

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

BENNINGTON SELECT BOARD

Monday, January 23, 2023

Bennington Fire Facility

Multi-Purpose Room - 3rd Floor

130 River Street

Bennington, Vermont 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 January 7 (if available) & 9, 2023
 - B. Warrants
 - C. Licenses
4. Public Comment 6:05 PM - 6:20 PM
5. Bennington Sports Foundation 6:20 PM - 6:40 PM
6. Annual Town Meeting Warning Approval 6:40 PM - 6:50 PM
7. Bond Warning Approval Circulation for Signatures 6:50 PM - 6:55 PM
8. Implementing the Town Vision 6:55 PM - 7:00 PM
 - A. Policy Signing
9. Municipal Resolution Downtown Transportation Fund 7:00 PM - 7:15 PM
10. Manager's Report 7:15 PM - 7:25 PM
11. Upcoming Agenda 7:25 PM - 7:30 PM
12. Other Business 7:30 PM - 7:40 PM
13. Executive Session
 - A. Contracts

We endeavor to host inclusive, accessible events that enable all individuals to engage and participate fully. To request an accommodation or for inquiries about accessibility, please contact Paul Dansereau, Facilities Director: pdansereau@benningtonvt.org or call 802-447-9715.

1 **BENNINGTON SELECT BOARD MEETING**

2 **130 RIVER STREET**

3 **BENNINGTON, VERMONT 05201**

4 **JANUARY 9, 2023**

5 **MINUTES**

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

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

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; R.J. Joly-
10 Public Works Director; Larry Gates-Assistant Public Works Director; Jason Dolmetsch-MSK;
11 Donald Washum; Kelly Carroll; Debbie Mann; Robert Ebert; Will Greer; Jack Rossiter-Munley;
12 Lorraine Donately; Tordis Isselhardt; Mary Ellen Munley; Asher Edelson; Bill Clark; Nancy White;
13 5 citizens; Jim Vires-CAT-TV; and Nancy H. Lively-Secretary.

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

15 **1. PLEDGE OF ALLEGIANCE**

16 The Pledge of Allegiance was recited.

17 **2. VISION STATEMENT**

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

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

22 **3. CONSENT AGENDA**

23 **A. MINUTES OF DECEMBER 19, 2022**

24 **B. WARRANTS**

25 **C. LIQUOR LICENSES**

26 *Bruce Lee-Clark moved and Jim Carroll seconded to approve the Consent Agenda as*
27 *submitted. The motion carried unanimously.*

28 **4. PUBLIC COMMENT**

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

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

44 Bill Clark: The holiday decorations will be coming down on Wednesday in preparation for the
45 spring banners going up.

46 Asher Edelson: Would like more sidewalks in Town and is running for the Select Board.

47 Jack Rossiter-Munley and Lorraine Donately: The Community Café, supported by the Unitarian
48 Universalist Fellowship, St. Peters Episcopal Church, and the Greater Bennington Community
49 Services, will be opening on Saturdays from 1:30pm-3:00pm at 121 Depot Street in front of
50 GBCS. Anything on the menu is free and donations are accepted at the Café, the UU Fellowship
51 meeting house, or St. Peters Episcopal Church. All donations will go into the Café project to
52 keep it going. Everyone is welcome and it can be followed on our Facebook page -
53 Facebook.com/Bennington/Community Café or e-mail benningtoncommunitycafe@gmail.com .

54 Mary Ellen Munley-Bennington Cares: Because of the exposure during Public Comments at a
55 previous Select Board meeting, there were new attendees at the Bennington Cares second
56 meeting yesterday. Even though the Select Board doesn't have jurisdiction over the school
57 system, we think that a Board liaison to the schools would be beneficial. The next meeting will
58 be on 1/22/23 at the UUF Meeting House at 108 School Street and we can be contacted at
59 benningtoncares@gmail.com .

60 Kelly Carroll: The Riverwalk will take place on 1/21/23 starting at People's Park. Michael
61 McDonough will be speaking on public safety and improvements on the Riverwalk with a
62 presentation and refreshments following the walk at the VFW on North Street. On the

February walk, we will be inviting Select Board candidates to join us, and in March, the Bennington Free Library will be co-hosting the walk and talking about Emily's Explorer Backpack Program.

5. WATER SYSTEM BOND HEARING - MSK AND TOWN OF BENNINGTON

Mr. Hurd stated that the Town is working with MSK to become in compliance with our water system issues of low pressure in various parts of the system. The State has been working with us for the past decade to address these issues. The remaining two projects are at the South End and Gage Street.

Jason Dolmetsch from MSK did the following presentation:

- Our purpose here tonight is to ask the Board to put a \$5.8M bond before the voters for water main replacement at the South End and Gage Street.
- The South End is a completion/continuation project for upgrades and Gage Street is a stand-alone project.
- The South End Upgrades:
 - ✓ Has been on the books since 2008 with construction having begun in 2015.
 - ✓ State funds had covered the construction of the tank and the line from the tank to the pump station on Monument Avenue Extension.
 - ✓ The next 4 phases of the project were done over the next 4 years by allocating ~\$400,000/year/phase which included work on Dewey Street, Harwood Drive, Putnam Street, and Observatory.
 - ✓ Our proposed work includes 7,500 linear feet, replacements on Jefferson, Stone Hedge, and Crescent Boulevard for ~\$4M.
 - ✓ This is a regulatory mandate and has been on the Town's temporary operating permit as a deficiency since 2008. After completion the Town will have a full operating permit which will make the Town eligible for a general permit for future projects.
 - ✓ If this was not done and the project was "scrapped", you would be in violation of your permit with potential penalties and other mandates as a result.
- The Gage Street Upgrades:
 - ✓ Include the section between Branch Street and Main Street, as well as, improvements on Frank Street and Cross Street.
 - ✓ This project has been a consistent problem for the Town for 20-30 years.
 - ✓ The lines are so filled with scale where any flow causes low pressure.
 - ✓ Replacement will provide maximum flow and fire protection for ~\$1.8M.
- Why do these now instead of continuing on as we have been?
 - ✓ These are high priority projects and the last piece to be done for the Town to be in compliance.

- 100 ✓ It has become increasingly difficult to get contracting companies to do projects
101 of this size individually, so by bundling projects, there is more interest and we
102 get a better economy of scales.
103 ✓ In 2015, we could do a project for \$140/linear foot. Now it is ~\$500/linear foot.
104 ✓ The bond will allow us to lock these projects into those dollars at \$259,000/year
105 instead of the \$400,000/year that we have been doing.

106 *Board comments/questions answered by Mr. Dolmetsch:*

107 Mr. Corey: Does a drop in pressure release bacteria? *If pressure drops that can release bacteria*
108 *as the system would be pulling from more stagnant areas. None of these areas are being served*
109 *with adequate fire protection at this time but will be upon completion of the projects.*

110 Mr. Corey: Are there funds from the lead project to reduce the cost of this? *If during the project*
111 *we find any lead service lines, they will be paid for by those funds but the mains will not be.*

112 Mr. Carroll: We will probably get push back from our constituents but this has to be done.

113 Ms. Conner: Will our staff be doing any of the work? *These are contracted projects.*

114 Ms. Perrin: Are these lines all residential? *These projects will only go to the curb stop on Town*
115 *owned property unless there is a lead service line issue. And there may be some non-residential*
116 *properties along the way.*

117 Ms. Perrin: Will the upgrades be beneficial to housing? *Both projects are to correct low pressure*
118 *problems but will not change the zoning or the capacity to serve a particular unit in that area.*

119 Mr. Lee-Clark: Is a maximum flow event just opening up the hydrants or are there other
120 occasions? *There is a list of things that would create a maximum flow event, such as a main*
121 *breaks, Morgan Springs pump station turns on, or a hydrant is opened up. Anything that would*
122 *cause a greater than normal flow.*

123 Mr. Lee-Clark: Are you aware of anyone that has a lead service line within these two projects? *I*
124 *can't answer that now but can get you that information.*

125 Mr. Lee-Clark: Will the business contracted to do the projects also be the ones to replace the
126 lead service lines, if necessary? *The costs will be duly separated even if the work is done by the*
127 *same contractor.*

128 *Public comments/questions answered by Mr. Dolmetsch and Mr. Hurd:*

129 Asher Edelson: Would like to contact Mr. Dolmetsch about lead pipe removal.

130 Nancy White:

- Are we being reimbursed by the State for the Benmont/County Street project? *Mr. Hurd: The \$980,000 for the project is mostly coming out of the sewer system fund balance with the rest coming out of the budget that had been committed to it.*
- Are we currently paying 2 bonds now that each have 10 years to go? *Mr. Hurd: Yes.*
- We still have projects to do for \$21M - failing sand filters for 2 years-\$2M; filter upgrades at the end of their useful life-\$5M-\$8M; and others. This needs to go on the agenda and discussed with the public.
- Where do our water/sewer rates fall with others in the State? *Mr. Hurd: Last I checked, our rates were on par with other systems within the State. For a long time, we were below average but have been budgeting for depreciation which goes into the fund balance that allows us to deal with the emergencies as they come up. Our water system was built in 1912 and federal funds are there for us to borrow with about half the annual impact than what we've been allocating annually for smaller projects.*
- Aren't there \$3M in ARPA funds that we can use toward these projects? *Mr. Hurd: We have until 2025 to allocate those funds, so if BennHi or the skate park comes in at less than expected, for example, we will have funds to reallocate.*
- People can't continue to have their water/sewer bills continue to go up over the next 5 or 6 years.

Bruce Lee-Clark moved and Jim Carroll seconded that the Board has determined by resolution that the public interest or necessity demands improvements, and that the cost of the same will be too great to be paid out of ordinary annual income and revenue. The motion carried unanimously.

6. QUALITY CONTROL, INTERNAL INVESTIGATIONS AND DISCIPLINE - 3RD READING

Mr. Hurd explained that it was suggested by Mr. Monks that we needed to separate the Policy which provides CPARB with the Select Board's BPD review authority from the procedures and processes originally included in the Policy statement. Lt. Grande and I agreed. Therefore, attached is the Policy with the Draft Procedures and Processes attached thereto. The Procedures and Processes can be worked out between the CPARB and the BPD leadership. There is no reason for the Select Board to be involved in that discussion at this time.

Board comments/questions:

Mr. Lee-Clark: Agrees with the separation as this is normally what is done and has the following comments:

- ❖ Organize Policy into 3 sections - Complaints, Investigations, and Outcome Analysis
- ❖ Page 2, 2nd full paragraph, Lines 1 and 3, Change "Citizen's" to "Civilian"
- ❖ Page 2, last paragraph, Line 6, "the disciplinary outcome of any internal investigation" - use more distinct language
- ❖ Page 3, 1st paragraph, Line 2, "shall be strictly confidential" - ask attorney for rewording option

169 Ms. Jenkins: Following comments:

- 170 ❖ Page 3, last line, Add date to be reviewed in 2 years
- 171 ❖ Procedures, Page 6, III. QUALITY CONTROL & INVESTIGATIONS, C. Procedures, 1. Line 3,
- 172 Change “i.e.” to “e.g.”
- 173 ❖ Procedures, Page 9, C. and Page 10, Discipline Factors, Last sentence of 1st paragraph,
- 174 look at wording again to clarify intent

175 Mr. Corey: Following comments:

- 176 ❖ Page 2, 1st full paragraph, Line 1, Change, “member will” to “member of BPD will”

177 Mr. Monks explained that no changes were made in the Procedures as CPARB and the BPD will
178 be working on those together.

179 *Public comments/questions:*

180 Will Greer: Hopes the Board will approve the Policy including the changes that were suggested.

181 Robert Ebert: If CPARB and the BPD disagree on Procedures, who will iron those out? *Both*
182 *CPARB and the BPD can bring anything back to the Select Board.*

183 Jack Rossiter-Munley: Page 2, 1st full paragraph, Line 4, Change “not to document their
184 complaint” to “not to complete a Citizen’s Complaint Form”

185 Jack Rossiter-Munley: Page 3, 3rd paragraph, Line 1, Change “On an ongoing basis” to “Monthly”
186 to put a time frame in the Policy even though CPARB and the BPD can work this out as time
187 goes on.

188 Kelly Carroll: Today is Law Enforcement Appreciation Day and thanked all law enforcement
189 personnel for their service. Also, felt that not specifying a time frame in the Policy is what they
190 had ultimately decided. In the Draft Procedures, discuss with the BPD the wording “to be
191 revised and adopted by Police Chief and reviewed by CPARB”

192 ***Jim Carroll moved and Bruce Lee-Clark seconded to adopt Policy on Quality Control,***
193 ***Internal Investigations and Discipline with proposed amendments in final language to be***
194 ***signed at the next Select Board meeting. The motion carried unanimously.***

195 **7. IMPLEMENTING THE TOWN VISION**

196 **A. BRIAN COOR’S PROPOSAL FOR ADDITIONAL CPARB TRAINING**

197 Ms. Jenkins noted that the Board had committed to ongoing training and support for
198 CPARB.

199 *Board comments/questions:*

200 Mr. Lee-Clark: In Retreat Session One, the Checking In process of welcome, introductions,
201 getting to know each other and what each member brings to the table, may not be necessary as
202 CPARB members have been meeting and know each other at this point.

203 *Public comments/questions:*

204 Nancy White: Is the Town Budget funding these trainings? *Mr. Hurd: We have \$17,000 in the*
205 *FY23 budget contingency line item of the General Fund, as well as in the FY24 budget, for*
206 *trainings and this will come out of there. Ms. Jenkins added that we have the contingency fund*
207 *for any Board or Commission that may need training. The CPARB members are not being paid.*

208 Robert Ebert-CPARB Member: Appreciates the Board's commitment to training CPARB but
209 would like to just be able to "get to work". We already had a full agenda for our January
210 meeting that's been cancelled now, as is what we had planned for our February meeting, and
211 we're to work with the BPD on Procedures. All of this is now "coming to a halt". *Ms. Jenkins*
212 *stated the outline of the sessions are June Community Listening Session, Civilian Review of*
213 *Complaints, and Recommendations from the IACP and Synthesis and Understanding of Input*
214 *and Outreach where guidance from Brian Corr will be helpful. Mr. Haley added that the agenda*
215 *items mentioned haven't been cancelled, they've been postponed.*

216 Will Greer-CPARB Vice-Chair: Sees the necessity for CPARB to have outside guidance such as
217 Brian Corr and, as good as Mr. Corr is, he has been looking into sources that may be less
218 expensive. Thanks to the Board for committing to these trainings.

219 Kelly Carroll-CPARB Chair: A start time of 6:00pm instead of 5:00pm for the January 19th and
220 March 16th meetings is preferred as is being sure that the Saturday meetings from 9:00am-
221 4:00pm are 7 hours of productive time. Also, what had been planned for our January and
222 February agendas will be held at a later date.

223 ***Bruce Lee-Clark moved and Jim Carroll seconded to approve the Cambridge Consulting***
224 ***Services Group, Brian Corr, Principal proposal for Ongoing Training and Support for the***
225 ***Community Policing Advisory Review Board through 2023 as stated in Fees for Services***
226 ***Rendered - \$9,800.***

227 Ms. Perrin: Change the start times on the January 19th and March 16th meetings to
228 6:00pm.

229 Ms. Jenkins: And have CPARB work out the schedule with Mr. Corr.

230 ***The motion carried unanimously.***

231 **8. MANAGER'S REPORT**

232 Mr. Hurd did the following report:

233 Willow Park Playground Update - Much of the necessary work has been completed and punch
234 list items remain until Spring. There will be a ribbon cutting and Grand Opening in the Spring.

235 Benmont Avenue/County Street Sewer Line Replacement - We had expected completion by the
236 Christmas Holiday, however, it now appears that another 3 weeks will be required to complete.
237 A large vault will be installed near Depot Street to connect to the existing system. Several
238 water service lines still need to be replaced due to lead. In the Spring, the Town hopes to
239 replace the County Street sidewalks in the project area and pave where needed.

240 Rail Cars - The Town is still awaiting the waybill and will reach out to Senator Welch's office on
241 obtaining it. When received we will get together with counsel as to options.

242 **9. UPCOMING AGENDA**

243 January 7, 2023 - Budget Meeting

244 January 14, 2023 - Budget Meeting

245 January 21, 2023 - Budget Meeting (if necessary)

246 January 23, 2023 - Bennington Sports Foundation Presentation

247 January 23, 2023 - Sign the Warning

248 January 23, 2023 - Revised Policy Quality Control, Internal Investigations and Discipline
249 for Signatures.

250 **10. OTHER BUSINESS**

251 Mr. Lee-Clark: If you're running for Select Board you must have your petitions and signed
252 consent in by January 30, 2023 at 5:00pm. Mr. Lee-Clark will not be running.

253 **11. EXECUTIVE SESSION**

254 **A. PERSONNEL**

255 **At 7:35pm, Bruce Lee-Clark moved and Tom Haley seconded that the meeting was**
256 **adjourned finding that an Executive Session be held on Personnel as premature public**
257 **knowledge would place a person involved in the subject matter at a substantial disadvantage.**
258 **No decision will be made when going back into Open Session. The motion carried**
259 **unanimously.**

260

261 Respectfully submitted,

262 Nancy H. Lively

263 Secretary

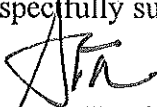
**SELECT BOARD
MINUTES ADDENDUM
January 9, 2023**

Present: Jeannie Jenkins, Chair, Tom Haley, Jim Carroll, Bruce L Clark, Jeanne Conner, V. Chair, Gary Corey, and Sarah Perrin. Also present.: Stu Hurd, Town Manager.

The Board went into executive session at 7:35 for a personnel matter.

The Board came out of executive session at 8:38 pm. but took no action. There being no other business, the meeting adjourned at 8:40 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Stu Hurd', written over a horizontal line.

Stuart A. Hurd

TOWN OF BENNINGTON

2023 LICENSE RENEWALS

1st Class Renewal

1. Village Garage (& Outside Consumption Permit)

2nd Class Renewal

1. Beverage Den

3rd Class Renewal

1. Village Garage

Tobacco Renewal

1. Beverage Den

The Bennington Select Board hereby approves the above
2023 Renewal Licenses

Dated: January 23, 2023

Jeannette Jenkins, Chair

-WARNING-

**TOWN OF BENNINGTON
2023 ANNUAL TOWN MEETING**

The residents of the Town of Bennington qualified by law to vote in Town Meeting are hereby notified and warned to meet in said Town on Monday, March 6, 2023, at 7:00 p.m., (or immediately following the Southwest VT Regional Technical School District's Annual meeting should that run over) to transact the business specified to be done from the floor. Provisions for the hearing impaired will be in place for this meeting.

Following the completion of such business, the Meeting will stand adjourned to Tuesday, March 7, 2023, at The Bennington Fire Facility on River Street (Lincoln Street entrance). The Polls are open from 7:00 a.m. until 7:00 p.m. for the election of officers and voting on all ballot articles specified. However, those on the checklist to vote in the Village of North Bennington shall vote for the election of officers and on all ballot articles at the North Bennington Village office on Main Street in North Bennington. The Bennington Fire Facility above mentioned, is hereby established as the central polling place for those on the checklist to vote in said Bennington. Residents of Bennington and North Bennington may register to vote at the Town Clerk's Office, 205 South Street, Bennington, Vermont. Eligible residents registering on Election Day must do so at the polling place where they will cast their Town Meeting ballot.

BUSINESS TO BE TRANSACTED FROM THE "FLOOR"

Monday, March 6, 2023

7:00 P.M.

ARTICLE 1. TOWN REPORT: To hear the report of Town Officers.

ARTICLE 2. OTHER BUSINESS: To transact such other proper business when met.

**BUSINESS TO BE TRANSACTED BY BALLOT
TUESDAY, MARCH 7, 2023
THE POLLS TO BE OPEN FROM 7:00 A.M. TO 7:00 P.M.
AT THE POLLING PLACES SPECIFIED ABOVE**

SELECT BOARD ELECTION. Two Select Board Members residing in the Town shall be elected for a term of three (3) years.

ARTICLE 1. Shall the Town appropriate for the next fiscal year, July 1, 2023 through June 30, 2024, the total sum of \$16,135,310.00 consisting of the following: \$4,853,340.00 for the laying out, maintaining, and repairing of the highways and bridges of the Town; and \$11,281,970.00 for the payment of the following: Any indebtedness not otherwise specifically provided for, interest on indebtedness, legally authorized State and County taxes, the prosecution and defense of the common rights and interests of the inhabitants of the Town, and for other necessary incidental expenses?

The proposed budget includes \$25,000.00 for fire equipment, \$5,000.00 for fire facilities, \$10,000.00 for technology improvements, \$426,100.00 for healthcare reserve and workers compensation insurance, \$80,000.00 for bridges and \$2,000.00 for well maintenance, any unexpended portion of which will be reserved to subsequent years for that purpose.

YES ☐
NO ☐

ARTICLE 2. Shall the bonds of the Town of Bennington in an amount not to exceed \$5.8 million be issued for the purpose of upgrading the Gage Street water main and upgrading the water system in the south end (Jefferson Heights and Margaret Lane) to increase water pressure within the system.

YES ☐
NO ☐

ARTICLE 3. Shall the voters increase the F.Y. 2024 General Fund by the sum of \$5,000.00 for Bennington County Association Against Child Abuse?

YES ☐
NO ☐

ARTICLE 4. Shall the voters increase the F.Y. 2024 General Fund by the sum of \$5,000.00 for Project Against Violent Encounters?

YES ☐
NO ☐

ARTICLE 5. Shall the voters increase the F.Y. 2024 General Fund by the sum of \$5,500.00 for Green Mountain Retired and Senior Volunteer Program?

YES ☐
NO ☐

ARTICLE 6. Shall the voters increase the F.Y. 2024 General Fund by the sum of \$6,750.00 for BROCC - Community Action in Southwestern Vermont?

YES ☐
NO ☐

ARTICLE 7. Shall the voters increase the F.Y. 2024 General Fund by the sum of \$7,000.00 for Vermont Center for Independent Living?

YES ☐
NO ☐

ARTICLE 8. Shall the voters increase the F.Y. 2024 General Fund by the sum of \$7,500.00 for Southwestern Vermont Council on Aging, Inc.?

YES ☐
NO ☐

ARTICLE 9. Shall the voters increase the F.Y. 2024 General Fund by the sum of \$10,000.00 for The Tutorial Center?

YES ☐
NO ☐

ARTICLE 10. Shall the voters increase the F.Y. 2024 General Fund by the sum of \$11,000.00 for Bennington Project Independence?

YES ☐
NO ☐

ARTICLE 11. Shall the voters increase the F.Y. 2024 General Fund by the sum of \$12,500.00 for Bennington Free Clinic?

YES ☐

NO ☐

ARTICLE 12. Shall the voters increase the F.Y. 2024 General Fund by the sum of \$15,000.00 for Sunrise Family Resource Center?

YES ☐

NO ☐

ARTICLE 13. Shall the voters increase the F.Y. 2024 General Fund by the sum of \$21,600.00 for VNA & Hospice of the Southwest Region?

YES ☐

NO ☐

ARTICLE 14. Shall the voters increase the F.Y. 2024 General Fund by the sum of \$25,000.00 for Bennington County Coalition for the Homeless?

YES ☐

NO ☐

BY THE SELECT BOARD

Jeannie Jenkins, Chair

Jeanne Conner, Vice Chair

James Carroll

Tom Haley

Gary Corey

Sarah Perrin

Bruce C. Lee-Clark

Dated at Bennington, Vermont this 23rd day of January 2023.

-PUBLIC HEARING NOTICE-

**TOWN OF BENNINGTON
WATER SYSTEM IMPROVEMENTS BOND**

The residents of the Town of Bennington are hereby notified and warned to meet at the Bennington Fire Facility on River Street (Lincoln Street entrance) in said Town on Monday, January 23, 2023 , at 6:00 p.m., for the purpose of a hearing on the proposed \$5.8 million Water System Improvements Bond to be voted on Tuesday, March 7, 2023, at the Bennington Fire Facility on River Street (Lincoln Street entrance) and at the North Bennington Village Office on Main Street in North Bennington. The Polls are open from 7:00 a.m. until 7:00 p.m.

The Article on the ballot reads as follows:

ARTICLE 2. Shall the bonds of the Town of Bennington in an amount not to exceed \$5.8 million be issued for the purpose of upgrading the Gage Street water main and upgrading the water system in the south end(Jefferson Heights and Margaret Lane) to increase water pressure within the system.

YES ☐
NO ☐

Dated this 23rd Day of January 2023 by the Bennington Select Board:

Jeannie Jenkins, Chair

Jeanne Conner, Vice Chair

James Carroll

Tom Haley

Gary Corey

Sarah Perrin

Bruce C. Lee-Clark



| | |
|--|---|
| Quality Control, Internal Investigations and Discipline | Related Policies: Code of Conduct, Internal Investigations |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Vermont Statutes : T.20 VSA Sec 2401 (4) ; T.1 VSA Sec 313 (1-10) | |
| Date Adopted: | Review Date: Every 2 years after adoption |

POLICY

This Policy provides citizens and employees the ability to bring forward complaints about the conduct of members of the Bennington Police Department (BPD) whenever that citizen or employee believes a member has acted improperly; and establishes a process which enables the BPD to initiate positive, corrective action, discipline, and re-training or education for improper conduct while protecting members from unwarranted criticism for properly discharged duties.

This Policy serves as a component of the BPD's effective internal affairs program as contemplated in 20 V.S.A. § 2401 (4).

COMPLAINTS

All complaints will be investigated in accordance with federal and state law, the Town of Bennington's Personnel Policy, the New England Police Benevolent Association Working Agreement ("Working Agreement"), BPD Internal Affairs Policy & Procedures, and procedures adopted by the BPD to implement this Policy.

Allegations of violations of the BPD's policies and procedures may be initiated from within or outside of the BPD. Every such allegation and/or charge will be investigated by the BPD and reviewed by the Lieutenant and Chief of Police.

An employee electing to lodge a complaint against another employee may transmit the complaint verbally or in writing to their immediate supervisor. The supervisor shall document the complaint in writing and notify the Chief of Police, via the chain of

command. Should the complaint be against a supervisor, the Chain of Command shall dictate who shall receive the complaint. Should it be against the Chief, the Town Manager shall be the recipient of the complaint.

A citizen or other civilian verbally lodging a complaint against a member will be asked to document the complaint by completing a "Citizen's Complaint Form", which requires the complainant's name, address and telephone number and a brief statement describing the incident. If complainant elects not to fill out the Complaint Form, the person receiving a verbal complaint shall endeavor to obtain pertinent facts from the complainant and then refer the complaint to the On Duty Supervisor, who shall fill out the "Citizen Complaint Form" with as much information as is available. All complaints must be reported to the Chief of Police, via the Chain of Command.

The Chief of Police shall review every Complaint received by the BPD and shall determine what further investigation is necessary to make a determination with respect to the Complaint. The Chief will forward all relevant information to the Lieutenant whenever the Chief shall determine that further investigation is necessary.

Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of every Complaint. Any member of the BPD who interferes with, discourages, or delays the making of such complaints, shall be subject to disciplinary action.

A "Citizen's Complaint Form" shall be available to the public.

INVESTIGATIONS

The Chief of Police shall oversee investigations. Upon completion of investigations, the investigator in charge shall prepare a report of findings, which shall be promptly furnished to the Chief of Police, through the Chain of Command.

Upon completion of the Chief's decision-making process, the results of investigations of complaints shall be provided to the Town of Bennington's Community Policing Advisory Review Board (CPARB). Should CPARB wish to review the complaint or other incident, the Chief shall provide CPARB with all information gathered in the course of the investigation redacting names as appropriate. The information provided to CPARB shall exclude personnel records as protected under Vermont law, and any disciplinary action taken as a result of an internal investigation. Review by CPARB shall be performed in accordance with its mandate as set forth in "Resolution for Community Policing and Review Board" as the same may be amended by the Select Board from time to time. Upon completion of any such review, CPARB will share its impressions with the Chief of Police, in Executive Session to the extent such review implicates the provisions of 1

V.S.A §313(a)(1)-(10). The Results of CPARB's review shall be given in an open session of a CPARB meeting.

The Chief of Police shall maintain a complete record of complaints. These records shall be maintained separate from all other department records and shall be strictly confidential to the extent allowed by law.

The Chief of Police or the Chief's designee shall ensure the following with regards to maintaining contact with the original complainant:

1. The complainant (if known) shall be advised when their complaint is received.
2. When reasonably requested, the complainant will be periodically informed as to the status of their complaint.
3. Reasonable efforts shall be taken to notify the complainant, in writing, of the outcome of the investigation.

ONGOING ASSESSMENT

On an ongoing basis, the Chief of Police shall compile a statistical summary of all complaints investigated. This summary shall be made available to BPD members and to CPARB. If the summary report indicates the need for training is detected, the CPARB may make appropriate recommendations to the Chief of Police. Additionally, each instance in which a complaint is received is an opportunity to examine practices, procedures, and conduct. Each should be examined and alterations to policy, practice, or operations may be necessary, unless it involves mandated policies and procedures in the State of Vermont.

This Policy is hereby adopted by the Bennington Select Board on this
____ day of _____, 2023.

Select Board Chair

This Policy is hereby adopted by the Chief of Police of the Town of Bennington, Vermont this _____ day of _____, 2023 and is effective as of this date until amended or repealed.

Paul J. Doucette, Chief of Police



| | |
|--|---|
| Quality Control, Internal Investigations and Discipline | Related Policies: Code of Conduct, Internal Investigations |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Vermont Statutes : T.20 VSA Sec 2401 (4) ; T.1 VSA Sec 313 (1-10) | |
| Date Adopted: | Review Date: <u>Every 2 years after adoption</u> |

POLICY

This Policy provides citizens and employees the ability to bring forward complaints about the conduct of members of the Bennington Police Department (BPD) whenever that citizen or employee believes a member has acted improperly; and establishes a process which enables the BPD to initiate positive, corrective action, discipline, and re-training or education for improper conduct while protecting members from unwarranted criticism for properly discharged duties.

This Policy serves as a component of the BPD's effective internal affairs program as contemplated in 20 V.S.A. § 2401 (4).

COMPLAINTS

All complaints will be investigated in accordance with federal and state law, the Town of Bennington's Personnel Policy, the New England Police Benevolent Association Working Agreement ("Working Agreement"), BPD Internal Affairs Policy & Procedures, and procedures adopted by the BPD to implement this Policy.

Allegations of violations of the BPD's policies and procedures may be initiated from within or outside of the BPD. Every such allegation and/or charge will be investigated by the BPD and reviewed by the Lieutenant and Chief of Police.

An employee electing to lodge a complaint against another employee may transmit the complaint verbally or in writing to their immediate supervisor. The supervisor shall document the complaint in writing and notify the Chief of Police, via the chain of

command. Should the complaint be against a supervisor, the Chain of Command shall dictate who shall receive the complaint. Should it be against the Chief, the Town Manager shall be the recipient of the complaint.

A citizen or other civilian verbally lodging a complaint against a member will be asked to document the complaint by completing a "Citizen's Complaint Form", which requires the complainant's name, address and telephone number and a brief statement describing the incident. If complainant elects not to fill out the Complaint Form ~~document their complaint~~, the person receiving a verbal complaint shall endeavor to obtain pertinent facts from the complainant and then refer the complaint to the On Duty Supervisor, who shall fill out the "Citizen Complaint Form" with as much information as is available. All complaints must be reported to the Chief of Police, via the Chain of Command.

The Chief of Police shall review every ~~Citizen's~~ Complaint received by the BPD and shall determine what further investigation is necessary to make a determination with respect to the ~~Citizen's~~ Complaint. The Chief will forward all relevant information to the Lieutenant whenever the Chief shall determine that further investigation is necessary.

Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of every ~~Citizen~~ Complaint. Any member of the BPD who interferes with, discourages, or delays the making of such complaints, shall be subject to disciplinary action.

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implicates the provisions of 1 V.S.A §313(a)(1)-(10). The Results of CPARB's review shall be given in an open session of a CPARB meeting.

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3. Reasonable efforts shall be taken to notify the complainant, in writing, of the outcome of the investigation.

ONGOING ASSESSMENT

On an ongoing basis, the Chief of Police shall compile a statistical summary of all complaints investigated. This summary shall be made available to BPD members and to CPARB. If the summary report indicates the need for training is detected, the CPARB may make appropriate recommendations to the Chief of Police. Additionally, each instance in which a complaint is received is an opportunity to examine practices, procedures, and conduct. Each should be examined and alterations to policy, practice, or operations may be necessary, unless it involves mandated policies and procedures in the State of Vermont.

This Policy is hereby adopted by the Bennington Select Board on this
___ day of _____, 2023.

Select Board Chair

This Policy is hereby adopted by the Chief of Police of the Town of Bennington, Vermont this _____ day of _____, 2023 and is effective as of this date until amended or repealed.

Paul J. Doucette, Chief of Police

MEMORANDUM

To: Bennington Select Board

From: Shannon Barsotti, Community Development Director

Date: January 17, 2023

Re: Municipal Resolution for Downtown Transportation Fund

Town staff are preparing a grant application for the Agency of Commerce and Community Development's Downtown Transportation Fund for improvements to the Benn Hi parking lot. The application is due on January 31st and requires a 20% match for funds up to \$200,000. A \$40,000 match would come from the designated ARPA funds and/or in-kind work through the town's Department of Public Works. MSK Engineers has completed a site survey and parking plan that will be submitted with the application.

A Municipal Resolution signed by the Bennington Select Board is required for the grant application and is attached.

Appendix F

Municipal Resolution for Downtown Transportation Fund

WHEREAS, the Municipality of Bennington is applying for funding as provided for in the State of Vermont FY 2023 Budget Act and may receive an award of funds under said provisions; and

WHEREAS, the Department of Housing and Community Development may offer a Grant Agreement to this Municipality for said funding; and

WHEREAS, the municipality has agreed to provide local funds for a downtown transportation grant.

Now, THEREFORE, BE IT RESOLVED

1. That the Legislative Body of this Municipality enters into and agrees to the requirements and obligations of this grant program including a commitment to match funds of 20% of total project cost;
2. That the Municipal Planning Commission recommends applying for said Grant;

Michael McDonough

(Name of Planning Commission Chair)

(Signature)

Passed this 23rd day of January, 2023.

LEGISLATIVE BODY*

| <i>(name)</i> | <i>(signature)</i> |
|-----------------|--------------------|
| Jeannie Jenkins | |
| Jeanne Conner | |
| Jim Carroll | |
| Bruce Lee-Clark | |
| Sarah Perrin | |
| Gary Corey | |
| Tom Haley | |

MANAGER'S REPORT
January 23, 2023

ACTION

Nothing at this time.

INFORMATIONAL

Benmont Ave/ County Street Sewer Line Replacement The large vault structure to join three sewer mains should be installed weather permitting on Wednesday January 18th. There remains a water connection at Lincoln and County Streets. The Town would then move in to prepare road surface for Winter/Spring.

Equalization Study Results The results of the Equalization Study completed for Bennington and North Bennington both show values below 85%. According to statute, this triggers a reappraisal. Unfortunately, approximately 150 towns or more are in the same boat and there are only a few reappraisal firms with the capabilities to do a full mass reappraisal. I have reached out to our legislative delegation for some help in this situation. I am hopeful some relief can be found that will work state-wide to avoid a situational crisis. I attach copies of the Study results.

FOLLOW UP

The Communications Coordinator's Report is attached.

The Police Department Report is attached.



State of Vermont
Department of Taxes
133 State Street
Montpelier, VT 05633-1401

Phone: (802) 828-5860
Fax: (802) 828-2239

Agency of Administration

December 23, 2022

00037

Town Clerk
Town of Bennington
205 South Street
Bennington, VT 05201

AMENDED 2022 Equalization Study Results

Please use this letter to replace the Equalization Study results dated December 22, 2022 or December 23, 2022. This amendment includes Cable Personal Property in the Education Grand List (From 411). This amendment does not change your CLA, COD, or Equalized Education Grand List (EEGL). Every year we are required to certify the equalized education property value (EEPV or EEGL) and coefficient of dispersion (COD) for each Vermont town (32 V.S.A. § 5406). This letter also communicates the Common Level of Appraisal (CLA) for your town and explains how it will impact your homestead and nonhomestead education tax rates.

| | |
|---|-------------------------|
| Education Grand List (from 411): | \$953,876,785 |
| Equalized Education Grand List (EEGL): | \$1,251,103,114 |
| Common Level of Appraisal (CLA): | 76.24% or 0.7624 |
| Coefficient of Dispersion (COD): | 21.73% |

For a copy of your town final computation sheet and final certified sales report, please see:

tax.vermont.gov/municipal-officials

The **education grand list** listed here is what was reported by your town to the state on the 411 form with your town's cable (if applicable) and tax increment financing (TIF) amounts (if any) included. This number represents the town's total property value that is subject to the education property tax (from the most recent grand list available) and serves as the numerator in the computation of the CLA. Please note tax revenue from any TIF property value is subject to allocation (32 V.S.A. § 5404a).

The **equalized education grand list (EEGL)** represents PVR's statutorily-mandated estimate of total fair market value of the education grand list in your town and serves as the denominator in the computation of the CLA. To find out more about how the equalization study is conducted, how to read the certified sales report, and additional instructions on how to appeal your results, please see the "Introduction to Vermont's Equalization Study" document at:

tax.vermont.gov/municipal-officials

The **common level of appraisal (CLA)** is determined by dividing the education grand list by the equalized education grand list (32 V.S.A. § 5401). A number over 100% indicates that property in your town is generally listed for more than its fair market value. A number less than 100% indicates that property is generally listed for less than its fair market value. A CLA below 85% or over 115% necessitates a reappraisal (32 V.S.A. § 4041a). The homestead and nonhomestead tax rates in your town will be adjusted by your town's CLA (32 V.S.A. § 5402).



The nonhomestead rate in your town will be the statewide nonhomestead rate divided by your CLA. The homestead rate will be the town homestead rate (which is determined by the per-pupil spending of any school district(s) to which your town belongs) divided by the CLA. A CLA greater than 100% will result in a downward adjustment of tax rates, and a CLA less than 100% will result in upward adjustment.

To get answers to many common questions about tax rates and how they are determined and to see how the current year property tax rates for your town were calculated, please see the department's education tax resources at:

tax.vermont.gov/education-tax-rates

The **coefficient of dispersion (COD)** is a measure of how fairly distributed the property tax is within your town. It is calculated as the average of the (absolute) difference of each sales ratio (list price divided by sales price) in the study from the median ratio. That result is then divided by the median ratio to get the COD, which is expressed as a percent (32 V.S.A. § 5401). A high COD means that within your town many taxpayers are paying more than their fair share, and many are paying less than their fair share. A COD over 20% necessitates a reappraisal (32 V.S.A. § 4041a).

Appeals: A municipality may petition the director of Property Valuation and Review for a redetermination of its EBPV and/or COD (32 V.S.A. § 5408). All petitions must be in writing and signed by the chair of the municipality's legislative body. Petitions should contain a plain statement of matters being appealed and a statement of the remedy being sought. **Petitions must be received by PVR by the close of business on the 35th day after mailing of this letter.**

Additional instructions on appeals can be found in the "Introduction to Vermont's Equalization Study" document at:

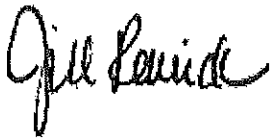
tax.vermont.gov/municipal-officials

We at PVR are aware that many towns are concerned about the change in the market due to the effects of Covid-19 over the past few years. Sales have increased generally in price and some towns have seen this more than others. This is a typical real estate market reaction which is seen when conditions in the world change such as economy, politics etc.

As a result, there are more towns experiencing large drops in their CLA. This is to be expected in a market shift. There will also be many more reappraisal orders going out to towns than in a typical year as a result. If you have concerns about your results you should talk with your District Advisor about what the best plan of action might be for your town.

If you have any questions, please contact your **district advisor**, or call 802-828-5860.

Sincerely,



Jill Remick, Director
Property Valuation and Review

cc: Chair, Board of Listers
Chair, School Board
Superintendent of Schools



State of Vermont
Department of Taxes
133 State Street
Montpelier, VT 05633-1401

Phone: (802) 828-5860
Fax: (802) 828-2239

Agency of Administration

December 23, 2022

00474
Town Clerk
Town of North Bennington
205 South Street
Bennington, VT 05201

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| | |
|---|-------------------------|
| Education Grand List (from 411): | \$71,314,300 |
| Equalized Education Grand List (EEGL): | \$102,649,580 |
| Common Level of Appraisal (CLA): | 69.47% or 0.6947 |
| Coefficient of Dispersion (COD): | 21.73% |

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tax.vermont.gov/municipal-officials

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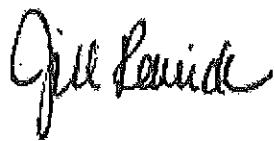
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Sincerely,



Jill Remick, Director
Property Valuation and Review

cc: Chair, Board of Listers
Chair, School Board
Chair, Selectboard
Superintendent of Schools



Town of Bennington

Communications Coordinator Report — January 23, 2023

A Warm Welcome to 2023

I am delighted to be writing my first report for a new year! The warm weather however, is certainly odd. I don't recall ever getting rain in January growing up in Shaftsbury, and certainly not week after week of rain. Our energy usage will be lower, but our snow dependent activities have certainly been curtailed!

Midterms, Select Board, and School Boards

A reminder that the deadline to be on the ballot for the Select Board and School Boards is January 30. To run for a seat on the Select Board or a School Board, you should start by visiting the Town Clerk. To be on the ballot you need to fill out a "Consent of Candidate" form and have a petition signed by 30 registered voters in the Town that is specific to the position you are seeking. The Town Clerk will guide you on how to properly fill out the form and petition to ensure there are no problems. The form is available by the secretary of state on the Vermont.gov website, but it is highly recommended that you pick it up at the Town Clerk's office so they can assist you and prevent errors that could jeopardize a candidacy.

Community Outreach

In addition to continued outreach about the elections, I attended the monthly Continuum of Care meeting, the A.T. Community meeting, worked with CPARB on a communication plan, and attended the Friends of the Bennington Battlefield meeting. I had a meeting on planning for improvements at the Y woods with RJ Joly, director of Public Works, Cory Creagan, county forester, and Eric Bishop, forestry teacher at Southwest Tech.

Citizen Outreach and Public Record Requests:

I met with citizens nine times over this past month on a variety of issues, ideas, and concerns. There were two public record requests to my office.

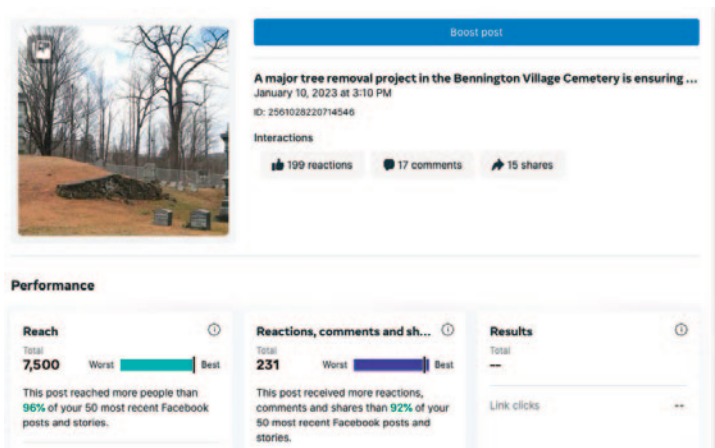
250th Anniversary Planning:

This past month I facilitated a meeting on 250th col-

laboration with the states of NY, MA, CT, RI, and VT. I was elected chair of the state 250th education committee, and I attended a local fundraising task force meeting for the Bennington 250th planning effort. I will have led a meeting for the full Bennington 250th committee quarterly meeting by the time you read this! Plans are starting to emerge and it's very exciting that we are less than two years out from our start in 2025.

Website Development

Work on the new unified town website has been the major focus for this past month. I have met several times with members of the community for "beta testing" for the new website. Each session brought new insights and found details that needed fixing or improving. Our hope is that the new site will be as easy as possible for visitors to find the information they need. This process included working with a blind individual to learn from their experience navigating the site. This beta testing effort was extremely valuable and I appreciate the time that these folks donated!



Facebook POST OF THE MONTH:

Numerous historic monuments and gravestones had been endangered by three old trees. A fallen limb or tree could have caused damage to what Tom Giffin of the VT Old Cemeteries Association called "priceless" monuments. The town contracted with Greater Heights Tree and Land Management to safely remove the trees.

Bennington Police Department

Report to the Bennington Select Board

December 2022

Happy New Year! I hope everyone had a safe and happy holiday season.

2022 was a very busy year for Bennington Police Department. We closed out the year with over 13,000 calls for service with an additional 5,777 medical calls. As you can imagine, our officers and communication center are extremely busy.

We continued to deal with staffing issues within our patrol division. Members of the department are working diligently to ensure that all shifts are covered in order to maintain a high level of police services and public safety in our community. We have identified two persons who are currently navigating through the pre-employment background process for the position of Bennington Police Officer.

Several members of the BPD supervisory team and administrative staff participated in a day-long training for Improving Outcomes-Restorative Justice. This training involved Law Enforcement, Bennington Center for Restorative Justice (CRJ), Bennington County State's Attorney's Office, and a team of trainers from Community Reentry. The training involved class participation and discussion with our community partners in restorative justice. We were able to provide training material for our entire staff on restorative justice.

BPD participated in the 2022 Holiday DUI Enforcement Campaign to maintain public safety on our roadways. The campaign began on December 19th and concluded on January 1st. Officers had 505 vehicle contacts (including a checkpoint) and issued 175 Vermont Civil Violation Complaints. We identified seven operators under the influence of alcohol and ten other criminal violations. One of the criminal violations was for Trafficking Fentanyl.

Several days before the Christmas weekend, we began receiving weather reports about an impactful winter storm that was projected to bring below-freezing temperatures, extremely high winds, and precipitation. We met with Vermont Emergency Management and town officials in anticipation of extreme cold weather and the possibility of power outages. Two days before the storm was expected, and throughout the weekend, Bennington Police Officers went out to locations where vulnerable persons have set up campsites in the past. If they located anyone, Officers informed them of the extreme weather forecast and provided them with information on services to assist them during the storm. On Friday night, the warm weather quickly changed and we saw the roadways become covered by snow and ice. Bennington Highway personnel did an outstanding job keeping up with the storm.

Lt. Grande