

Staff was charged with two action items.

1. Staff was directed to work on the “Tier 1” items that had been outlined in the draft document.
2. Staff was asked to revisit the ARPA Draft Projects Priority List based on what we learned from the public outreach process and to provide a new list to the board moving forward. **The rest of this document is that “new list” that was requested as a result of this process.**

CURRENT ARPA PROJECTS

At the direction of the Select Board and based on the most recent information available, the projects in this list are currently being pursued by Town staff, and if feasible, the expenditure of ARPA funds is actively being considered. Projects on this list may be removed as additional information becomes available.

- Benn High (former Middle School) / Gymnasium / Senior Center & Programming / Youth Housing and/or other possible services such as social services offices.
- Willow Park Playground Replacement
- Skate Park / Outdoor Skating Rink (synthetic ice)
- County Street / Benmont Avenue Sewer Line Upgrades
- South St./Union St. Stormwater Management Improvements
- Premium Pay/Benefits to Eligible Workers
- Digitization of Town Records - APPROVED 2/14/22

Recommend Moving From Current ARPA List:

After review Town Staff have recommended that the following projects not continue to be actively considered for the expenditure of ARPA funds:

- Downtown Market
REASON: Other sources of funding available.
- Putnam Block Phase II
REASON: Timing and other sources of funding available.
- Capitalization of the Revolving Loan Fund
REASON: Complicated eligibility issues. Only loan subsidy is eligible.

ADDITIONAL PROJECTS

Projects in this list are not currently being considered for ARPA funding due to one or more reasons including; may be funded by other sources, project cost exceeds total available ARPA funds, no clear role for the town, not all stakeholders at the table, limited community impact, no clear project specified, project will not be ready in time to expend ARPA funds before deadline. Projects in this list may move to being actively considered for ARPA funding as we learn more about a project, stakeholders appear, a project is specified, or other criteria for ARPA funding are met. Work on these projects may be ongoing, but currently the expenditure of ARPA funds is not actively being considered.

- Downtown Food Market
- Putnam Block Phase 2
- Capitalization of Revolving Loan Program
- Improvements to Downtown Streetscape, Infrastructure, and Facades
- Catamount School (Bennington Sports Center)
- Public Sanitation Facility / Youth Housing (**New to list**)
- Downtown Hardware Store
- Energizer
- Everett Estate (former SVC Campus)
- Funding for “Pathways” Services for Homeless (**New to list**)
- Affordable Housing Options for Homeless
- Purchase by Municipality of Blighted Properties
- Wastewater Treatment Facility Infrastructure
- Highway Department Bridges
- Police Department - 4-run Kennel and Vehicle Impound Yard
- Police Training - fire fighter certification
- Water Department Infrastructure
- Police Equipment Purchases and Upgrades
- Ninja Trail
- Corkscrew Trail (**New to list**)
- Benmont Avenue Bike/Ped Improvements
- Sidewalk Repairs / Improvements
- Expansion / Connection of Local Pathways
- Mt. Anthony Summit Trail and Lookout
- Public Arts Projects
- Expanding Services at Bennington Free Clinic / Schools
- Armory Building
- Renovations & Upgrades to Recreation Center Facility
- Air Quality and HVAC Improvements to Town facilities
- Blacksmith Shop Exterior Renovation
- Computer Hardware Upgrade
- Main Server Upgrade
- Bus and Car Share Expansion

All of these projects are important but are not currently being considered for ARPA funding.

Projects listed here may be done using other funding sources, need further work to be project ready, or do not have a clear role for the Town.

As projects evolve, some may move to being actively considered for ARPA Funding.

IMPORTANT NOTE: Being listed here DOES NOT MEAN the project won't happen.

It merely means that the project is not being actively considered for ARPA funding; it could be funded from other sources if it is a viable project, or may be developed in the future.

March 8, 2022

Town of Bennington Willow Park Play Structure & Park Upgrade RFP Recommendation

Prepared by: Paul T. Dansereau and Mark Sawyer

- 1. Purpose:** Recommend project award for the proposed ARPA funded Willow Park Play Structures & Park Upgrade project to Play by Design, LLC, 204 North Geneva Street, Ithaca, New York.
- 2. Background:**
 - a. Assessment of Current Play Structure:** The large and small wood play structures at Willow Park were constructed in 1999 and have exceeded an expected 20-year use. In the Playground Assessment Report prepared by Justin Fowler and Marc Leathers dated 5/7/2015 maintenance and non-compliance safety issues were addressed. Additionally, the existing play structures do not incorporate universally accessible (UA) design principles.
 - b. Willow Park Working Group:** In December of 2021 the Willow Park Working Group consisting of Jonah Spivak (Communications Coordinator), Shannon Barsotti (Community Development Director), Mark Sawyer (Assistant Director of Facilities), and Paul Dansereau (Director of Facilities) met to identify key design parameters, requirements, specifications, and features to incorporate into a new large playground, small playground, and six station fitness trail at Willow Park.
 - c. Request for Proposal (RFP):** On January 21, 2022 the Willow Park Play Structure & Upgrade Request for Proposals was direct sent to 10 vendors, announced on Town of Bennington Social Media, posted on the Town of Bennington web page, and published in the Bennington Banner for three days.

Key components of the RFP include:

- i.** This would be a Design Build project.
- ii.** Project Budget is \$ 500,000.00
- iii.** New play structures must meet and/or exceed all Federal, CPSC, ASTM, and IPEMA guidelines to include the Americans with Disabilities Act (ADA).
- iv.** New play structures shall be of durable all-weather materials and finishes that take into consideration child health, safety, maintenance requirements, and are aesthetically pleasing.
- v.** New playground and features to maximum extent possible comply with universally acceptable playground principles of Equitable Use, Flexibility in Use, Simple and Intuitive, Perceptible Information, Tolerance of Error, Low Physical Effort, and Size and Space for Approach and Use.
- vi.** Designs should incorporate a variety of play structures for the following age groups – Toddlers, Ages 2 to 5, and Ages 5 to 12
- vii.** Demolition and removal of the old and new play structures.
- viii.** Upon Award provide three conceptual designs to present for public engagement and input to develop final design.

3. **Proposals Received:** Sealed bids were due to the Town Office no later than 2:00 pm on February 28, 2022. The following six (6) bids were received:
 - a. Play by Design (Ithaca, New York)
 - b. Park Architecture (Etna, New Hampshire) & Centerline Architects (Bennington)
 - c. Kompan (Austin, Texas)
 - d. Pettinelli & Associates (Williston, Vermont)
 - e. O'Brien & Sons (Medway, Massachusetts)
 - f. Ultiplay (Uxbridge, Massachusetts)
4. **Proposal Evaluation Process:** The Willow Park Working Group individually reviewed each of the proposals received and evaluated each proposals using the following criteria:
 - a. Experience & Qualifications
 - b. Project Understanding & Knowledge
 - c. Ability to Meet Project Schedule
 - d. Cost – Until final designs are completed all proposal costs are estimates.
 - e. Quality, Clarity, & Completeness of Submittal Package.
5. **Evaluation Process Results:** The Working Group then met to discuss their findings and consolidate the proposal evaluations. Once each member's rankings of the proposals were consolidated the Play by Design proposal was clearly the unanimous choice by the Working Group as the proposal that was the best proposal based upon the evaluation criteria. The remaining proposals were very competitive with each other, however as noted the Play by Design Proposal was the unanimous top choice.
6. **Project Milestones and Next Steps:** Upon successful project award:
 - a. Conduct Initial Kick-off Meeting with Willow Park Working Group – as soon as possible
 - b. Develop Three (3) Conceptual Designs – submitted no later than 4/6/2022
 - c. Conduct Community Engagement on Conceptual Designs – 4/6/2022 to 4/27/2022
 - d. Final Design Selected – No Later than 4/28/2022
 - e. Demolition of Existing Structures – on or about 4/28/2022
 - f. Site Construction – on or about early June 2022
 - g. Project Completion – on or about 7/31/2022

ARPA Funds Proposal Premium Pay and Benefits

This proposal is developed to recognize the current employees of the Town who, during the early stages of the pandemic, pulled together to perform the necessary functions of government and provide needed services in a difficult time. Both proposals are verified ARPA eligible.

Hazard Pay

The pandemic hit Vermont in March of 2020. It created a need to provide government services in a high-risk environment. Although municipal buildings were closed to the public, municipal services were still in demand: police, public works, and even administrative services had to be provided to the people of Bennington. This proposal seeks to recognize all current full-time employees from March 2020 until March 2021 for their hours worked. The proposal is three-tiered based on risk to the employees. The highest tier is Police. They had to be out in the public providing all manner of service while coming in contact with others. The second tier is Public Works: Highway, Water, Sewer and Buildings and Grounds and Dispatch. DPW was asked to continue working to keep the roads open and in good repair, to keep municipal water and sewer functioning, and to keep the workplaces clean and safe for use. Dispatchers continued a high level of service in difficult circumstances. They had contact with officers and individuals from outside the Department on a daily basis. The third tier includes administrative employees. All came to work, rearranged their schedules to work split shifts to avoid unnecessary contact, and did their jobs in a safe and efficient manner.

It is proposed that tier one employees receive \$1.00 per hour for hours worked. Tier two employees would receive \$0.50 per hour for hours worked. Tier three employees would receive \$0.25 per hour for hours worked. This is a one-time payment. Total cost: \$86,610. This is ready to be implemented once approved.

Benefits

The second proposal is to provide benefits to the workforce that most other municipalities already provide. The two plans to be considered are dental and vision. ARPA funds would be used to provide these offerings beginning July 1, 2022. Both plans are currently available through VLCT at a reasonable rate. In the coming fiscal year, we will see our health benefits costs decrease by 7%, a savings of \$81,200. Adding these two plans will cost \$88,100 based on January 2022 estimates. We have been told that the costs will be slightly lower in July 2022.

This proposal is to purchase these plans for all current employees for one year. Continuing years will be part of the negotiations with our unions. After the first year, should the plans continue, the costs would be added to the budget at the current proportional share where the employee pays 16% of the cost. The only difference is the dental plan requires the employer to pay 100% of the individual employee's premium. The additional cost for dependents would be allocated in the current manner. If approved, this will be implemented July 1, 2022.

Respectfully
Stuart A. Hurd, Town Manager

**ARPA Funds Proposal
Municipalities Offering These Benefits**

Listed below are the Municipalities that currently offer these benefits. It is important to note that 50 towns and cities currently do so. This list contains those communities of similar size to Bennington.

Barre Town

Brattleboro

Essex Town

Hartford Town

Manchester Town

Montpelier City

Rutland City

St. Albans City and Town



TOWN OF BENNINGTON

Town of Bennington Select Board Resolution

Be it resolved by the Select Board of the Town of Bennington, Vermont, as follows:

COVID-19 RULE

Select Board Strongly Recommends Wearing Face Masks in Public Indoor Spaces

WHEREAS, the Centers for Disease Control and Prevention (CDC) recommends that face masks be worn by all people (vaccinated and unvaccinated) in public settings indoors in areas of "substantial" or "high" rates of "community transmission" of the COVID-19 virus; and

WHEREAS, Bennington County is experiencing a high rate of community transmission and has been for more than a month; and

WHEREAS, all of Vermont is experiencing a high rate of community transmission and has been since October 29, 2021; and

WHEREAS, the Bennington Select Board recognizes that COVID-19 remains a public health hazard in and around Bennington and believes that wearing a face mask indoors is an important act which can reduce the spread of COVID-19 and protect the many vulnerable people in our community; and

WHEREAS, in a special Legislative session called explicitly and solely for this purpose, the Vermont Legislature on November 22, 2021, passed a bill ("S.1") that empowers Vermont municipalities to enact local rules requiring the wearing of face coverings in indoor public settings, and the Governor has signed that bill into law.

NOW, THEREFORE, BE IT RESOLVED that this Select Board hereby issues the following COVID-19 Rule:

WEARING FACE MASKS STRONGLY RECOMMENDED

STRONG RECOMMENDATION to wear Face Mask.

All establishments located in the Town of Bennington that invite the public into their premises for the purpose of receiving services, purchasing products, or otherwise transacting business, shall encourage both staff and customers (or visitors) to wear face masks over their nose and mouth while inside the establishment.

Exceptions.

Face masks are not required on young children under age 2 and should not be placed on anyone who has trouble breathing or anyone who is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.

Posting of Requirement.

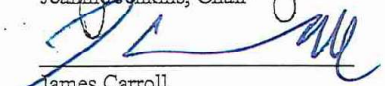
Each establishment is individually responsible to post signage at the entrance and at other appropriate locations stating that customers (or visitors) are Strongly Encouraged to wear face masks by order of the Bennington Select Board. (A standard sign is provided by the Town and attached to this Resolution.)

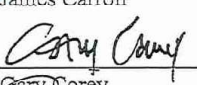
Effective Period.

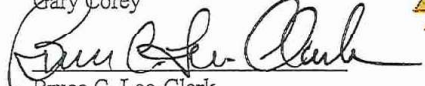
This Rule shall take effect immediately and shall remain in effect until the Bennington Select Board amends, rescinds, or suspends this Rule by future action in a properly warned meeting or when an action taken by the State of Vermont nullifies this Rule or the Select Board's authority to continue this Rule, whichever occurs first, but not longer than 45 days following date of adoption. In the interim, the Select Board intends to review this matter at every regularly scheduled Select Board meeting on the 2nd and 4th Mondays of each month.

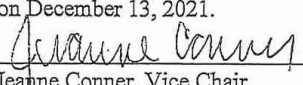
Adopted by the Bennington Select Board at its meeting on December 13, 2021.

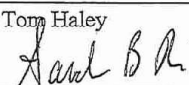

Jeannie Jenkins, Chair

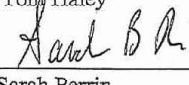

James Carroll


Gary Corey


Bruce C. Lee-Clark


Jeannie Conner, Vice Chair


Tom Haley


Sarah Perrin





TOWN OF BENNINGTON

March 14, 2022

Rep. Mary Hooper, Chair
House Committee on Appropriations

Re: Proposal to Expand Housing First Services in Bennington County

Dear Chair Hooper and members of the committee,

Please accept this letter of support on behalf of the Bennington Select Board in reference to Pathways Vermont's proposal to expand Housing First services in Bennington County. The Select Board has been in conversations with Pathways and local leaders, and it is clear this proposal would significantly and positively impact our community. Bennington County has one of the highest rates of chronic homelessness in the state and a disproportionate need relative to population size. There are approximately 70 households experiencing chronic homelessness in Bennington County, as documented by our local Coordinated Entry team. Expanding Housing First would enable the State to make a significant impact on the lives of people experiencing homelessness in Bennington County and on the overall welfare of the community. The House Committee on Health Care has approved this funding; we hope you will too.

Pathways Vermont is requesting \$390,000 from the legislature to expand its contract with the Department of Mental Health to expand Housing First services in Bennington County to meet this need. This expansion will allow Pathways to support an additional 30 households exiting chronic homelessness in our community. This investment would target households living with disabilities and significant mental health challenges who currently lack access to permanent housing. It would significantly impact the rate of chronic homelessness in our community, reduce the burden on our overtaxed emergency housing systems, and improve the lives of some of our most vulnerable community members.

Pathways Vermont has proven to be a successful and valuable partner having already supported moving more than 30 households, many of them families, out of homelessness in Bennington County utilizing CARES funding. Additionally, this year Pathways Vermont expanded its Department of Corrections project to Bennington to support individuals exiting incarceration and housing instability under the supervision of the Department.

Expanding Housing First would allow Pathways to replicate the very successful blended model of support that is currently operating in six counties across the State. This would provide parity for Bennington County and access to the unique and essential support of a Housing First intervention that Pathways provides, and which Bennington County urgently needs.

We appreciate the committee's consideration and are happy to answer any questions you may have.

Sincerely, on behalf of the Board

Jeannie Jenkins, Chair

MEMORANDUM

To: Bennington Select Board

From: Daniel W. Monks, Assistant Town Manager

Date: March 9, 2022

Re: Proposed Amendment to Town Plan and Land Use & Development Regulations (LUDR) – Everett Estate (former SVC campus)



With this memorandum, the Planning Commission is submitting for adoption a proposed amendment to the Bennington Town Plan and Bennington Land Use & Development Regulations (IP District Table and Zoning Map), as approved by the Planning Commission on March 3, 2022. The purpose of the amendment is to modify zoning requirements applicable to a portion of the Everett Estate (former Southern Vermont College Campus) to allow and encourage appropriate development and re-development of the property. The proposed amendment will expand the Institutional/Professional District to include the portion of the Everett Estate property that is not located in the Forest District. The amendment includes protections that will ensure that development and re-development do not negatively impact historic and scenic resources.

In general, the actions required of the Select Board if they wish to adopt the proposed revisions to the Town Plan and LUDR are as follows:

1. Adopt resolution to schedule Public Hearings for proposed revisions to Town Plan and LUDR.
2. Hold Public Hearings.
3. Approve resolution adopting proposed revision to Town Plan and LUDR.

A suggested timetable for the Select Board's review and adoption process is enclosed.

Please contact me if you have any questions.

Enclosures

- Suggested Timeline for Select Board review and adoption process
- Proposed Revisions to Town Plan and LUDR
- Revised Map (Zoning and Land Use Plan)
- Reports of Planning Commission

TOWN OF BENNINGTON PROPOSED AMENDMENT TO TOWN PLAN AND LUDR

SELECT BOARD PROPOSED ADOPTION SCHEDULE & PUBLIC HEARING TIMELINE

Select Board resolution for Public Hearings	03/14/2022
Send Legal Notice to newspaper for publication	21 days prior to first hearing
Public Hearings warning published in newspaper	15 days prior to first hearing
Post Public Hearings notice	15 days prior to first hearing
Select Board holds first public hearing	05/09/2022
Select Board holds second public hearing	05/23/2022
Select Board approves Resolution to adopt	After Public Hearing
Regulations become effective	21 days after adoption

Town of Bennington Planning Commission

Proposed Amendments to Town Plan and Land Use & Development Regulations January 2022

Town Plan Map 3-2 – Land Use Plan

Amend Town Plan Map 3-2 to expand Institutional/Professional District to include a portion of the lands formerly owned by Southern Vermont College as shown on attached map.

Zoning Maps in the Land Use & Development Regulations (LUDR)

Amend Zoning maps in LUDR to expand IP District to include a portion of the lands formerly owned by Southern Vermont College as shown on attached map.

LUDR Table 2.8 Institutional/Professional (IP) District

Amend LUDR Table 2.8 as shown on the attached revised Table 2.8. Additions are underlined and deletions are shown with a line through the text (strikethrough).

Table 2.8
INSTITUTIONAL/PROFESSIONAL (IP) DISTRICT

(A) **Purpose:** The purpose of the IP District is to support medical related offices, clinics, institutional facilities, health care related support facilities and educational institutions and facilities, and to preserve the scenic quality and historical integrity of significant historical structures and surrounding lands. The designation of these special districts in the vicinity of the Southwestern Vermont Medical Center, the Veterans Home, and the Mount Anthony Union High School is to facilitate homogeneous groupings of uses with various types of medical, educational, sports and recreation, lodging, and long-term care related services and facilities.

(B) **Allowed Uses -- with Zoning Permit:** None - All uses require Development Review Board approval.

(C) **Allowed Uses -- with DRB Approval:** The following uses are allowed with the approval of the Development Review Board in accordance with Article 5.

- | | |
|---|---|
| <ul style="list-style-type: none"> (1) Accessory Apartment (see Section 4.2) (2) Accessory Use/Structure (see Section 4.3) (3) Cemetery (see subsection (E)) (4) College/University (5) Community Care Facility (6) Cultural Facility (7) Day Care Facility (8) Hazardous Waste Management Facilities (see subsection (E)) (9) Home Child Care | <ul style="list-style-type: none"> <u>(10) Home occupation</u> <u>(10)(11) Hotel (see subsection E))</u> <u>(11)(12) Hospital</u> <u>(12)(13) Medical Clinic</u> <u>(13)(14) Mixed Use (see section 4.16)</u> <u>(14)(15) Multi-Family Dwelling (see subsections (D)&(E))</u> <u>(15)(16) Public Facility (see subsection (E))</u> <u>(16)(17) Research & Development Facility</u> <u>(17)(18) School</u> <u>(18)(19) Single-Family Dwelling</u> <u>(19)(20) Two-Family Dwelling</u> |
|---|---|

(D) **Dimensional Standards:**

- | | |
|--|---|
| <ul style="list-style-type: none"> (1) Lot Area (Minimum) (2) Lot Area Per Dwelling Unit (Minimum) (3) Lot Area Per Elderly Dwelling Unit <u>or Hotel room</u> (Minimum) (4) Lot Area Per Resident of Community Care Facilities (Minimum) (5) Lot Width (Minimum) (6) Front Yard Setback (Minimum) (7) Side Yard (Minimum) (8) Rear Yard (Minimum) (9) Setback from Residential Use or District (10) Building Height (Maximum) (11) Building Coverage (Maximum) | <ul style="list-style-type: none"> 15,000 square feet 10,000 square feet 2,000 square feet 1,200 square feet in area per resident accommodation 100 feet 25 feet <u>generally, 50 feet from Monument Avenue Extension</u> (see Section (E)) 10 feet 10 feet 50 feet 60 feet <u>generally, 40 feet for all lands west of Monument Avenue Extension, 30 feet for lands within 150 feet west of Monument Avenue Extension</u> (see subsection (E), below) 75% <u>generally, 25% west of Monument Avenue Extension</u> (see subsection (E), below) |
|--|---|

Table 2.8 (continued)
INSTITUTIONAL/PROFESSIONAL (IP) DISTRICT

(E) Supplemental District Standards

- (1) **Additional Use Standards.** In addition to other standards set forth in these regulations, within the IP District the following standards and restrictions shall apply to the following uses:
 - a. **Dwellings (all).** All dwellings shall have a building footprint, excluding porches, decks and entry stairs, of not less than 20 feet in width and not less than 20 feet in depth, and shall have a minimum roof pitch of 5 over 12.
 - b. **Hazardous Waste Management Facilities** are limited to facilities processing and disposing of biological and/or medical wastes which is permitted in accordance with 10 V.S.A. Section 6606a. Such uses are allowed only as accessory uses to Medical Clinics or Hospitals, ~~and~~ shall be located not less than 1,000 feet from any parcel occupied by a school as defined in Article 10 and are not allowed west of Monument Avenue Extension.
 - c. **Multi-Family Dwellings.** The minimum lot size, maximum density, and other dimensional standards for all Multi-Family Dwellings west of Monument Avenue Extension shall be as set forth in subsection (D) above. For all other areas in the IP District, Multi-Family Dwellings, the minimum lot size, maximum density and other dimensional standards for all dwellings shall be as set forth in subsection (D), above, and, excluding elderly housing and community care facilities, shall be limited to a maximum of 3 units within any single building or on any parcel. Minimum lot size, maximum density and other dimensional standards for all dwellings shall be as set forth in subsection (D), above.
 - d. **Public Facilities** shall be limited in the IP District to those which do not require frequent access to the general public or those that act as an accessory to another use, such as governmental or not-for-profit organizations providing social or health services to local resident or out-patient populations, or uses that, because of the opportunity for shared facilities with other uses, can serve the wider community, such as emergency services and parks, playgrounds, and recreational facilities.
 - e. **Adult Oriented Businesses** are expressly prohibited in the IP District.
 - e.f. **Hotels** are limited to the area west of Monument Avenue Extension.
- (2) **Dewey Street Preservation Standards.** Buildings located within 150 feet of Dewey Street shall not exceed a height of 30 feet. All such buildings shall be designed with a minimum roof pitch of 8 over 12, excluding roofs covering open porches, entry ways and accessory structures less than 500 square feet, and shall be compatible with, and not stand in contrast to, historic structures fronting upon Dewey Street with regard to building scale, setback, massing, materials, orientation and rhythm of openings (fenestration).
- (3) **Monument Avenue Preservation Standards.** All structures shall be setback a minimum of 50 feet from Monument Avenue. No parking may occur within the 50 feet setback area, which shall be suitably landscaped in accordance with Section 5.3(7). Land encompassed by this setback shall, with the exception of access drives in existence as of the effective date of these regulations and pedestrian paths and sidewalks, be suitably landscaped and maintained as lawn or open space.
- (4) **Everett Estate Preservation Standards.** The exterior design, arrangement, orientation, texture, and materials of modifications, restorations, renovations, and additions to the Everett Mansion and new structures west of Monument Avenue Extension shall be subject to and limited by the Historic Preservation Easement granted to and held by the Preservation Trust of Vermont, it's successors and assigns forever (recorded in the Bennington Land Records at Book 420, Page 151, or as may be later amended), in addition to the terms and conditions of these Land Use and Development Regulations. All buildings to the west of Monument Avenue Extension shall not exceed 40 feet in height, and all buildings located within 150 feet west of Monument Avenue Extension shall not exceed 30 feet in height. The Building Coverage (maximum) west of Monument Avenue Extension shall be no more than 25%. All Land Development to the west of Monument Avenue Extension shall comply with the Scenic Resource Protection and Review Criteria set forth in this Table 2.8.
- (5) **Parking Restrictions.** No parking is permitted within any setback area defined in subsection (D), and shall be to the rear or side of structures.
- (6) **Performance Standards.** All uses shall comply with the performance standards set forth in Section 3.11, in addition to all other applicable state and federal standards.
- (7) **Water Supply & Sewage Disposal.** All new structures requiring water supply and sewage disposal shall connect to the Bennington municipal wastewater treatment facility and municipal water supply.

- (8) **General Standards and Specific Use Standards:** All uses and development within the IP District shall comply with other applicable standards of these regulations, including General Regulations under Article 3 and Specific Use Standards under Article 4.

- (9) **Scenic Resource Protection and Review Criteria.** This section is intended to further the goal of preserving the scenic quality of Bennington's rural landscape by promoting a development pattern consistent with the guidelines set forth in the report entitled "Town of Bennington Scenic Resource Inventory," dated December 2004 and with the goals and policies of the Bennington Town Plan. The regulations are further intended to prevent development from degrading the natural visual appeal of hillsides, ridgelines, or open fields, or from visually encroaching upon a natural or historic area or upon a stream, wetland, or other water resource. To this end, development having an adverse impact on scenic resources shall not be permitted. Photos illustrating many of the concepts in (a) and (b) below may be found in Table 2.14 of these regulations and should be consulted by the Development Review Board in the administration of this Section.

Any application for Land Development west of Monument Avenue Extension may be approved by the Development Review Board only upon finding that the proposed development will not have an undue adverse impact on scenic resources as viewed from on or off the subject property. The Development Review Board shall review all development west of Monument Avenue for compliance with (a) and/or (b) below, as appropriate. In determining whether a development is likely to have an adverse impact on scenic resources, the Development Review Board shall consider whether such new development, including buildings, accessory structures, driveways, and utility lines, shall be prominently visible from any roadway or other public place and whether construction will require removal of mature trees.

a. Open Land. For development proposed in open land, the development shall conform to the following standards:

- i. The development shall be designed and sited so as to preserve large blocks of contiguous open land, to the maximum extent possible.
- ii. Buildings or other structures shall not be sited in the middle of open land, but shall be located, to the extent possible, in wooded areas or at the edge of fields to protect scenic vistas.
- iii. Development shall be sited so as to minimize the intrusion of any structure or improvement into a scenic viewshed. Existing vegetation shall be utilized as screens or buffers for development whenever possible.
- iv. Underground installation of utilities is required.
- v. Roads and driveways shall follow treelines and the edge of fields where topography permits, or along contour lines where the land is characterized by steep slopes. The intent of this requirement is to minimize adverse impacts on the visual appeal of open fields.
- vi. Although beyond the scope of these regulations, lands located to the west of Monument Avenue Extension are/may be subject to conditions set forth in easements held by the Preservation Trust of Vermont, or the Vermont Land Trust, and Vermont environmental laws.

b. Hillsides. For development on hillsides, development shall conform to the following standards:

- i. Development shall be blended into the existing natural landscape to minimize its visual impact from public roads and lands. This effect shall be accomplished through one or more of the following: siting of structures within forest or forest edge areas rather than in open fields or meadows; the use and long-term maintenance of vegetative screening and landscaping; the retention of mature forest cover; limiting the use of reflective glass; construction of roads or driveways that follow the contour of the land and existing wooded areas or treelines.
- ii. Development shall not cause undue alteration of natural topographic patterns.
- iii. Tree removal shall not cause undue alteration of the natural vegetation patterns of the hillside.
- iv. Development shall be sited so that no building or structure shall exceed the height of land serving as the visual and physical backdrop to the site as viewed from a public road or other public land.
- v. Outdoor lighting shall be designed and positioned to provide lighting on the subject property only and should not illuminate off-site locations, nor be unduly visible from off-site. Concealed, recessed, and shielded light sources, cutoff fixtures, and motion-activated and timed shut-off security lighting shall be used to satisfy this standard.
- vi. Underground installation of utilities is required.
- vii. Antennas, towers, and similar structures shall be integrated into buildings whenever practical and/or carefully sited to ensure that they are not prominently visible in a manner that would detract from the scenic character of the area.
- viii. Windows with an outside visible reflectance rating in excess of 15 percent generate excessive glare and shall not be used. Large, uninterrupted expanses of glass shall be avoided when located within or a part of a prominent viewshed.

An application for a development west of Monument Avenue shall include the following:

a. A drawing or photographic simulation of the proposed development depicting the site and including all existing and new buildings, structural alterations, additions, access roads, driveways, and other development. The applicant also shall provide photographs of the site, showing where development will occur as viewed from public roads and other public lands.

b. Any other information that is deemed relevant or necessary for proper consideration of the application by the Development Review Board.

Current

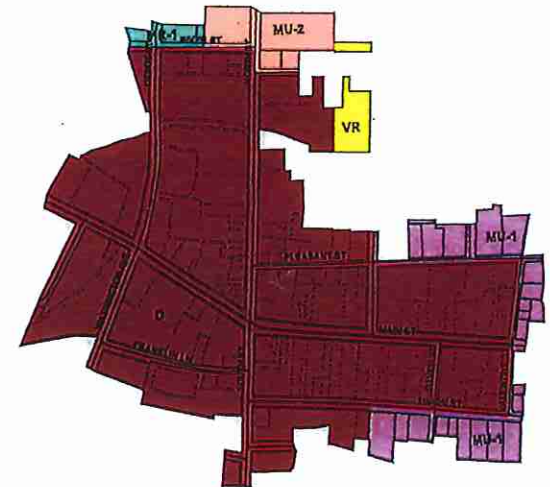
Map 1 Zoning Districts Bennington, Vermont

- Bennington Parcel Data 2017
- Bennington Water Resources

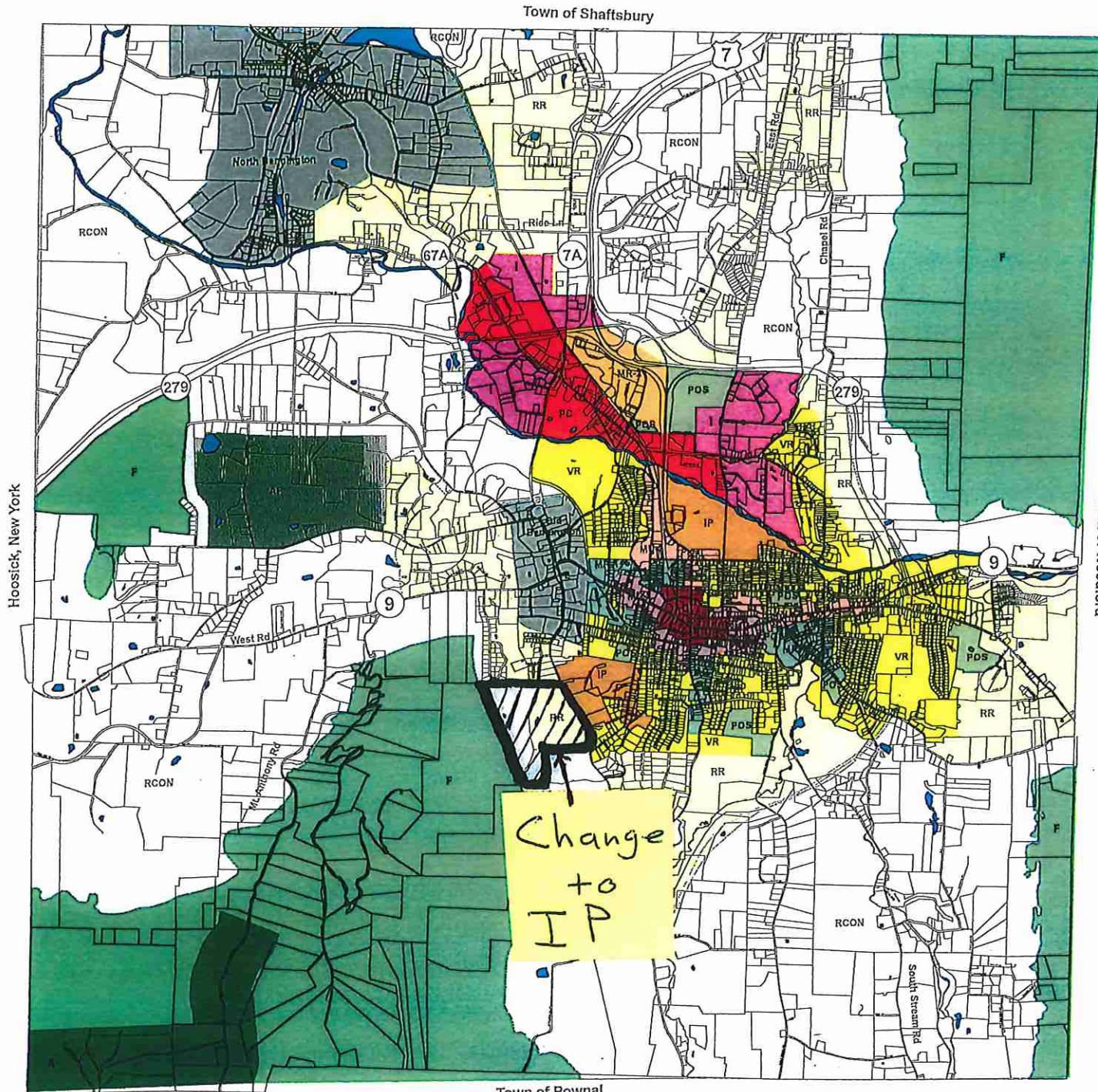
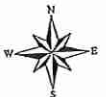
Land Use Districts

- Downtown
- Planned Commercial
- Industrial
- Mixed Use #1
- Mixed Use #2
- Mixed Residential #1
- Mixed Residential #2
- Institutional & Professional
- Village Residential
- Rural Residential
- Rural Conservation
- Agriculture
- Forest
- Public Open Space
- Planned Airport
- North Bennington
- Old Bennington

- Designated Downtown



Map produced January 4, 2022 by
Bennington County Regional Commission
210 South Street, Ste 6
Bennington, VT 05201
Intended for planning purposes only.

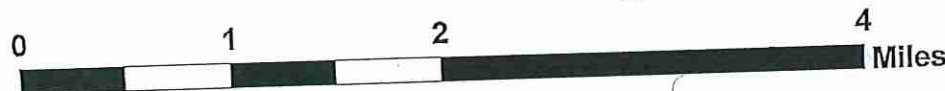


Town of Pownal

Town of Shaftsbury

Town of Woodford

Hoosick, New York



Sharepoint Location:
Documents>GIS>Towns>Bennington>
Zoning>Benn_ZoningMap



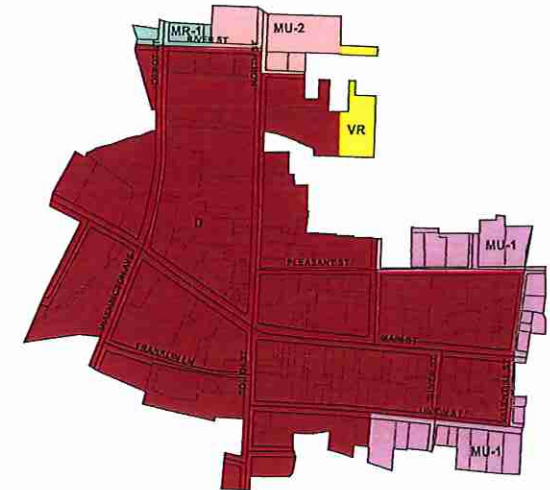
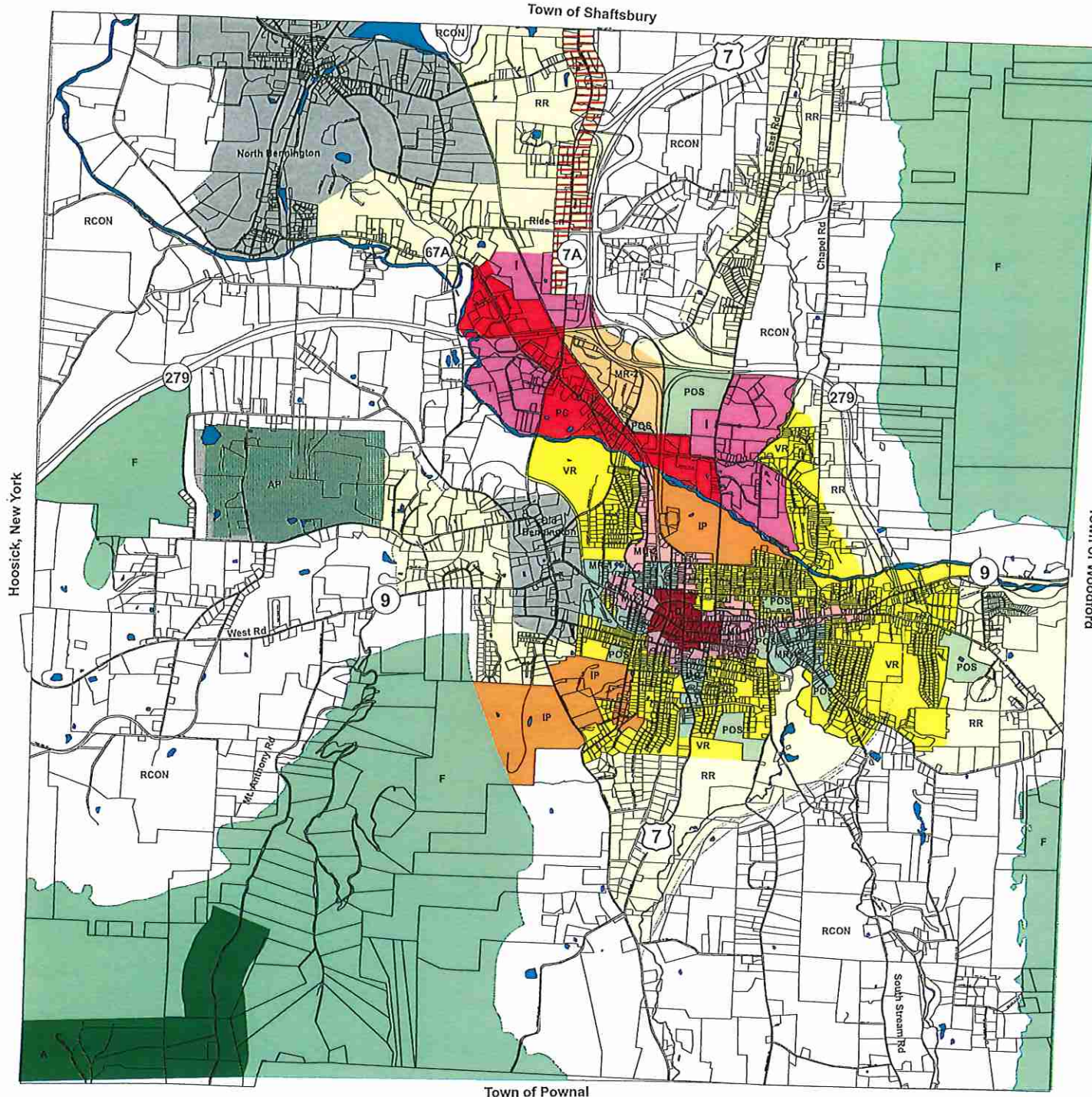
Proposed

Map 1 Zoning Districts Bennington, Vermont

- Route 7A Corridor Overlay
- Bennington Parcel Data 2017
- Bennington Water Resources

Land Use Districts

- Downtown
- Planned Commercial
- Industrial
- Mixed Use #1
- Mixed Use #2
- Mixed Residential #1
- Mixed Residential #2
- Institutional & Professional
- Village Residential
- Rural Residential
- Rural Conservation
- Agriculture
- Forest
- Public Open Space
- Planned Airport
- North Bennington
- Old Bennington



Designated Downtown



Sharepoint Location:
Documents>GIS>Towns>Bennington>
Zoning>Benn_ZoningMap



Map produced February 21, 2022 by
Bennington County Regional Commission
210 South Street, Ste 6
Bennington, VT 05201
Intended for planning purposes only.



Planning Commission Reporting Form for Municipal Plan Amendments

This report is in accordance with 24 V.S.A. §4384(c) which states:

*“When considering an amendment to a plan, the planning commission shall prepare a written report on the proposal. **The report shall address the extent to which the plan, as amended, is consistent with the goals established in §4302 of this title.**”*

If the proposal would alter the designation of any land area, the report should cover the following points:

1. *The probable impact on the surrounding area, including the effect of any resulting increase in traffic, and the probable impact on the overall pattern of land use.*

Given that the land was previously a college campus with hundreds of students and faculty, the proposed change is unlikely to result in any greater impact on the surrounding area. It is likely that the impacts will be less than the college campus use.

2. *The long-term cost or benefit to the municipality, based upon consideration of the probable impact on:*

- (A) *the municipal tax base; and*

The former college campus use was a tax-exempt use. It is likely that many of the new uses of the property will be taxable, therefore, resulting in an increase in the municipal tax base.

- (B) *the need for public facilities;*

Water and sewer infrastructure already serves the property. There is no anticipated need for additional public facilities.

3. *The amount of vacant land which is:*

- (A) *already subject to the proposed new designation; and*

Very little developable vacant land exists within the current IP District. Most of it is already owned and occupied by existing institutional uses or is impacted by constraints on development (floodplains, wetlands, etc.).

- (B) *actually available for that purpose, and the need for additional land for that purpose.* As noted above, resource issues impact much of the vacant land in the current IP District and limit development. The Southern Vermont Healthcare Corporation, the current owner of the subject lands, has articulated a need for many healthcare and community related uses, including childcare, medical facilities and housing for medical professionals.

4. *The suitability of the area in question for the proposed purpose, after consideration of:*
 - (A) *appropriate alternative locations;* The subject lands are adjacent to the medical center. It is ideal for medical system uses.
 - (B) *alternative uses for the area under consideration; and* The change in zoning does not foreclose alternative uses for the area.
 - (C) *the probable impact of the proposed change on other areas similarly designated.* For the reasons discussed above, no negative impact on other IP District lands is anticipated.
5. *The appropriateness of the size and boundaries of the area proposed for change, with respect to the area required for the proposed use, land capability and existing development in the area.”* The subject lands are already developed as a college campus. The proposed changes will not alter the character of the area, and will not expand beyond the lands previously developed as a college campus.

Planning Commission Reporting Form for Municipal Bylaw Amendments

This report is in accordance with 24 V.S.A. §4441(c) which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments..... The report shall provide(:)

(A) brief explanation of the proposed bylaw, amendment, or repeal andinclude a statement of purpose as required for notice under §4444 of this title,

The purpose of the bylaw amendment is to modify zoning requirements applicable to a portion of the former Southern Vermont College Campus to allow and encourage appropriate development and re-development. The proposed amendment will expand the Institutional/Professional District to include a portion of the former Southern Vermont Campus. The bylaw amendment includes protections that will ensure all development and re-development do not negatively impact historic and scenic resources.

And shall include findings regarding how the proposal:

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:*
The proposed amendment furthers the goals of the Town Plan by encouraging sustainable economic development that protects historic and scenic resources. The proposed amendment also allows for more affordable housing by allowing diverse housing options to be developed.
2. *Is compatible with the proposed future land uses and densities of the municipal plan:*
The proposed land uses are limited to uses, densities, and structures that will not negatively impact historic and scenic resources. Therefore, it is compatible with the Town Plan.
3. *Carries out, as applicable, any specific proposals for any planned community facilities.”*
No new public facilities are planned for the area subject to the amended bylaw. Municipal infrastructure already serves the area.

----- Forwarded message -----

From: **Eric Peterson** <ericpeterson646@gmail.com>

Date: Tue, Mar 8, 2022 at 9:50 AM

Subject: Battle Play

To: Jeannie Jenkins <jeanniejenkins829@gmail.com>

Select Board Members,

Vermont is planning a big celebration of the 250th anniversary of the Battle of Bennington, an important turning point in the American Revolution. As part of the year's long events I am working with members of the local committee to create a new play based on the events leading to, and including the battle.

My expectation is that the research needed to write the play will take aprox.18 months. Then the writing of the piece will take another 18 months or so. I am applying to the Vermont Arts Council for one of their \$4,000.00 Creation Grants to facilitate the work.

It is my fervent hope that the commemoration activities will include the participation of many local citizens. This is an opportunity to teach American and Vermont and Bennington history. It is also a chance to once again honor those who fought for freedom and for democracy.

Working on this project during this harrowing time, with the peace of the whole world in jeopardy, has changed for me even in the last couple of weeks. The American Revolution has long been a beacon for those in the world desperate for freedom and democracy. This chance to tell Bennington, Vermont part of the story is indeed a fabulous opportunity .

A letter from the Select Board will demonstrate to the arts council that there is local support for this effort. I hope you will join me and the committee in this project.

Thank You,
Eric Peterson

Community Suggestions on Action Steps for the Declaration of Inclusion

Town and/or SVSU Driven Action Steps

- Encourage the adoption of the Declaration in our schools and include on the website
- Town questionnaire/interview process to gain insight and identify themes from underrepresented groups in Bennington.
- Create a school and/or Town contest using the words in the Declaration of Inclusion
- Create a branded statement that captures the Town's sense of Diversity, Equity, and Inclusion.
- Highlight ongoing inclusion work in the media.
- Review Town Accessibility Plan with an eye to what we can do that goes beyond the basics.
- Look for ways to increase engagement of restorative justice and mental health professionals in policing.
- Encourage ongoing training for the Town, schools, and businesses around equity and fair and impartial practices.
- Create venues for employers (Town, SVSU, business community) to learn and work together on hiring, retention, and support for a diverse workforce.
- Learn from other towns and school systems and develop networking opportunities
- Develop public restroom facilities in additional park and recreation spaces
- Review accessibility in playgrounds and recreation to include equipment, cost, and location
- Select Board should look for ways to integrate inclusion discussions and practices into Town policies and culture.
- VLCT resources on Equity and Inclusion should be utilized as appropriate – Explore resources
- Build and strengthen groups that support inclusion at the high schools.
- Select Board should continue to evaluate and discuss the Town vision at their meetings.
- Include inclusivity clauses on websites, and in ads and flyers for community meetings, events, forums with 1) wording that actively invites people with disabilities to attend and 2) includes specific contact information for assistance.
- The Town should revisit the resources on the Town's website to include organizations that invite LGBTQ+, BIPOC, low income, and people with disabilities.

Community Driven Action Steps

- Weave the culture of welcoming throughout Bennington by encouraging organizations, institutions, and the Town to examine activities, practices, and social media with an eye toward inclusivity.
- Encourage ongoing community dialogue around what it means to be welcoming.
- Help new and not-so-new residents connect with existing organizations to increase a sense of belonging.
- Create a town-wide mechanism for addressing concerns and providing accountability as a community to the Declaration of Inclusion.
- Explore ways for ongoing community input and education to strengthen inclusion and diversity.
- Continue to work to engage marginalized populations.
- Encourage equity and inclusion statements on websites for businesses and organizations.
- Include inclusivity clauses on websites, and in ads and flyers for community meetings, events, forums with 1) wording that actively invites people with disabilities to attend and 2) includes specific contact information for assistance.
- Use community spaces including parks, trails, and the community center, as ways to encourage all to meet, engage, enjoy each other.
- Encourage and support opportunities to highlight cultural diversity in music, food, art, holidays, etc.
- Encourage business and civic organizations with equity groups to combine efforts, share best practices, and encourage the development of equity groups in other organizations.
- Build additional cultural capacity within institutions such as libraries and museums.
- Utilize existing organizations as equity and inclusion resources.
- Start an annual international food festival

Item in yellow are Declaration of Inclusion work group's recommendations for initial steps.

MANAGER'S REPORT

March 14, 2022

ACTION

Events with Road Closures We have several events coming to the downtown this year which will require road closures. The BPD is already involved in all of these.

Mayfest Scheduled for May 28th, this will require closing Main Street from the 4 Corners to Valentine Street, School Street from Pleasant Street to Main Street, and Silver Street from Union Street to Main Street from 5 am until 6 pm.

Hemmings Cruise-ins Scheduled for May 19, June 16, July 7 and August 18, these will require closing Main Street from the 4 Corners east to Union Street from 5 pm until 8 pm. The BBC will seek to clear the on-street parking to allow the cruise-in vehicles to park diagonally.

Harvest Fest Scheduled for October 8, this will require road closures similar to Mayfest from 5 am until 8 pm.

Annual Food Truck Festival Scheduled for August 13 (Saturday), it will require closing of School Street from Pleasant Street to Main Street from 8 am until 8 pm.

Action requested Motion to close the roads for each event as requested.

Bennington Sports Foundation This newly created entity is introducing itself to the community. It seeks partners, an organization that will offer support by lending its name to a list of organizations. This does not mean financial support.

Support Ukraine Sign for Town Office Lawn This sign prepared by Kathy Cichanowski is proposed to be placed on the Town Office front lawn. In keeping with our Display Policy, I seek a Board sponsor and Board approval to place the sign. It is 15"x 15" and made of weatherproof material.

Action requested Once a sponsor is determined, a motion to approve the placement.

INFORMATIONAL


Legislative Concern The Vermont Senate Judiciary Committee, through Legislative Council, has rewritten S.254, narrowing the scope to constitutional violations only for eliminating qualified immunity for police officers. It will also require that municipalities indemnify police officers, and it sets caps on damages, \$500,000 for individuals and \$2,000,000 for groups. While this limits the scope, it certainly increases the onus for all towns with police departments. Even officers acting in good faith who may be found to have violated the constitutional rights of an individual or group may result in a suit against the Town. In fact, that can happen now. Should this become law, we may find it nearly impossible to recruit and retain our officers and it will certainly become more costly for the taxpayers of this community to have a police force.

Stormwater permit issues Still no word on next steps.

FOLLOW UP

The Overtime Report for February is attached.

The Community Development and Permitting/Planning Reports are attached.



**"All kids need is a little help,
a little hope and someone
who believes in them."**

Magic Johnson,
Former LA Lakers Basketball Superstar,
Businessman, and Social Activist

The Need

The Bennington Sports Foundation (BSF), was created to fill an important need by finding and reaching our most vulnerable children to provide them with opportunities to be better engaged in the community so they may reach their full potential in school and life. We will do that through sports. Bennington County residents have a long history of supporting programs whose mission is improve life for all, especially our youth, but more help is needed.

Today, Bennington County, like many New England communities, is confronting modern day social and economic challenges. Local poverty levels are very high (87% of SVSU students are eligible for free and reduced meal programs) and the area has been impacted by the Opioid crisis that is gripping rural America. The 2019 YRBS study, conducted by the Center for Disease Control and Prevention, reports low levels of health, wellbeing, and engagement of the children in our community. The need for more positive engagement between adults and youth in the community is clear.

A 2018 Study by Dick's Sporting Goods¹ reported that more girls and boys participate in sports than any other extracurricular activity. Those who participate in sports are also more engaged in other extracurricular activities. Research also confirms educational, social, and behavioral benefits from sports participation. Athletes get better grades, aspire to graduate from college, are less likely to get in trouble in school and are less likely to be involved in unhealthy activities and behaviors than non-athletes.²

Fortunately, there are a variety of sports offered throughout Bennington County, but in many cases, programs operate under a pay-for-play system and too many of our youth do not have the money to participate. Some sports programs can offer scholarships and other financial help, but too many of our youth don't have access and remain outside the system.

1. The State of High School Sports in America: An Evaluation of the Nation's most Popular Extracurricular Activity.
2. Teen Sport in America: Why participation Matters)

The Organization

The BSF, a 501(c)3 non-profit organization, will offer financial assistance to existing sports programs who develop access for youth currently outside the system and that promote teamwork, leadership skills and positive role models; encourage community service; and are a positive influence in the community. Specifically:

1. Financial assistance to cover participation and equipment costs for youth who otherwise could not afford to attend the program.
2. Financial assistance to hire teens to work at the programs. This will provide leadership and mentoring for the participants and give the teens a good work experience.
3. Provide resources to sports organizations to enrich their ongoing programs through free sports and education curricula, research, and on-line trainings.

Our Mission

The mission of the BSF is to provide youth in Bennington county with opportunities to learn positive life skills, good health and wellness habits and education through sports.

Our Goal

The programs and initiatives we support will promote teamwork, leadership skills and positive role models; encourage community service; and be a positive influence in the community.

Leadership

The Bennington Sports Foundation operates through a volunteer board and staff.

Co-Chair, Jeannie Jenkins

Chair, Bennington Select Board and co-chair of the Bennington County Workforce and Education group.

Co-Chair, Deborah Slaner Larkin

Former CEO of the Women's Sports Foundation and USTA Foundation. Former member of the President's Council on Physical Fitness and Sports and current member of the board of the National Women's Law Center.

Secretary-Treasurer, Carolyn Blitz

Former NBA Senior Vice President of Community Relations, current Publisher Vermont Magazine, Berkshire Magazine and has served on non-profit boards, including the Bennington Museum, Stratton Foundation and Carlos Otis Clinic.

Board Members

Angela Bevin (Bennington)
Stephen Kimball (Manchester)
Mellissa Morrison (Shaftsbury)
Carson Thurber (Bennington/Stratton)

Financial Assistance

Beginning in 2022, the BSF will award up to \$20,000 annually through an application process overseen by BSF board and community members.

Our initial fundraising campaign will be The Founder's Circle. All donors during the first year of operation will be designated as Founders with giving opportunities at several contribution levels.

Leadership	\$25,000
Champion	\$15,000
Director	\$10,000
Coach	\$5,000
Teammate	\$1,000
Fan	\$100

Donations and pledges may be made over 5-years. All funds raised will go to support BSF programs.



Youth Sports

Basketball

Battle for the Future/DeShawn Hamlet (Grace Christian School/Benn Rec Center, K- 12th grade)

YMCA/ Dana Thompson

MAYAA Basketball

Soccer

Southshire Youth Soccer (Willow Park, pre-k -6th grade)

Black Rock Soccer

YMCA/ Dana Thompson

Baseball/Softball

Pownal Cal Ripken Youth Baseball (Pownal, 4-12 years old)

Bennington Little League

YMCA/ Dana Thompson

Lacrosse

Mount Anthony Lacrosse Association (Benn, serve Southshire/Woodford, 9 yrs – 8th grade)

Football

MAYAA Football (Bennington Minutemen)

YMCA/ Dana Thompson

Tennis

ACES

Swimming

Bennington Marauders Team (Benn Rec Center, pre-k – 12th grade)

Horseback Riding (maybe for CITs only)

Taraden (No Bennington)

Amara Farms (Pownal)

Wilden's Run (Pownal)

Kimberly Farms (Shaftsbury)

Cheer/Gymnastics

MAYCA Studio

Berkshire Dance

Martial Arts

Green Mountain Tae Kwon-DO (Bennington, Pleasant St, children and adults)
Catamount Tae Kwon Do – Bennington (Benmont Ave)
VT Martial Arts Academy - Manchester

BMX

Catamount BMX

Downhill Ski

KAP and JISP program (Bromley Mountain, KAP 6-7 yrs, JISP 8 yrs -8th grade)
(also, Adaptive KAP and JISP programs through BART)

Cross-Country Ski

Prospect Mountain

Youth Ice Hockey

Northshire Youth Hockey (Riley Rink, Manchester, 6 -14 yrs old)

Town Recreation Programs

BFYMCA (Bennington Community Center) – soccer, T-ball, baseball, softball, basketball, volleyball, frisbee, football, swimming, tennis, Sports in Play (try out different sports)

Dana L. Thompson Memorial Park (Manchester Rec) – soccer, football, lacrosse, swimming, baseball/softball, tennis, basketball

SUPPORT

UKRAINE

03/01/22
03:11 pm

Town of Bennington Payroll
Overtime Report
02/26/22 - 03/03/22

Page 1

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	2,610.00	0.00	0.00%
TOTALS FOR DEPT 362	0.00	3,558.00	0.00	0.00%
TOTALS FOR DEPT 365	0.00	3,364.40	0.00	0.00%
TOTALS FOR DEPT 371	7.00	9,182.26	277.86	3.03%
TOTALS FOR DEPT 410	222.00	51,109.94	10,307.22	20.17%
TOTALS FOR DEPT 510	97.00	20,582.42	3,387.24	16.46%
TOTALS FOR DEPT 540	40.50	9,858.56	1,646.56	16.70%
TOTALS FOR DEPT 590	26.50	7,721.22	962.02	12.46%
TOTALS FOR DEPT 790	0.00	848.80	0.00	0.00%
REPORT TOTALS	=====	=====	=====	=====
	393.00	**,***.**	16,580.90	13.75%

02/23/22
09:42 am

Town of Bennington Payroll
Overtime Report
02/19/22 - 02/24/22

Page 1

DEPARTMENT	OT HRS	GROSS AMT	OVERTIME	PRCT
TOTALS FOR DEPT 300	0.00	758.31	0.00	0.00%
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	3,530.41	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	2,685.30	0.00	0.00%
TOTALS FOR DEPT 362	0.00	3,858.00	0.00	0.00%
TOTALS FOR DEPT 365	2.50	3,457.10	92.70	2.68%
TOTALS FOR DEPT 371	8.00	11,287.36	277.86	2.46%
TOTALS FOR DEPT 410	96.50	42,473.26	4,228.11	9.95%
TOTALS FOR DEPT 510	68.50	19,801.56	2,392.02	12.08%
TOTALS FOR DEPT 540	23.50	9,119.75	907.75	9.95%
TOTALS FOR DEPT 590	19.00	7,508.11	760.44	10.13%
TOTALS FOR DEPT 790	0.00	848.80	0.00	0.00%
REPORT TOTALS	=====	=====	=====	=====
	218.00	**,***.**	8,658.88	7.63%

02/15/22
01:59 pm

Town of Bennington Payroll
Overtime Report
02/12/22 - 02/17/22

Page 1

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	3,530.41	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	3,558.00	0.00	0.00%
TOTALS FOR DEPT 365	1.50	3,420.02	55.62	1.63%
TOTALS FOR DEPT 371	3.00	8,984.27	103.86	1.16%
TOTALS FOR DEPT 410	82.25	44,418.20	3,347.93	7.54%
TOTALS FOR DEPT 510	33.00	18,490.00	1,152.36	6.23%
TOTALS FOR DEPT 540	29.00	9,609.80	1,139.86	11.86%
TOTALS FOR DEPT 590	17.50	7,439.49	680.29	9.14%
TOTALS FOR DEPT 790	0.00	848.80	0.00	0.00%
REPORT TOTALS	=====	=====	=====	=====
	166.25	**,***.**	6,479.92	5.83%

02/08/22
02:39 pm

Town of Bennington Payroll
Overtime Report
02/05/22 - 02/10/22

Page 1

DEPARTMENT	OT HRS	GROSS AMT	OVERTIME	PRCT
TOTALS FOR DEPT 300	0.00	125.50	0.00	0.00%
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	2,835.90	0.00	0.00%
TOTALS FOR DEPT 362	0.00	3,558.00	0.00	0.00%
TOTALS FOR DEPT 365	0.00	3,364.40	0.00	0.00%
TOTALS FOR DEPT 371	8.50	9,206.68	294.27	3.20%
TOTALS FOR DEPT 410	57.00	40,164.85	2,272.20	5.66%
TOTALS FOR DEPT 450	0.00	1,125.00	0.00	0.00%
TOTALS FOR DEPT 510	149.50	22,460.15	5,215.29	23.22%
TOTALS FOR DEPT 540	56.50	10,318.06	2,106.06	20.41%
TOTALS FOR DEPT 590	28.50	7,840.61	1,081.41	13.79%
TOTALS FOR DEPT 790	0.00	848.80	0.00	0.00%
REPORT TOTALS	=====	=====	=====	=====
	300.00	**,***.**	10,969.23	9.66%

Recreation:

a. YMCA program planning:

The Bennington Community Center (Rec Center) has a busy pool schedule with lap swimming, water exercise classes, swimming classes and family swim. New exercise equipment is available in the weight room, and a strength and conditioning room has opened in the basement. The Y is also running afterschool programs at the Village School in North Bennington, the Bennington Sports Center (old Catamount School), Shaftsbury, and Pownal schools. At Benn High, there are also eight exercise classes and a walking group meeting every week. Upcoming classes include Pickleball at Benn High and Games and Gab for seniors at the Bennington Sports Center. The pool, adult fitness, and youth program schedules are updated regularly on the Bennington Recreation center Facebook page.

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. Jonah Spivak redesigned the Town's recreation page to highlight more outdoor recreation opportunities and partners. I hired a local photographer to take photos of outdoor recreation sites and people enjoying them during the fall. I am finalizing the outdoor recreation wayfinding signs with GVH studio and signs will be installed in the spring.

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 a "Trail Fest" event at the Bennington Community Center on July 30 for both locals and AT hikers.

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. The new fencing is installed at the green space and allowed the Y to run a popular youth soccer program. Another Animating Infrastructure grant will support art installations along the fence, such as creative benches and gates, collaborating with local artists and designers through the Vermont Arts Exchange. We are also working with a local landscape designer on landscape plantings next spring.

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

Community Development Report: March 9, 2022

Shannon Barsotti

path for pedestrians and cyclists traveling between Bennington and Pownal, VT and Williamstown, MA.

g. Willow Park play structure upgrade:

I am on the working group with Paul Dansereau, Mark Sawyer, and Jonah Spivak and we met to discuss design parameters, requirements, specifications, and features to incorporate into a new large playground, small playground, and six station fitness trail at Willow Park. We reviewed the proposals that responded to the RFP and Paul will present findings to the Select Board.

Economic Development Committee:

I am part of the town committee that formed to discuss the Town's economic development and ARPA priorities in partnership with consultants White and Burke.

Vermont Begins Here:

Eight Oh Two Marketing is continuing the digital marketing campaign to promote Bennington. We are running Facebook ads to promote winter travel to Bennington. VBH blog posts for March promoted the new Coffee Bar in the Putnam block and the Billsville Music series at the Coffee Bar.

Local Food Security:

I meet monthly with 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. They have formed a nonprofit, the Bennington Community Market, and the market will be located at 239 Main Street. The market received a town loan for \$200,000 to begin construction on a commercial kitchen at the market space. They have a website- <https://www.benningtonmarket.com>- and will begin a fundraising campaign soon.

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. The Recovery Housing project on Gage Street was awarded a \$360,000 grant and Squire House will be considered for the next round of funding.

Historic Preservation Grants:

I am working with GVV Studio 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 in the spring. 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 and fall season has been a challenge and the work will start in the spring. This project is funded with a \$50,000 Downtown Transportation Fund grant.

Bennington Winter Study:

I met with Divine Bradley and his Bennington College winter study students about doing a community project downtown. The students will work on conceptual designs for community spaces at Benn High and will interview community organizations who are interested in using the space for youth and adult programs, wellness classes, and arts programs.

Walloomsac Riverwalk Pathway:

I worked with Michael McDonough, chair of the BBC's design committee, to submit a grant application for \$240,000 for the Downtown Transportation Fund for improvements to the Walloomsac Riverwalk Pathway.

Town website redesign project team:

I met with Jonah Spivak to review the proposals submitted for the Town's website redesign and we will be interviewing final candidates this week.

Town meeting day presentation:

I worked with Jonah on a presentation about the Town's Annual Report on Town Meeting Day.

Downtown summer events:

I joined the Better Bennington Corporation's promotion committee to assist with downtown events at the Thomson stage this summer. The BBC will manage a summer music series called "Thursday Night Live" using the stage and splash pad park.

Community Outreach:

In the past month, I have met with the Berkshire Family YMCA management team, the owner of Benn High LLC, Eight Oh Two Marketing, Historic Preservation Commission, Bennington Community Market, Vermont Arts Exchange, Bennington Bike committee, Town Economic Development committee, Willow Park project team, Better Bennington Corporation promotion committee, Shires Housing, Hale Resources, and AT Community Committee,

**Summary of Building Permits Issued
February 2022**

Construction Type	Month to date	Month to Date Volume	Year to date	Year to Date Volume
	Permit Totals		Permit Totals	
Single Family Dwelling	0	\$0.00	1	\$300,000.00
Duplex	0	\$0.00	0	\$0.00
Mobile Homes	0	\$0.00	0	\$0.00
Apartments	0	\$0.00	0	\$0.00
Apartment Renovations	0	\$0.00	1	\$22,900.00
Condominiums	0	\$0.00	0	\$0.00
Residential Renovations	2	\$22,000.00	2	\$22,000.00
Residential Additions	0	\$0.00	0	\$0.00
Commercial Construction	0	\$0.00	0	\$0.00
Commercial Renovations	2	\$1,709,940.00	3	\$1,719,940.00
Industrial Construction	0	\$0.00	1	\$608,898.00
Industrial Renovations	0	\$0.00	0	\$0.00
Garages	0	\$0.00	0	\$0.00
Sheds	0	\$0.00	1	\$380.00
Decks	1	\$14,370.00	1	\$14,370.00
Institutions	0	\$0.00	0	\$0.00
Signs	1	\$300.00	3	\$23,825.00
Use & Zoning	0	\$0.00	2	\$133,000.00
Subdivision	0	\$0.00	1	\$0.00
Home Occupation	0	\$0.00	0	\$0.00
Propane Tank/Storage Tank	0	\$0.00	0	\$0.00
Boilers/Furnaces/RTU's, A/C	0	\$0.00	0	\$0.00
Tents	0	\$0.00	0	\$0.00
Handicap Access/Ramps	0	\$0.00	0	\$0.00
Concreate Slabs	0	\$0.00	0	\$0.00
Cell Towers/Communications	0	\$0.00	0	\$0.00
Solar Installations	1	\$7,985.25	4	\$76,841.25
Camps	0	\$0.00	0	\$0.00
Withdrawn	0	\$0.00	0	\$0.00
Demolition	1	\$0.00	3	\$0.00
Fire Supression	0	\$0.00	0	\$0.00
Sprinkler System	1	\$0.00	1	\$0.00
Exhaust Hood	0	\$0.00	0	\$0.00
Fire Alarm	1	\$0.00	1	\$0.00
Total	10	\$1,754,595.25	25	\$2,922,154.25

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

Month	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
January	6	12	11	5	8	15	10	5	6	5	11	15
February	7	7	6	7	15	8	5	7	5	8	9	10
March	6	31	13	12	10	14	19	11	13	9	19	
April	34	31	18	22	27	14	15	15	23	11	29	
May	27	27	38	20	23	19	27	23	24	19	23	
June	34	32	20	19	21	19	10	14	12	25	16	
July	20	24	33	29	47	16	29	30	28	12	16	
August	14	30	21	29	20	18	25	25	16	27	16	
September	15	21	32	27	22	21	21	23	26	9	14	
October	19	38	30	21	28	9	19	20	20	17	29	
November	22	10	16	11	12	8	16	11	8	15	19	
December	17	18	18	7	10	5	8	11	11	5	10	
Total	221	281	256	209	243	166	204	195	192	162	211	

Town of Bennington Planning and Zoning

Detailed Permit Report

Permit types included: Building

Approval status included: Granted

Occupancy status included: Any status

Decision dates included: Between 02/01/2022 and 02/28/2022

<i>Parcel number Land Record Book and Pages</i>	<i>Permit number</i>	<i>Owner's name Applicant's name Location</i>	<i>Permit type Cert. of Occ.</i>	<i>Decision</i>	<i>Fee paid Cost of project</i>
50515100	22-009	DIONYSUS LLC (50%) Dionysus LLC 186 NORTH ST Office Build Out (8,000 sq-ft)	Building C.O. Pending	Granted 02/04/2022	1,600.00 340,940.00
66502200	22-010	SKIDMORE KENDY L Sunrun Installation (Zahra Wynter) 19 COLEVILLE RD Rooftop Solar (726 sq-ft)	Building C.O. Pending	Granted 02/07/2022	72.60 7,985.25
30506001	22-011	AMBROSE FAMILY TRUST U/A 8/28/13 Mike Ambrose 904 EAST RD Basement Renovations (306 sq-ft)	Building C.O. Pending	Granted 02/18/2022	30.60 12,000.00
17502800	22-013	ROY BOYS LLC Roy Boys LLC 1487 HARWOOD HILL RD Convert Building to a Single Family Dwelling	Building C.O. Granted	Granted 02/22/2022 02/23/2022	0.00 10,000.00
29500700	22-014	NORTH BENNINGTON ROAD LLC North Bennington Road LLC 183 PHYLIS LN 5,760 sq-ft Building Renovation & 3,140 sq-ft Addition	Building C.O. Pending	Granted 02/25/2022	1,834.00 1,369,000.00
31502000	22-015	EGGWARE THOMAS M & STACY D Thomas & Stacy Eggware 10 DUFFY DR Replace Existing Deck (328 sq-ft)	Building C.O. Pending	Granted 02/25/2022	32.80 14,370.00

**Town of Bennington Planning and Zoning
Detailed Permit Report**

Permit types included: Local/Custom

Approval status included: Granted

Occupancy status included: Any status

Decision dates included: Between 02/01/2022 and 02/28/2022

<i>Parcel number Land Record Book and Pages</i>	<i>Permit number</i>	<i>Owner's name Applicant's name Location</i>	<i>Permit type Cert. of Occ.</i>	<i>Decision</i>	<i>Fee paid Cost of project</i>
52514700	2022	CALLAHAN THOMAS Thomas Callahan 426 BURGESS RD Removal of Small Garage	Local/Custom C.O. Not required	Granted 02/25/2022	0.00

Town of Bennington Planning and Zoning
Detailed Permit Report

Permit types included: Sign

Approval status included: Granted

Occupancy status included: Any status

Decision dates included: Between 02/01/2022 and 02/28/2022

<i>Parcel number</i> <i>Land Record</i> <i>Book and Pages</i>	<i>Permit</i> <i>number</i>	<i>Owner's name</i> <i>Applicant's name</i> <i>Location</i>	<i>Permit type</i> <i>Cert. of Occ.</i>	<i>Decision</i>	<i>Fee paid</i> <i>Cost of project</i>
50514100	S22-003	VTCT PROPERTIES LLC Thomas Kannam 230 NORTH ST Philly's - A Taste of Philadelphia	Sign C.O. Not required	Granted 02/09/2022	60.00 300.00