

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

BENNINGTON SELECT BOARD

Monday, January 9, 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 December 19, 2022
 - B. Warrants
 - C. Liquor Licenses
4. Public Comment 6:05 PM - 6:20 PM
5. Water System Bond Hearing 6:20 PM - 7:00 PM
6. Quality Control, Internal Investigations and Discipline
3rd Reading 7:00 PM - 7:15 PM
7. Implementing the Town Vision 7:15 PM - 7:30 PM
 - A. Brian Corr's proposal for additional CPARB training
8. Manager's Report 7:30 PM - 7:35 PM
9. Upcoming Agenda 7:35 PM - 7:45 PM
10. Other Business 7:45 PM - 7:50 PM
11. Executive Session
 - A. Personnel

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 **DECEMBER 19, 2022**

5 **MINUTES**

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

8 **SELECT BOARD MEMBERS ABSENT:** Jim Carroll.

9 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Assistant Town Manager; Shannon
10 Barsotti-Community Development Director; Dr. Trey Dobson; Donald Washum; Kelly Carroll;
11 Debbie Mann; Clark Adams; Robert Ebert; Jack Rossiter-Munley; Tordis Isselhardt; 5 citizens;
12 Mike Cutler and Calen Wiegers-CAT-TV; Jim Therrien-Bennington Banner; and Nancy H. Lively-
13 Secretary.

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

15 ***Bruce Lee-Clark moved and Sarah Perrin seconded to add Agenda Item 9A. Bennington***
16 ***Opioid Response Team Letter. The motion carried with Jim Carroll absent.***

17 **1. PLEDGE OF ALLEGIANCE**

18 The Pledge of Allegiance was recited.

19 **2. VISION STATEMENT**

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

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

24 **3. CONSENT AGENDA**

25 **A. MINUTES OF DECEMBER 12, 2022 (if available)**

26 **B. WARRANTS**

27 ***Bruce Lee-Clark moved and Tom Haley seconded to approve the Consent Agenda with***
28 ***the Minutes of December 12, 2022 and the Minutes Addendum of December 12, 2022***
29 ***amended as follows:***

30 ***Minutes of December 12, 2022 -***

31 ***Line 12 and 220, Change “Jack...” to Jack Rossiter-Munley***

32 ***Line 13 and 80, Change “Mahoney” to “Munley”***

33 ***Line 13 and 142, Change “Mr. Edelson” to “Asher Edelson”***

34 ***Line 93, Change “Dahri” to “Dari”***

35 ***Minutes Addendum of December 12, 2022 -***

36 ***Line 2, Change “No staff present.” to “Stuart Hurd, Dan Monks and Shannon Barsotti***
37 ***present.”***

38 ***The motion carried with Gary Corey abstaining and Jim Carroll absent.***

39 **4. COVID UPDATE**

40 Dr. Trey Dobson did the following presentation:

- 41 • COVID has “waxed and waned” with 50 patients in Vermont currently hospitalized with
42 COVID. 4 of those are in the ICU.
- 43 • Several of those were hospitalized for another reason and happened to have COVID.
44 10%-15% were hospitalized directly for COVID.
- 45 • Locally we had 5 today with 1 in the ICU.
- 46 • Exercise the same COVID protocols over the holidays that we have had - masking, extra
47 care if traveling, and limit exposure if you’re high risk for whatever reason.
- 48 • There is an increase in influenza that will probably peak in early January.
- 49 • By the end of December, 50% of the hospitals in the country will end with a negative
50 balance. “This is unprecedented.”
- 51 • There are people in hospital beds that should have been discharged but don’t have the
52 services they need at home due to diminished work forces.
- 53 • 33% of the beds at SVMC are occupied by people that no longer need to be there.
- 54 • This means that people can’t get in or get transferred. 17 hospitals have been called to
55 transfer patients and no one is accepting them.
- 56 • The State is trying to help out with “stepdown units” which are places with 100 beds
57 where patients can go that no longer need to be hospitalized - provided they are able to
58 be staffed.
- 59 • The hope is to see improvement in 2023 but the reality is it won’t be until 2024.

60 ***Board comments/questions answered by Dr. Dobson:***

61 Ms. Conner: Do we have traveling nurses or locums at SVMC and has COVID exposed the
62 inadequacies in the health care system that were always there but are now just unavoidable?
63 *Traveling nurses are extremely expensive and we have only had 4 at SVMC. Traveling nurses, as*
64 *well as, lab techs, etc. will continue but is decreasing from what was July/August 2022.*

5. PUBLIC COMMENT

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

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

Donald Washum: Is running for the Select Board in March 2023 and his issues to address for Bennington are - heroin and fentanyl; school tax and property tax; behavioral issues in the schools; housing issues-affordable and in general. These are things that need to change, and the only way to change them, is to vote.

Debbie Mann: The Silver Sneakers can only have 12-15 people/class and she would be upset if someone that has paid their dues wasn't able to get into the class; The Senior Center will be closed between Christmas and New Year's due to lack of staffing. This is a difficult time for many and they depend on each other's support and socialization; We should put a water fountain in at the Town Office so we can stop buying bottled water; The room should be up to temperature before the Select Board meeting starts so the blower doesn't further impair hearing when it is difficult to begin with. *Ms. Jenkins: The acoustics are terrible in this room and we will follow up to see if Meals on Wheels will be open between Christmas and New Year's.*

6. BENN HI UPDATE

Mr. Monks and Ms. Barsotti did the following presentation:

- The 30,000 square feet of community space at the Benn Hi will house the Senior Center, Meals on Wheels, a gymnasium and an indoor recreation facility with fitness rooms.

- The housing portion will be in the older section of the building and contain 37 units of housing - both market rate and affordable.
- It will provide recreation for all ages, particularly seniors and youth, improve the neighborhood on both Main and Pleasant Streets, provide space for community partnerships such as the Council on Aging, and refurbish an historic building that has been vacant since 2005.
- We have been continuing our pre-development efforts since last October 2022 to be reported on to the Select Board and public in 120 days to hopefully outline the best way to proceed with the Benn Hi project.
- All information is posted on the website as it becomes available.
- Questions may be sent to info@benningtonvt.org.
- Our 4 charges were:
 - ✓ Formalize our agreement with Hale Resources
 - The Town and Hale Resources have both retained the services of attorneys and consultants that specialize in public/private party agreements to draft a development agreement.
 - A development agreement identifies the responsibilities of both parties before, during, and after the improvements are completed at Benn Hi - including the requirements of a TIF bond.
 - We hope to have the beginnings of a development agreement within the next month or so.
 - ✓ Identify cost savings and quantify the cost of the whole project
 - We are meeting with Goldstone Architecture and Engelberth Construction bi-weekly to identify and discuss cost savings. For example, ground source heat pumps are less expensive than our original plan of air-to-air heat pumps.
 - ✓ Continue the pursuit of additional funding
 - Even though each funding source may have their own requirements, we have agencies in Vermont who are excited about the project and willing to work with us.
 - There was a meeting of state agencies in Manchester that were there to discuss the 2nd phase of ARPA funding through them and what the requirements are for that.
 - The Deputy Commissioner of Housing came to Bennington for a tour of the Benn Hi building.
 - Another meeting was a Round Table of the agencies that specialize in Housing which we attended and presented the Benn Hi Project.
 - Funding sources we intend to apply for are: The Community Recovery Revitalization Program through the Department of Economic Development (ARPA Funding for Capital Improvement

140 Projects up to \$1M, or 20% of a project); Downtown
 141 Improvement Application Fund (\$200,000 grants for site work);
 142 and Community Block Grant Funding (infrastructure funding
 143 application due in April).

- 144 ○ Funding sources with Hale Resources are: Historic Preservation
 145 Tax Credits (up to 25% of the project cost); New Market Tax
 146 Credits (more competitive focusing on job creation); United
 147 States Department of Agriculture (grants and loans for
 148 community facilities - last on the list because we hope to fund
 149 the project without any loans).
- 150 ○ Hale Resources have applied at the Vermont Housing and
 151 Conservation Board and can also apply for the Community
 152 Recovery Revitalization Program for the housing section.
 153 Community Development Block Grants, and the new funding for
 154 Energy Efficiency are a couple others.
- 155 ○ Other housing funding sources are the Housing Improvement
 156 Program and more energy incentives from Green Mountain
 157 Power and Efficiency Vermont.
- 158 ○ Without the ARPA Funding locally and statewide, this project
 159 would be virtually impossible to pull off.

160 ✓ Explore ownership models for funding

- 161 ○ This is also being worked on with our attorneys and consultants
 162 to create the most cost effective ownership or lease structure.
- 163 ○ Options include - the creation of condominiums, long term
 164 leases, sub leases, etc.
- 165 ○ It looks like the best way to proceed is for Hale Resources to
 166 purchase the entire property at the purchase price and create
 167 three condominiums units - one for the Market Rate section; one
 168 for the Affordable Housing section; and one for the Community
 169 Space.
- 170 ○ There would be a long term lease to the Town with potentially
 171 sub leases to others within the community space.
- 172 ○ Since we are working with “tens” of funding sources that each
 173 have their own requirements, we still don’t know exactly how
 174 this will work. Our attorneys are working on it.
- 175 ○ Once this is worked out, there will not be any uncertainty going
 176 forward.

177 *Board comments/questions answered by Mr. Monks and Ms. Barsotti:*

178 Mr. Corey: If Hale Resources buys the whole building, would it generate tax revenue? Yes. We
179 are considering a TIF bond as a funding source so tax revenue must be generated to pay for the
180 bond.

181 Ms. Perrin: What is the reasoning for the 3 condo units to be split and how would they be split?
182 Condominiums is the best way that the attorneys feel to meet funding requirements. The
183 affordable housing must be separate from the market rate housing and condominiums was the
184 best solution for that. It could work with 2 condo units but having 3 is felt to be the best
185 solution.

186 Mr. Lee-Clark: Because not all of the funding sources will have reached a decision in 120 days,
187 what is the best guestimate as to how much information we will have in 120 days when asked
188 to make a go, or no go, decision? We anticipate coming to you with a plan stating how much
189 the project will cost and where we're at with all sources of funding - this is secured, this is
190 applied for, this is the gap, etc.

191 Mr. Lee-Clark: What is the expected completion of the draft development agreement? We may
192 not have the actual agreement in 120 days but we should have a list of the expectations for
193 both parties, and/or a letter of intent signed by both parties, and the structure we see going
194 forward.

195 Mr. Lee-Clark: Is there a reason you haven't mentioned who is representing us? No. Our
196 attorney is Attorney Jeremy Farkas, MSK Attorneys and Hale Resources attorney is Attorney
197 Craig Miskovich.

198 Ms. Conner: Thank you for your work on the project and has the number of apartments
199 decreased? Yes, due to the requirements of Historic Preservation if you are asking for money
200 from them. The Community Block Grants won't fund apartments in the basement of a flood
201 zone, so the apartments planned for the basement cannot be done. There are other possibilities
202 for that space but it won't be apartments.

203 Ms. Conner: What is the reason behind separating the affordable housing from the market rate
204 units? For purposes of documentation in writing a mortgage they need to be grouped instead of
205 scattered. It's an unfortunate outcome from the funding sources but is not apparent from the
206 outside.

207 Ms. Conner: Everyone needs to understand that a project of this magnitude with multiple
208 funding sources is very complex and frustrating. Moving slowly is the only appropriate way to
209 go.

210 Public comments/questions answered by Mr. Monks and Ms. Barsotti:

211 Clark Adams: If Hale Resources buys the whole building, how does this affect the Town's
212 funding sources if we don't own the building? We need to acquire more funds for the
213 improvements than for the purchase of the building. It is very typical with a very long term

lease for the tenants - the Town - and their subtenants to assume the cost of the renovations. Our mission is to get our rent payment down by doing the renovations ourselves. This also allows us to have access to funding streams that are not available to municipalities.

Robert Ebert: *Why can't all of the apartments be affordable and what role does TIF play in this project? Mixed housing is the most successful approach instead of all affordable or all market rate. However, the requirement from funding sources is for 20% of the market rate apartments to be affordable for the length of time that they have set. We see TIF funding going toward Phase 2, or the recreational portion, for up to \$2M. TIF bonds are funded by the additional revenue generated by the project. This is a commitment that the developer has to make and is aware of.*

Jack Rossiter-Munley: *Are there any restrictions due to the separation of affordable housing from the market rate housing? The permanently affordable housing will be on the 2nd floor of the newer section of the Benn Hi building. It is separate but not isolated and there will not be any distinction from the outside. The affordable units within the market rate units will be mixed throughout that section. Ideally, all units should be mixed throughout, but funding sources have issued the separation requirement.*

Tordis Isselhardt: *Is there a plan to manage the property if Hale Resources goes out of business? The Town's interest is protected regardless, however, the funding sources won't give dollars to an entity that they feel isn't sustainable. Also, there will be bonds that make sure that the work gets done. There is very little risk with these projects because the State and Federal funders "have no stomach for risk" and will step in to be sure that there is management in place.*

7. FY24 BUDGET OVERVIEW

Mr. Hurd did the following presentation:

- ❖ The General, Highway and Fire Fund budgets combined show an increase of 8.31%.
- ❖ It is impacted greatly by the current 7.7% inflation in October when food and fuel are included.
- ❖ From last year - salt costs up 13% and paving costs up 70% with insurance and wages also up.
- ❖ November inflation has dropped to 7.1% but costs have remained high.
- ❖ The tax rate is based on last year's Grand List and last year's revenue stream. Using prior years' experience we are look at a tax rate increase of 8.9% which is double what we would normally see.
- ❖ Areas to decrease - fewer projects, fewer miles paved. And, look into highway grants, and, as a last resort, using the Fund Balance.
- ❖ Budget meetings are January 7th, 14th, and 21st (if necessary) from 8:00am-Noon at the Bennington Fire Facility Multi-Purpose Room-3rd Floor, filmed by CAT-TV, and open to the public. All departments will be present to speak to their budgets.

8. POLICY - QUALITY CONTROL, INTERNAL INVESTIGATIONS AND DISCIPLINE - 2ND READING

Ms. Jenkins explained that this policy came about to move the review of complaints against the police from the Select Board to CPARB. We had 2 choices - one, a Charter Change or ask the Legislature to put in legislation to allow communities to do this. Instead, the general order that this policy came from is a general order for any police department because there is a portion of the State Law that allows for a citizen review of police actions and could be used statewide for other municipalities.

Board comments/changes/questions:

Ms. Jenkins and Ms. Conner: Page 2, General Philosophy, Change to "The BPD's goals include serving the community with integrity and professionalism, and to maintain this level of professionalism and continue to improve the quality of service the BPD provides to the community. Each member must accept their responsibility for maintaining high professional standards. This Policy is also meant to serve as a component of the BPD's affective Internal Affairs Program as contemplated in T.20 VSA Sec 2401."

Ms. Jenkins: Page 3, II RIGHTS AND OBLIGATIONS OF THE MEMBER, Line 4, Change "outlined the" to "outlined"

Mr. Hurd: Page 2, I. ORIGIN OF COMPLAINTS, B., End of Line 4, Add "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."

Ms. Jenkins: Page 4, III. QUALITY CONTROL & INVESTIGATIONS, C. Procedures, 5., Line 3, Change "The Chief shall" to "The Chief or their designee shall"

Ms. Jenkins: Page 4, III. QUALITY CONTROL & INVESTIGATIONS, C. Procedures, 7., Line 2, Change "may" to "shall"

Mr. Hurd: Page 6, V. DISCIPLINE, A., Line 3, Change "tenants" to "tenets"

Mr. Hurd: Page 10, Add, "This Policy is hereby adopted by the Bennington Select Board on this (date) of (month, year). Select Board Chair (signature).

Mr. Lee-Clark: Page 4, C. Procedures, 1., Line 3, Change "i.e." to "e.g."

Ms. Perrin: Page 7, D. Factors in Disciplinary Decisions, Line 3, Change "minimizing" to "eliminating"

Ms. Perrin: Page 7, D. Discipline Factors, Line 12, Change "an innovative, nontraditional" to "a nontraditional"

Ms. Perrin: Page 7, D. Discipline Factors, Line 14, Change "procedures, the desire to encourage creativity may" to "procedures, it may". Discussion ensued that this change didn't need to be made, and since the Board members agreed with the concept but felt the wording could be

286 improved, they will have staff look at the last sentence - including the meaning of 'persistent
287 crime' for improved wording.

288 Ms. Perrin: Page 10, Last sentence, Change "is effective as of this date until amended or
289 repealed" to "is effective for two years from the adoption date until amended or repealed."

290 Mr. Lee-Clark: Where is the Complaint Form? Mr. Spivak: At www.benningtonpolice.com under
291 the Complaints link.

292 Mr. Lee-Clark: Requested that policies to be reviewed be sent to the Board with numbered lines
293 and for cross outs to be used for deletions and italics to be used for additions.

294 Mr. Hurd: We are gathering definitions so direct any suggestions that you may have to me. Mr.
295 Lee-Clark added that the reason for 'Definitions' is because that is the way an outside party is
296 supposed to read the terminology in the document.

297 *Public comments/changes/questions:*

298 Kelly Carroll-CPARB Chair: CPARB Recommendations:

- 299 - Remove the General Philosophy
- 300 - Defining/clarifying the differences between simple misunderstandings and complaints
- 301 - Clarifying role of the communications dispatcher in the Origins of Complaints
- 302 - Changing i.e. to e.g.
- 303 - Clarifying how often complaint reports will be sent to CPARB - they want them monthly
- 304 - Clarify the parameters of counseling - not to document, to document, and to discipline
- 305 Page 6, Section C.
- 306 - Page 7, change minimizing to eliminating
- 307 - Page 7, last sentence - innovative, persistent, and encourage creativity - (as was discussed
308 by the Select Board above)

309 Robert Ebert: Page 6, V. Discipline, C. Line 2, "minor transgressions" - What is the definition of
310 minor transgressions?

311 Robert Ebert: Page 7, Last sentence - This isn't about a "cop on the street", it's about a police
312 officer who just goes out and does a "great idea" that he or she has about a "persistent
313 problem" instead of discussing it with their supervisor first.

314 Ms. Jenkins stated that there will be a 3rd Reading on this Policy at the next Select Board
315 meeting.

316 **9A. BENNINGTON OPIOID RESPONSE TEAM LETTER**

317 Ms. Conner read the Letter from the Bennington Opioid Response Team that they're
318 asking the Select Board to sign on to. This Letter will be hand delivered on Thursday to the
319 Opioid Settlement Advisory Committee.

Bruce Lee-Clark moved and Tom Haley seconded to sign and approve the Bennington Opioid Response Team Letter to the Opioid Settlement Advisory Committee with edits.

Clark Adams stated that the main focus is not Big Pharma but the illegal drugs and opioid compounds being brought into this country by drug cartels. That organization is addressing the institutional business of the drug industry and not the true major problem. Is this settlement from the drug industry and not drug dealers?

Ms. Jenkins answered that it is neither of those. It is coming from the State, from Big Pharma settlements, and distributed to the counties. The purpose of this letter is to advocate on how we want our share of those monies directed.

Ms. Conner added that no one disagrees that there is a bigger problem, but this letter is not meant to address that.

The motion carried with Jim Carroll absent.

9. MANAGER'S REPORT

Mr. Hurd recognized Joe Krawczyk who passed last week. He was on the Select Board from 2008-2014 with the latter years as Chair and went on to be a Representative for Bennington and Bennington County in the House. He was a friend, an incredible leader, and supporter of our municipal government. He will be missed.

Mr. Hurd did the following report:

Benmont Avenue/County Street Sewer Line Replacement - The last section on County Street from the tracks to Depot Street remains. 9 lead lines were found from Benmont to the tracks so that portion of the project slowed down. The work will be paid for from the lead service line replacement monies and completion is still expected before Christmas. We will be paving and doing the sidewalks in the spring.

Mr. Haley noted the huge pot holes on County Street and wanted to have signage put up to warn the public. Mr. Hurd reiterated that work is expected to be completed this week.

Mr. Hurd added that we did have drinking fountains at the Town Office but they became contaminated and no one wanted to use them. So we began offering bottled water to staff and the public that has come from Vermont Pure and Morgan Springs.

10. UPCOMING AGENDA

Nothing new was added to the upcoming agenda that hadn't been mentioned at a previous meeting.

January 9, 2023 - MSK Presentation on Bond Vote Projects

January 7, 2023 - Budget Meeting

353 January 14, 2023 - Budget Meeting

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

355 **11. OTHER BUSINESS**

356 Mr. Corey and Mr. Haley: Happy Holidays.

357 Ms. Conner: She and Ms. Isselhardt attended the Martens basketball game yesterday and said
358 they are fun to watch. The next home game is January 8, 2023.

359 Ms. Perrin: Happy Hanukkah and check out the lights around town.

360 Mr. Lee-Clark: Thank you to Dick Sears for work which will be presented to the Legislature this
361 coming session on how to address those 17-21 for utilizing deadly weapons, deadly force, and
362 selling drugs. If a landlord is “reckless” in renting to someone doing this, then they become
363 liable as well. The draft is available and it is very targeted to the kinds of situations we’ve seen
364 in Bennington. Support it if you can and talk to your legislators. It is a bit of a loophole in our
365 State laws. Mr. Hurd added that it also creates a \$10M fund for communities that are dealing
366 with these issues.

367

368 ***At 8:15pm, Sarah Perrin moved and Bruce Lee-Clark seconded the adjournment of the***
369 ***meeting. The motion carried with Jim Carroll absent.***

370

371

372 Respectfully submitted,

373 Nancy H. Lively

374 Secretary

375

TOWN OF BENNINGTON

2023 NEW LICENSE APPLICATIONS

2023 3rd Class License

1. Little City Cider, 139 Shields Drive
Owners: Gregory Videtto, Elizabeth Richards

2023 Tobacco License

1. East Road Market & Deli, 1404 East Road
Owners: Mark Hamilton, Kristy Kier

**The Bennington Select Board hereby approves the above
2023 New License Applications
Dated: January 9, 2023**

Jeannette Jenkins, Chair

MEMORANDUM

To: Select Board

From: Stuart A. Hurd, Town Manager

Re: Water System Improvements Bond Resolution

Date: December 14, 2022

According to T24 VSA Sec 1755, the Board must determine 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".

At the January 9th meeting, this resolution should be adopted by a majority of the Board. This will then become a part of the Annual Town Meeting Warning which the Board will be asked to approve and sign on January 23rd, the last meeting in January.

MEMORANDUM

To: Select Board

From: Stuart A. Hurd, Town Manager



Re: Policy on Quality Control, Internal Investigations, and Discipline

Date: January 4, 2023

Dan Monks, LT Grande and I have been working on this Policy for several days now. Dan has suggested and we agree that we need 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.

Therefore, attached you will find the Policy and attached thereto the Draft Procedures and Processes. 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.

We recommend adopting the Policy and allowing the parties to craft the Procedures and Processes to suit their needs.



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:

POLICY

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](#) ~~—A process has been established~~ 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.

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 ~~the~~ procedures [adopted by the BPD to implement this Policy described herein](#).

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

Complaints: [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 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 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 the disciplinary outcome of any 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.

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.

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

DRAFT

PROCEDURES

(to be revised and adopted by Police Chief and reviewed by CPARB)

CONTENTS: General Philosophy

- I. Origin of Complaints
- II. Rights of the Member
- III. Quality Control
- IV. Authority of the Chief
- V. Discipline
- VI. Role of Supervisors, Authority to Discipline, General Continuum
- VII. Appeals
- VIII. Dismissal
- IX. Records
- X. Additional Sources & References
- XI. Definitions

GENERAL PHILOSOPHY

The Bennington Police Department's (BPD) goals include serving the community with integrity and professionalism. To maintain this level of professionalism and continue improving the quality of service the BPD provides to the community, each member must accept their responsibility for maintaining high professional standards. This policy is also intended to serve as a component of the BPD's effective internal affairs program as contemplated in 20 V.S.A. § 2401 (4).

I. ORIGIN OF COMPLAINTS

- A. 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.
- B. 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.
- C. 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 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.

- D. This policy does not apply to minor misunderstandings on the part of a complainant, which can be quickly resolved with an explanation of Vermont State law and/or Department policy. Such minor misunderstandings may be resolved by the shift supervisor and should be documented in writing to the Lieutenant and Chief of Police. If the complaining citizen or other civilian is not satisfied with this resolution, they may complete a "Citizen's Complaint Form" as outlined in Paragraph C, above.
- E. 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.
- F. Every effort shall be made to facilitate the convenient, courteous and prompt receipt and processing of every Citizen Complaint. Any member who interferes with, discourages or delays the making of such complaints, shall be subject to disciplinary action.
- G. A "Citizen's Complaint Form" shall be available to the public.

II. RIGHTS AND OBLIGATIONS OF THE MEMBER

The rights and obligations of members who are under investigation and subject to interrogation or any reason which could reasonably lead to disciplinary action are set forth in the Working Agreement and Vermont law. The procedure outlined in the Working Agreement shall be followed for all internal investigations, regardless of the involved member or officer's rank. The procedure for internal investigations involving non-sworn members shall be consistent with the applicable agreement (The New England Police Benevolent Working Agreement or Town of Bennington's Personnel Policy). In addition, the following shall also apply to the extent consistent with the Working Agreement and Vermont law:

- A. The member will be informed prior to the interview that they are a subject of investigation, the nature of the investigation, and their rights and responsibilities relative to the investigation.
- B. All interviews are to be limited in scope to activities, circumstances, events, conduct or acts, which pertain to the incident that is the subject of the investigation. A member may be requested to participate in other

investigative processes that are specifically directed and narrowly related to the investigation.

- C. No member shall be compelled to take a polygraph, participate in a photo or live line-up, disclose financial records, or submit to medical examinations during the course of an internal investigation.
- D. Investigations shall be completed promptly, normally within thirty (30) days. The time required may vary from case to case based on the nature of the allegation(s) and the complexity of the investigation. If additional time is necessary to complete the investigation, the Chief of Police may authorize an extension of up to sixty (60) days, for a maximum time limit of ninety (90) days.

III. QUALITY CONTROL & INVESTIGATIONS

A. Organization

The Chief of Police shall oversee the Quality Control and Investigations. The Chief shall staff the office as needed with personnel trained in Internal Affairs Investigations to achieve its objectives. (Delete)

- B. In the course of an investigation, the Lieutenant shall report on a regular basis directly to the Chief of Police on all complaints investigated and the status of each such investigation and in turn, the Chief of Police shall keep the Lieutenant advised of all incoming complaints. The Chief of Police will be notified as soon as possible by the affected Supervisor of any complaint that may result in an investigation.

C. Procedures

1. Trained personnel will commence any investigation so directed by the Chief of Police. A supervisor may investigate minor complaints (i.e. rudeness) for the purpose of performance, counseling and coaching. Trained personnel shall investigate or cause to be investigated any allegation of criminality on the part of a member of any conduct that could result in a record of permanent discipline.
2. Upon receiving a complaint from the Chief of Police, the Lieutenant will select an investigator to conduct the investigation.
3. The investigator shall have freedom of movement, authority to interview all personnel regarding infractions of the BPD's policy, procedure, rules and regulations, or state or federal law, in reference to any ongoing investigation.
4. No retaliatory measures shall be taken against anyone due to any investigation conducted under its authority.

5. During the course of any investigation conducted all relevant records and reports from any source within BPD's control shall be immediately available to the investigator upon request. The Chief or their designee shall have the authority to request relevant records and reports outside of BPD's control as necessary for the investigation.
 6. 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.
 7. Upon completion of the Chief's decision-making process, the results 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 the disciplinary outcome of any 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.
- D. 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.
 - E. The assignment of Internal Affairs functions does not relieve Supervisors of their responsibilities for the prompt investigation of all alleged acts of misconduct or other breaches of discipline by members they supervise.
 - F. It is not practical, nor possible, to establish a firm and set penalty and corrective measure for every conceivable situation necessitating disciplinary action or review for unprofessional conduct. Extenuating or mitigating circumstances and other factors will govern the severity of disciplinary action, consistent with the Working Agreement and Vermont law.
 - G. The Lieutenant shall ensure the following with regards to maintaining contact with the original complainant:
 1. The complainant 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.

- H. 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.

IV. AUTHORITY OF THE CHIEF OF POLICE

- A. The Chief of Police shall:
 - 1. Review every investigation to determine the appropriate disposition.
 - 2. Make a finding, using the following disposition categories:
 - Unfounded** - The investigation indicates that the act or acts complained of did not occur or failed to involve members or police officers.
 - Exonerated** - Acts reported did occur, but were justified, lawful and proper.
 - Non-sustained** - Investigation fails to disclose sufficient evidence to prove clearly or disprove the allegations made in the complaint.
 - Sustained** - The investigation disclosed sufficient evidence to clearly prove the allegations made in the complaint.
 - Non-involved** - The investigation establishes that the individual named in the complaint is not involved in the alleged incident.
 - 3. The Chief of Police or their designee shall make reasonable efforts to notify the complainant, in writing, of the outcome of the investigation.
- B. The authority of the Chief of Police and Town Manager to suspend members or officers from duty is derived from the Working Agreement.

V. DISCIPLINE

The BPD strives to engage in progressive and corrective discipline. Whenever it is necessary to discipline a member, it shall be done fairly and in such a manner to avoid undue embarrassment of the member in front of the public, fellow members or other employees. All disciplinary action shall be consistent with the requirements of the Working Agreement and State law.

- A. The BPD recognizes and encourages the use of training as an effective method of improving employee productivity, morale, and adherence to

policies. The BPD agrees with the tenets of progressive and corrective discipline, where appropriate.

- B. The severity of a disciplinary action shall be commensurate with the cause of action. The specific types of disciplinary measures to be taken against a member are defined in the applicable Working Agreement or Town's Personnel Manual.
- C. The BPD encourages supervisors to verbally counsel and coach members for minor transgressions, when appropriate. Counseling shall not be considered a disciplinary measure and may not need to be documented. There may be occasions, however, when a supervisor will document an informal verbal counseling by making an entry into the Guardian Tracking System. This entry is not discipline. It is merely a record of the issue made available to other supervisors, should there be additional transgressions.
- E. Any action taken following an entry into the Guardian Tracking System shall be considered a disciplinary action and must be consistent with the provisions of this directive and the applicable Working Agreement.
- D. **Factors in Disciplinary Decisions**

Described here are the factors that will be considered in the disciplinary decision process for alleged breaches of policy or rules. It is critical that a system of discipline be established that contributes to eliminating abuse of police authority and promotes the BPD's reputation for professionalism. Each member must understand and be guided by the standards that have been established in the Code of Conduct.

It is recognized and understood that members will make errors from time to time in carrying out their responsibilities. While each error offers an opportunity for the BPD and member to learn, it is also understood that some errors will have greater consequences than others for the public, the department and the member.

Disciplinary action must be imposed in a consistent and fair manner. Consistency is defined as holding everyone equally accountable for unacceptable conduct. Fairness is defined as understanding the circumstances that contributed to the conduct while applying the consequences in a way that reflects this understanding. In order to ensure that members are treated in a consistent and fair manner, the determination of consequences for conduct that does not meet the BPD's expectations will be made based upon a balancing of factors, in a manner consistent with the Working Agreement and Vermont law.

Discipline Factors

Member Motivation: The BPD exists to serve the Bennington Community. One factor in examining a member's conduct is whether or not the member was acting in the public interest. A member who violates a policy or procedure in an effort to accomplish a legitimate police purpose, and

who demonstrates an understanding of the broader public interest inherent in the situation, will be given more positive consideration in the determination of consequences than one who was motivated by personal interest. From time to time, it may be difficult to distinguish between public and personal interest. As an example, arresting a dangerous criminal is in the public's interest. The greater public interest is for the police to carry out its responsibilities while protecting the public's Constitutional guarantees. But if an officer attempts to devise an innovative, nontraditional solution for a persistent crime or service problem and unintentionally runs afoul of minor procedures, the desire to encourage creativity may carry significant weight in determining any discipline that might result.

Degree of Harm: The degree of harm resulting from an error is a factor in deciding the consequences of a member's conduct. Harm can be measured in a variety of ways. By way of example only, harm can be measured in terms of the monetary cost to the BPD and/or the community, whether personal injury results from error or by impact of an error on the public's confidence in the BPD.

Member Experience: The level of experience of a BPD's member to which an error is attributable is a factor relevant to determining appropriate discipline. By way of example only, whether a member is relatively new or an experienced member in an unfamiliar assignment might be treated more leniently than a member who has significant experience.

Intentionality: Errors can be classified as intentional or unintentional.

An unintentional error is an action or decision that turns out to be wrong but based upon the information available at the time it was taken, was reasonably believed to be in compliance with policy and the most appropriate course. Unintentional errors also include those momentary lapses of judgement or acts of carelessness that result in minimal harm. BPD's members will be held accountable for these errors, but the consequences will be more corrective than punitive unless a pattern emerges.

An intentional act or a decision occurs when a member knew or should have known, that such act or decision was in conflict with law, established training or procedures, rules, or policy. Generally, intentional errors will be treated more seriously and carry greater consequences than unintentional errors. Within the frame-work of intentional errors, there are certain behaviors that are entirely inconsistent with the responsibilities of the police profession. These include dishonesty, theft, physical abuse of citizens, disparate treatment of community members based on immutable characteristics (such as race, ethnicity, or national origin), and other equally serious breaches of the trust placed in officers of the police officer's profession. An officer will face discharge from the BPD when it is clear that the officer has intentionally engaged in behavior constituting a serious breach of the public trust.

Officer/Member Past Record: To the extent allowed by law and Working Agreement, a member's past record will be taken into consideration in determining the consequences of a failure to meet the BPD's expectations. A member that repeatedly makes errors can expect the consequences of this behavior to become progressively more punitive. A member's past record reflecting hard work, dedication and achievements to the community and department will be given requisite consideration in the determination of any disciplinary action.

VI. **ROLE OF SUPERVISORS, AUTHORITY TO DISCIPLINE, GENERAL CONTINUUM**

- A. Outcomes of reviews or investigations may result in a continuum of responses which include education and training, performance counseling, corrective actions or discipline. The continuum includes but is not limited to (responses may include more than one of the items in the continuum in some instances), in no specific order based on behavior set out in this policy.

Non-Disciplinary Outcomes

1. Verbal performance counseling and/or Guardian Tracking entry
2. Training/re-training
3. Written performance notation
4. Written counseling
5. Referral to professional counseling - such as the Employee Assistance Program

Disciplinary Outcomes

6. Written reprimand
 7. Suspension, forfeiture of pay or forfeiture of accrued earned time
 8. Reassignment/Demotion
 9. Suspension, forfeiture of pay or forfeiture of accrued earned time
 10. Dismissal
- B. The Chief of Police has the authority to take the following disciplinary actions with respect to a subordinate:
1. Issue verbal reprimands
 2. Issue written reprimands
 3. Temporarily suspend a member using administrative leave
 4. Recommend to the Town Manager further disciplinary action

- C. The Town Manager and Chief of Police may issue verbal or written reprimands. The Chief of Police, or in their absence, the Chief's designee is the only member of the BPD with the authority to discipline other members of the BPD, as outlined in the Working Agreement and state law.

VII. APPEALS

Any appeal relative to disciplinary action shall be handled according to the applicable Working Agreement, the Town of Bennington's Personnel Policy, and in conformity with state law.

VIII. DISMISSAL

All dismissals shall occur in accordance with the applicable Working Agreement or Town of Bennington's Personnel Policy, and in conformity with state law. If employee misconduct results in dismissal of a trial period employee, it shall be the responsibility of the Chief of Police or their designee to provide information regarding the content of the member's personnel file as it relates to dismissal.

IX. RECORDS

Maintenance and retention of records of disciplinary action are governed by the applicable New England Police Benevolent Association Working Agreement or the Town of Bennington's Personnel Manual as it relates to dismissal.

X. ADDITIONAL SOURCES & REFERENCES

Agreement between the Town of Bennington Police Department and the New England Police Benevolent Association

The procedures outlined above are 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



Cambridge Consulting Services Group

Brian Corr, Principal

17 Marie Ave., Cambridge, Mass. 02139

617.254.8331 • bcorr@transformpolicing.com

DRAFT Scope of Work – as of 2023.01.02

Ongoing Training and Support for the Community Policing Advisory Review Board, Town of Bennington, Vermont

This scope of work is for the development and delivery of ongoing civilian review training program specifically designed to meet the needs, goals, and resources of the Community Policing Advisory Review Board (CPARB) during calendar year 2023, including: three full-day retreat sessions conducted in person; involvement in two public monthly meetings; and development and facilitation of a public community listening session. The retreat sessions will be designed to support the work and development of the CPARB, helping to ensure that its foundation is sound and that it will be a sustainable board with the ability to fulfill its charge from the Select Board and meet the needs of the Bennington community.

Building on the foundational work conducted during the 18-month period that led to the establishment of the CPARB and informed by the experience of communities across the U.S., the training and support will focus on: the role, purpose, and work of civilian review and oversight; interacting with the community; and ongoing development and learning. The program also includes four hours of consultation time with the Town of Bennington, primarily for use by the CPARB.

Planning and development of the ongoing training and support program will include working collaboratively with the Select Board Chair, the Select Board Liaison to CPARB, CPARB Chair, and Town of Bennington staff to address the unique needs and potential challenges and opportunities facing the CPARB.

The sessions will take place on mutually agreeable dates and times at the Bennington Fire Facility or other appropriate locations identified and secured by the Town of Bennington.

Overview of Sessions

The progress of the CPARB in fulfilling its charge will be monitored so that training and support effectively address the CPARB's needs for the implementation of its duties and responsibilities. These will be considered and incorporated in the ongoing development and delivery of sessions, and specific details of the content below are subject to change as the training program is developed and delivered.

- **Three (3) Day-long Retreat Sessions in person:**
 - Saturday, February 25
 - *Either* Saturday May 17 *or* Saturday, June 3
 - Saturday, September 30
- **Two (2) Regular CPARB Meetings via Zoom:**

- Thursday, January 19
- Thursday, March 16
- **One (1) Community Listening Session**
 - This could be any Saturday in June, but a specific date needs to be set as soon as feasible

Timeline and Outline of Sessions

CPARB Public Meeting One: Initial Discussion of a June Community Listening Session • Thursday, January 19, 5:00 to 8:00 p.m. (via Zoom)

- Goals of the community-listening session for CPARB and for the Town of Bennington.
- Framing of the community listening session.
- How will the session complement or connect to other initiatives?
- What information is needed for planning?
- Effectively conducting interviews and background research.
- Next steps and follow up

Retreat Session One: Understanding and Prioritizing the Work to Come, Including Civilian Review of Complaints • Saturday, February 25, 9:00 a.m. to 4:00 p.m.

- Checking In: welcome, introductions, getting to know each other and what each member brings to the table.
- Where Things Are: Structured reflections from the Attendees.
- Addressing the Goals and Activities from the Select Board that were based on the work of the Safety & Equity Task Force: where is the CPARB's focus and how is that determined?
- Review and discussion of civilian review and oversight work conducted by a board, including highlights from past training and with detailed content based on the specific work that the CPARB can do in reviewing complaints based on the 2022 BPD complaint policy.
- What is still needed after the 2022 training series?

Retreat Session Two: Recommendations from the IACP and Synthesis and Understanding of Input and Outreach • Saturday, May 17 *or* Saturday, June 3, 9:00 a.m. to 4:00 p.m.

- Trauma, Systemic Injustice and Healing: A Context for Our Work – In Depth (with video and guided discussion).
- IACP Report Follow Up: What was recommended, where things are, which items fall under the Charge to the CPARB, what can be done, and next steps.
- Connecting with the Bennington Community through holding and managing effective public civilian review meetings; effective reporting procedures; and

conducting community outreach, listening sessions, and other methods of community engagement.

- Effective Community Meetings and Active Listening and Reflection – templates and structures.

CPARB Public Meeting Two: Development of a June Community Listening Session • Thursday, March 16, 5:00 to 8:00 p.m. (via Zoom or in person)

- Updates since the January CPARB meeting.
- Making effective use of information from interviews and background research.
- Co-development of an outreach plan for the session.
- Planning for facilitation of the community listening session.
- Next steps and follow up.

CPARB Community Listening Session in early June: Assuming a two- to three-hour session on Saturday, June 3, 10, or 17, based on the Town of Bennington's determination of the best date and time.

Retreat Session Three: Year One Review of the CPARB • Saturday, Sept. 30, 9:00 a.m. to 4:00 p.m.

- Reflections from the first year of the CPARB and its work.
- Reviewing the role, purpose, goals, and activities of the CPARB: conducting civilian review of law enforcement and providing advice to the Town Manager and Select Board as set out in the Charge from the Town of Bennington to the CPARB.
- Reviewing the needed skills, knowledge, ongoing training, and continuing education and development for CPARB members.
- Challenges and opportunities: setting the stage for continued success.

Fees for Services Rendered

Development and presentation of civilian review and oversight training program, facilitated community listening session, travel and lodging, and additional consultation and support through 2023: \$9,800.

This fee represents payment based on Cambridge Consulting Services Group's base rate of \$200/hour for all items noted in the scope of work and the estimated cost for travel and accommodations, and includes the following elements:

- Consultant time for ongoing development of training program: \$1,200
- Consultant time for delivery of training program: \$5,100
- Consultant time for facilitation of community listening session: \$600
- Four (4) hours of additional consultation in support of CPARB, the Select Board, and the Town Liaison: \$800
- Travel and accommodations for three in-person training sessions and one Community Listening session: *approximately \$2,100, to be reimbursed for actual costs.*

In the case where duties and/or requests outside of the scope outlined arise, an additional quote will be issued and an amendment to the agreement will be generated. Both parties must agree to the terms associated with additional items prior to any supplementary work or travel occurring.

The term of the contract will begin upon the execution of an agreement between the Town of Bennington and Brian Corr, Principal, Cambridge Consulting Services Group (CCSG), but no sooner than January 10, 2023. The term will end upon the completion of the specified training sessions and additional consultation hours.

On behalf of the Town of Bennington

On behalf of CCSG

Signature

Signature

Printed Name

Printed Name

Title

Title

Date

Date

MANAGER'S REPORT
January 9, 2023

ACTION

Nothing at this time.

INFORMATIONAL

Willow Park Playground Update Although much of the necessary work has been completed, punch list items remain until the Spring.

Benmont Ave/ County Street Sewer Line Replacement This project has moved onto County Street; however, its goal to finish before the Christmas Holiday could not be met. It now appears that another 3 weeks will be required to complete all the work. A large vault will be installed near Depot Street to connect to the existing system. Several water service lines still need to be replaced due to lead. In the Spring, the Town hopes to replace the County Street sidewalks in the project area and pave where needed.

Rail Cars The Town has requested and is awaiting the waybill. We will get together with counsel when we have that.

FOLLOW UP

The Community Development and Permitting/Planning Reports are attached.

Recreation:

YMCA program planning:

The Bennington Community Center (Rec Center) pool schedule and winter programs for adults and youth are updated regularly on the Facebook page and town's website. New exercise equipment is available in the weight room, and a strength and conditioning room has opened up in the basement. YMCA after-school programs and youth and adult fitness programming are happening at the Bennington Sports Center, with many new classes for seniors. Teen use of the Community Center continues to grow. I collaborated with an MAUHS student who created a teen survey for participants who are using the Center. Questions included how they use the facilities and what improvements they would like to see on the campus, both indoors and outdoors. Kayla and Taylor are exploring grant funding to use the basement for additional teen programming.

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. GVH studio created the wayfinding signs and they were installed by the Town's highway department. Jonah and I are identifying other directional signs that need to be replaced, including the Town welcome signs.

Bennington Community Center green space improvements:

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 on the Community Center campus. This is a sizable green space that the YMCA is using for youth programming, outdoor exercise classes, and community picnics. An Animating Infrastructure grant from the Vermont Arts Council is funding creative benches for the green space. Matthew Perry of the Vermont Arts Exchange and local artists Joe Chirchirillo and Michael Biddy completed the new benches and installations in December. I met with Bennington Historical Society members to gather photos and stories about Morgan Spring that are used in story panels around the green space. GVH Studio created and installed the story panels in December. TCB Designs created a site map to illustrate future improvements for the green space. I submitted the final report to the Vermont Arts Council for this project at the end of December.

Trolley line path:

I am on the advisory committee for the Trolley Line path scoping study that is led by Cat Bryars and Mark Anders of BCRC. This study examines the feasibility of converting the abandoned electric trolley car bed in Southwestern Vermont into a 14-mile shared-use path for pedestrians and cyclists traveling between Bennington and Pownal, VT and Williamstown, MA.

Willow Park play structure upgrade:

I am on the working group with Paul Dansereau, Mark Sawyer, and Jonah Spivak. We reviewed the proposals that responded to the RFP and selected Play by Design to lead the project. Play By Design removed the old play structures and installed the new play structures and pathways. Some modifications are needed before the park can reopen in the spring.

Vermont Begins Here:

Eight Oh Two Marketing is continuing the digital marketing campaign to promote Bennington. The VBH blog post for January promoted winter outdoor recreation in Bennington.

Bennington Community Market:

I have been working closely with the board of the Bennington Community Market, located at 239 Main Street. The market received a town loan of \$200,000 to construct a commercial kitchen at the market space and purchase equipment for the market. They have now raised over \$500,000, including the town loan. They have a website- <https://www.benningtonmarket.com> and have launched a social media campaign and fundraising campaign. The market also received their 501c3 status from the IRS as a non-profit organization. Construction is complete on the space and the market's general manager is hiring staff and preparing the market for opening in late Jan/early Feb.

Congressman Peter Welch nominated the Bennington Community Market along with other local partners for a federal earmark and he visited the market on his recent trip to Bennington. We received word that the Bennington Fair Food Initiative, including the market, Southwest Tech, Bennington College, and the Vermont Veteran's Home, was fully funded with a 2.2 million earmark in the government spending bill that passed at the end of 2022. Exciting news!

Community Development Block Grants:

The Town received a Vermont Community Development grant of \$500,000 to support the Shire Housing Bennington Family Housing project at 300 Pleasant Street, and this project is nearing completion. Shires Housing has received VCDP funding through the Town for two recovery housing projects on North Street and Gage Street. I submit paperwork required for each grant agreement and subgrant agreement along with progress reports on the projects. At the end of the year, I also submit financial reports to the state of Vermont on past HUD loans that have been granted to the Town or sub-grantees.

Historic Preservation Grants:

I worked with GVH Studio on a history/recreation/arts and culture panels for a new downtown kiosk funded with an historic preservation (CLG program) grant. The kiosk was installed in the green space at the back entrance to the Putnam block. The Town also received a historic preservation grant in partnership with Bennington College to submit an application for the college campus to be on the National Register of Historic Places. We just received word from the state that Bennington College is now listed on the National Register of Historic Places.

Franklin Lane Improvement Project:

The Town's Highway Department has finished the paving at the site and the metal screening for the trash containers is almost complete. This project is funded with a \$50,000 Downtown Transportation Fund grant. I am finishing the final report on the Franklin Lane project over the next week and then I am writing another application for a DTF grant for the parking lot improvements at Benn Hi.

Walloomsac Riverwalk Improvement Project:

The Town also received a \$200,000 grant for improvements along the Riverwalk that will begin next spring.

Benn Hi Redevelopment Team:

I am on the team with other town staff Dan Monks, Mark Sawyer, and Paul Dansereau and we are meeting weekly to plan the redevelopment of Benn Hi. The Town hired Goldstone Architecture to create conceptual plans and Engelberth Construction to do a cost estimate on the project. I organized meetings with Jeff Goldstone and our partners at the Senior Center, Meals on Wheels, and the Berkshire Family YMCA for their input on program design. Jonah Spivak and I are meeting with seniors at the Senior Center regularly to discuss the next steps for the project. The Town signed a Memorandum of Understanding with Hale Resources, a private local housing developer, to work on a plan for creating housing at Benn Hi. I am researching grants to help support the redevelopment of the building and identifying partners for the community spaces.

In December, Dan and I attended a Housing Funders meeting with Zak Hale and multiple agencies around the state. Jon Hale, Dan, and I led a tour of Benn Hi with Alex Farrell, Deputy Commissioner for the Vermont Department of Housing and Community Development. I also attended a meeting in Manchester with state officials to discuss ARPA funding from various state agencies. I worked with the YMCA and Meals on Wheels to submit grant applications for the Community Recovery & Revitalization program. If awarded, these funds would help to pay for improvements to the Benn Hi spaces that Meals on Wheels and the YMCA will be using.

Town website redesign project team:

I met with Jonah Spivak to review the proposals submitted for the Town's website redesign and interviewed final candidates. The web developer Revize was awarded the contract for the Town's website and is working on the redesign. Jonah is finishing the final revisions to the website.

Armory Reuse Study:

I am on the committee that the BCRC is convening to explore the municipal and community reuse of the Armory building. The study is funded by a Municipal Planning Grant.

Vermont Council on Rural Development

VCRD asked me to join their board as a local government representative and I will be attending their board meeting in Montpelier on January 25.

Bennington Museum expansion

I participated in a charrette (design discussion) with board members and community members about the Bennington Museum's upcoming expansion. The charrette was led by Goldstone Architecture.

Community Development Report: January 4, 2022

Shannon Barsotti

Community Outreach:

In the past month, I have met with the Benn Hi Redevelopment team, Berkshire Family YMCA management team, Meals on Wheels, Hale Resources, Eight Oh Two Marketing, Historic Preservation Commission, Bennington Historical Society, Bennington Community Market, Bennington College, Vermont Arts Exchange, Goldstone Architecture, Bennington Museum, Better Bennington Corporation, Armory Reuse Committee, Southwestern Vermont Council on Aging, and the Vermont Council on Rural Development.

**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	22
April	34	31	18	22	27	14	15	15	23	11	29	33
May	27	27	38	20	23	19	27	23	24	19	23	29
June	34	32	20	19	21	19	10	14	12	25	16	21
July	20	24	33	29	47	16	29	30	28	12	16	20
August	14	30	21	29	20	18	25	25	16	27	16	28
September	15	21	32	27	22	21	21	23	26	9	14	23
October	19	38	30	21	28	9	19	20	20	17	29	17
November	22	10	16	11	12	8	16	11	8	15	19	19
December	17	18	18	7	10	5	8	11	11	5	10	12
Total	221	281	256	209	243	166	204	195	192	162	211	249

Summary of Building Permits Issued December 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	6	\$1,625,000.00
Duplex	0	\$0.00	0	\$0.00
Mobile Homes	0	\$0.00	5	\$437,100.00
Apartments	0	\$0.00	0	\$0.00
Apartment Renovations	1	\$59,700.00	9	\$332,100.00
Condominiums	0	\$0.00	0	\$0.00
Residential Renovations	0	\$0.00	18	\$938,859.00
Residential Additions	0	\$0.00	7	\$903,800.14
Commercial Construction	0	\$0.00	4	\$2,195,000.00
Commercial Renovations	2	\$800,000.00	20	\$3,262,458.00
Industrial Construction	0	\$0.00	1	\$608,898.00
Industrial Renovations	0	\$0.00	3	\$72,900.00
Garages	0	\$0.00	12	\$373,600.00
Sheds	2	\$18,965.00	20	\$102,294.00
Decks	0	\$0.00	14	\$150,250.00
Institutions	0	\$0.00	0	\$0.00
Signs	3	\$11,200.00	33	\$112,791.00
Use & Zoning	0	\$0.00	13	\$48,274,750.00
Subdivision	0	\$0.00	4	\$0.00
Home Occupation	0	\$0.00	1	\$0.00
Propane Tank/Storage Tank	0	\$0.00	0	\$0.00
Boilers/Furnaces/RTU's, A/C	0	\$0.00	6	\$97,050.00
Tents	0	\$0.00	6	\$25,605.00
Handicap Access/Ramps	0	\$0.00	3	\$16,000.00
Concreate Slabs	0	\$0.00	0	\$0.00
Cell Towers/Communications	0	\$0.00	0	\$0.00
Solar Installations	0	\$0.00	13	\$412,599.25
Camps	0	\$0.00	0	\$0.00
Withdrawn	1	\$0.00	4	\$0.00
Demolition	1	\$0.00	23	\$0.00
Fire Supression	1	\$0.00	7	\$0.00
Sprinkler System	0	\$0.00	4	\$0.00
Exhaust Hood	1	\$0.00	3	\$0.00
Fire Alarm	0	\$0.00	10	\$0.00
Total	12	\$889,865.00	249	\$59,941,054.39

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 12/01/2022 and 12/31/2022

<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>
36503800	19-033	TOWN OF BENNINGTON National Junior Tennis and Learning 200 LOVERS LN 400 sf classroom	Building C.O. Pending	Withdrawn 12/08/2022	210.00 88,000.00
26508600	22-163	CANNAVAN TIMOTHY S & MARY B Timothy & Mary Cannavan 1620 EAST RD Install A 24x12 Prebuilt Shed	Building C.O. Pending	Granted 12/08/2022	48.00 15,000.00
45014500	22-164	MAYHEW REGIS M Regis Mayhew 214 N BRANCH ST Install A Prebuilt 10x20 Storage Shed	Building C.O. Granted	Granted 12/01/2022 12/22/2022	45.00 3,965.00
50532100	22-166	303-305 GAGE STREET LLC 303-305 Gage Street LLC 305 GAGE ST Renovate 2nd Floor (464 Sq-Ft) Due To Fire Damage	Building C.O. Pending	Granted 12/08/2022	0.00 59,700.00
50506500	22-167	DIONYSUS LLC & BGB HOLDINGS LLC Eve Parrot 120 DEPOT ST Change Of Use From Commercial Business To	Building C.O. Pending	Granted 12/19/2022	1,465.25 750,000.00
50560100	22-168	LOVE-N-CARE MINISTRIES INC Isaiah Severs 497 MAIN ST Change Of Use From Mercantile & Residential To	Building C.O. Pending	Granted 12/28/2022	50.00 50,000.00
			& Residential w/Minor Renovations		

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 12/01/2022 and 12/31/2022

<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>
45014500	2022	MAYHEW REGIS M Regis Mayhew 214 N BRANCH ST Removal of a 12x16 Woodshed	Local/Custom C.O. Not required	Granted	12/01/2022 25.00

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 12/01/2022 and 12/31/2022

<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>
50572500	S22-031	VERMONT REALTY LLC Global Link Travel 239 MAIN ST Global Link Travel	Sign C.O. Not required	Granted 12/29/2022	0.00 600.00
50521700	S22-033	ONEILL PROPERTY LLC The Pharmacy/Kip O'Neil 201 NORTH ST 2 Replacement Signs - The Pharmacy	Sign C.O. Not required	Granted 12/08/2022	130.00 1,900.00
44504300	S22-035	OSJ OF BENNINGTON VT LLC American Sign, Inc 99 BENNINGTON SQ Marshalls	Sign C.O. Not required	Granted 12/28/2022	136.25 8,700.00

Town of Bennington Planning and Zoning
Detailed Permit Report

Permit types included: Fire Suppression
Approval status included: Granted
Occupancy status included: Any status
Decision dates included: Between 12/01/2022 and 12/31/2022

<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>
26507303	F22-022	K & E HOLDINGS LLC GSS Fire Extinguishers, LLC 1404 EAST RD Install New ProTex II Fire Suppression System In Small	Fire Suppression C.O. Pending Hood, Coverage For Small Griddle Only	Granted 12/22/2022	50.00

Town of Bennington Planning and Zoning
Detailed Permit Report

Permit types included: Exhaust Hood
Approval status included: Granted
Occupancy status included: Any status
Decision dates included: Between 12/01/2022 and 12/31/2022

<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>
26507303	F22-023	K & E HOLDINGS LLC GSS Fire Extinguishers, LLC 1404 EAST RD Install A Used Hood (48"x32") w/New Welded Duct To Fan	Exhaust Hood C.O. Pending	Granted	12/22/2022 50.00