

Exhibit 1

1 **BENNINGTON SELECT BOARD**

2 **MEETING HELD REMOTELY VIA ZOOM**

3 **BENNINGTON, VERMONT 05201**

4 **JULY 22, 2020**

5 **MINUTES**

6 **SELECT BOARD MEMBERS PRESENT BY VIDEOCONFERENCE:** Donald Campbell-Chair; Jeannie Jenkins-Vice
7 Chair; Jeanne Conner; Jim Carroll; Bruce Lee-Clark; and Sarah Perrin.

8 **ALSO PRESENT BY VIDEOCONFERENCE:** Stuart Hurd-Town Manager; Mike Cutler-CAT-TV; and Nancy H.
9 Lively-Secretary.

10 **PUBLIC CALL INS:** None.

11 At 6:00pm, Chair Donald Campbell called the meeting to order and explained that, due to the
12 COVID-19 Pandemic State of Emergency declared by Governor Scott, and pursuant to Addendum 6 to
13 Executive Order 01-20, Act 92, this public body is authorized to meet electronically. There is no physical
14 location to attend this meeting, however, the public may view it on CAT-TV and call in at 1-646-558-8656
15 and enter the meeting ID, 87028601470, when prompted to do so. The call in information will be
16 periodically posted on the screen and the process for calling in was explained. If technology fails us, the
17 meeting will be continued at a time and place to be determined and all votes that are not unanimous will
18 be done with a roll call vote in accordance with the law.

19 Mr. Campbell recognized the passing of Board Member Bill Scully for his service to the community
20 and extended the Board's sympathy to his family. More will be said about him at the July 27th meeting.

21 **1. REPORT ON THE EVALUATION OF PUBLIC OFFICERS**

22 Mr. Campbell stated that Act 56 provides that the Town Manager, or members of the Select Board,
23 have the function of reviewing police complaints and evaluating the public officers involved. We have been
24 charged with reviewing allegations of substantial misconduct, alleged unprofessional misconduct by police
25 officers. The Select Board realizes that specific allegations of misconduct by a police officer must be
26 treated as confidential, we have already reviewed the complaint before tonight in Executive Session.
27 Tonight is not a regular Select Board Meeting. What we're doing tonight is considering findings of the Chief
28 of Police and agreeing or disagreeing with those findings based largely on advice from Captain Scribner
29 from the Vermont State Police and our Town Counsel. Our interim process in reviewing a complaint is
30 summarized as follows:

- 31 1. When a complaint is filed, the Police Chief writes a report addressing the complaint.
32 2. The Select Board acting as the Citizen Review Board, reviews and documents the report.
33 3. The Board decides whether to accept the Chief's report.
34 4. If the Board identifies potential illegal conduct by a particular officer, all materials are kept
35 confidential while an investigation takes place.
36 5. If the Board decides that the evidence may support findings of illegal conduct by a particular officer,
37 the Board may forward the report to the State's Attorney or Attorney General for further review.

38 6. If the report indicates no cause for criminal charges or police policy violations and the Board finds
39 no basis for overturning the Police Chief's conclusions, the report and all supporting materials are
40 made public.

41 *Question to the Board - "Do you accept the Police Chief's report on the complaint filed on May 27, 2020*
42 *first by Liz Fiscoff, and then by Joel Fowler and Cassandra Keating? And, if not, how do you wish to*
43 *proceed?"*

44 *Bruce Lee-Clark moved and Jeannie Jenkins seconded regarding the complaints filed against*
45 *various members of the Bennington Police Department by Joel Fowler and Cassandra Keating; after*
46 *reading the report of the complaints prepared by the complainants and responses by the Bennington*
47 *Police Department, and after reviewing the video footage from various dash and body cameras, the*
48 *Bennington Select Board finds that they are in concurrence with the judgement of the Chief of Police*
49 *regarding complaints 1-5 and 8, that the complaints were unfounded. Regarding complaints 6 and 7,*
50 *they were not properly presented by appropriate individuals, and therefore they were not investigated or*
51 *considered. Inasmuch as the complaints are dismissed, the full record, including any video viewed by the*
52 *Select Board in this matter will be released to the public immediately. The motion carried unanimously.*

53 *Bruce Lee-Clark moved and Jim Carroll seconded regarding the complaints against various*
54 *members of the Bennington Police Department, while the Select Board, sitting as the advisory council of*
55 *citizens, found that the complaints did not identify criminal acts or civil wrongs or violations of*
56 *departmental policy, the Board also wishes to express its concerns regarding several of the practices*
57 *depicted in the complaints filed. These include speaking to a complainant about a serious matter while a*
58 *young child was present and could overhear, addressing matters of great concern in a very public*
59 *location, and pro-active contact with landlords regarding prospective tenants. We believe that though*
60 *these are not violations of departmental policy, and that officers acted with courtesy, we also believe*
61 *that better judgment could have been used in conducting investigations. The practice of pro-active*
62 *contact with landlords and sharing information not available through a standard Freedom of Information*
63 *Act (FOIA) request should be discontinued immediately unless doing so would place an individual in*
64 *imminent danger. We request that the department examine its practices and protocols in light of these*
65 *community expectations and standards. The motion carried unanimously.*

66 The Board informally agreed to release the videos at this time.

67 The police report will be released and the body camera and dashboard camera videos were aired on
68 CAT-TV as follows:

- 69 1. In front of the laundromat - Complaint #3.
- 70 2. In Hannaford parking lot with expletives deleted - Complaint #4.
- 71 3. In the Former Middle School parking lot and has been pixilated - Complaint #8.
- 72 4. Dashboard camera video with no sound - Complaint #8.
- 73 5. Dashboard camera video when officer made the arrest after the police chase.

74 Mr. Hurd stated that the materials will be available for public review on the Police Department
75 website and the Town website under this meeting's agenda as soon as we can get them loaded on.

76 2. PUBLIC COMMENTS

77 None.

78 *At 6:40pm, Jeanne Conner moved and Sarah Perrin seconded to adjourn the meeting. The motion*
79 *carried unanimously.*

80 Respectfully submitted, Nancy H. Lively, Secretary

Exhibit 2

1 BENNINGTON SELECT BOARD
2 MEETING HELD REMOTELY VIA ZOOM
3 BENNINGTON, VERMONT 05201
4 JULY 27, 2020
5 MINUTES

6 **SELECT BOARD MEMBERS PRESENT BY VIDEOCONFERENCE:** Donald Campbell-Chair; Jeannie Jenkins-
7 Vice Chair; Jeanne Conner; Jim Carroll; Bruce Lee-Clark; and Sarah Perrin.

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

9 **ALSO PRESENT BY VIDEOCONFERENCE:** Stuart Hurd-Town Manager; Daniel Monks-Assistant Town
10 Manager and Planning Director and Director of the COVID-19 Response; Kristi Cross and Alex Figueroa-
11 Opioid Task Force; Cindy Taylor and Mary Gerish-Black Lives Matter Street Mural; Mark Anders, BCRC
12 Transportation Planner and Cat Bryars, BCRC Project Manager-Trolley Bed Pathway; Mike Cutler-CAT-
13 TV; and Nancy H. Lively-Secretary.

14 **PUBLIC CALL INS:** Aisha Dawson; Jason Lilly; Audrey Petruca; Aaron Rogers; Mike Bethel; Nancy White;
15 and Sam Restino.

16 At 6:00pm, Chair Donald Campbell called the meeting to order and explained that, due to the
17 COVID-19 Pandemic State of Emergency declared by Governor Scott, and pursuant to Addendum 6 to
18 Executive Order 01-20, Act 92, this public body is authorized to meet electronically. There is no
19 physical location to attend this meeting, however, the public may view it on CAT-TV and call in at 1-
20 646-558-8656 and enter the meeting ID, 83055026666, when prompted to do so. The call in
21 information will be periodically posted on the screen and the process for calling in was explained. If
22 technology fails us, the meeting will be continued at a time and place to be determined and all votes
23 that are not unanimous will be done with a roll call vote in accordance with the law.

24 On behalf of the Board, Mr. Campbell sent condolences to the family of Bill Scully who recently
25 passed away. He was a pillar in our community and everyone who knew him benefited from the
26 experience.

27 **1. CONSENT AGENDA**

28 **A. MINUTES OF JULY 13, 2020**

29 **B. WARRANTS**

30 *Bruce Lee Clark moved and Jeanne Conner seconded to approve the Consent Agenda with the*
31 *Minutes of July 13, 2020 amended as follows:*

32 *Line 12 and 165, Change "Anna" to "Hannah"*

33 Ms. Jenkins asked if the Rice Lane Bridge was PFOA work, and Mr. Hurd answered no, it was a
34 flooding issue that was funded from grant and reserve dollars.

35 *The motion carried unanimously.*

36 **2. OPIOID TASK FORCE UPDATE**

37 Kristi Cross, Director of the Opioid Task Force, did the following presentation:

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- In 2018, Bennington was second in the State for opioid related deaths.
 - In 2018, the Opioid Leadership Team was formed with their four goals of -
 - Prevention
 - Treatment
 - Recovery
 - Criminal Justice
 - The Team provides governance, organization, financial support, decreasing duplication and increasing coordination of efforts.
 - All Team members are stakeholders in the community with local and State support.
 - In 2019, we formed a Strategic Plan with the following subcommittees:
 - Youth Based Initiative -
 - ✓ Development of a youth resiliency project through grants from the Vermont Community Foundation
 - Behavioral Health -
 - ✓ Advocating for workforce development
 - ✓ Establishing a 'HUB' in Bennington County
 - ✓ Increasing our 'SPOKE' sites
 - ✓ Creating or participating in a workplace friendly program
 - Recovery and Housing -
 - ✓ Find recovery housing by working with an organization in northern Vermont
 - ✓ Perform a community assessment
 - ✓ Recruit or develop a recovery housing program in Bennington by getting the required certification that is needed to declare a facility recovery housing with the services that must go along with the designation
 - Law Enforcement -
 - ✓ Focus on pre-trial defendants and those released from incarceration across all criminal justice populations
 - ✓ Improve communication and coordination between the criminal justice system and treatment providers
 - The Community Action Grant, part of the State's \$9.5M Overdose to Action Grant, was distributed to the four counties in the State with the biggest needs. Bennington was one of those.
 - The first year we received \$175,000 and the second year we will receive \$125,000. The funds, however, cannot be used for direct services such as recovery housing, creating a HUB, or increasing a SPOKE.
 - Our Community Action Grant Plan is:
 - Hire a part time Project Manager (Mr. Figueroa)
 - Provide education to the community and to the schools

- 76 ➤ Provide linkages to care
77 ➤ Build an intensive case management and incentive program
78 ➤ Care coordination and clinical education by a MAT nurse
79 ➤ Transportation and telehealth for MAT services
80 ➤ Increase utilization of the Overdosed Detecting (OD) map
81 ➤ First responder follow-up with ongoing support from United Counseling and Turning
82 Point
- 83 • In 2020, we have not seen a surge in fatal overdoses but have an increase in non-fatal
84 overdoses.
 - 85 • It is anticipated that there will be an increase in both deaths and usage due to COVID-19.

86 *Board comments/questions:*

87 Mr. Campbell: Concerns on how the community can help with recovery housing, and Ms. Cross stated
88 that we are working on it as stated above.

89 Ms. Conner: Asked if the Team was in contact with the families that had presented to the Board
90 before, and Ms. Cross answered yes - they were the FEDUP group.

91 Ms. Jenkins: How does the Team support workforce development, and Ms. Cross responded that is
92 having legislation involvement and staying apprised of the work that is happening with it.

93 Ms. Perrin: Explain the HUB and SPOKE. Ms. Cross stated HUB's are intensive medication assisted
94 treatment generally for those new to treatments, and the SPOKE'S are the primary care practices that
95 are participating with treatments but without the intensity of a HUB. Bennington has 5 SPOKEs with
96 our closest HUB in North Adams, Brattleboro, or Rutland.

97 Ms Perrin: What is the average age range, and Ms. Cross did not know.

98 Kudos to Ms. Cross for the work that the Task Force is doing.

99 **3. BLACK LIVES MATTER STREET MURAL**

100 Mary Gerish and Cindy Taylor did the following presentation:

- 101 ○ The mural was conceived by artists, black indigenous and other people of color, as well as,
102 LGBTQA+ people in the community who felt this was an important thing to ask the Town to
103 support.
- 104 ○ The State of Vermont has said that is must be "done in a way that will not impair safety
105 markings such as stop lines, turn lanes, lane designation markings, or other directional
106 markings", so it will be placed in front of the Town Office in a 'no parking' area instead of in
107 front of the Police Station as originally planned.
- 108 ○ It was inspired from the mural in Los Angeles.
- 109 ○ We will use industrial street paint, will respect all lines and markings in the road, and will
110 maintain as needed.
- 111 ○ Our plan is to do this in one evening with several volunteers and minimal disruption to traffic.

- 112 ○ To include the LGBTQ and black lives matter we have chosen to add ALL, the rainbow flag, the
113 trans flag, and, “to add a local spin on it”, the monument.
114 ○ Historically, in our countries founding documents, the word “All” was used but did not include
115 all people. By using the word “ALL” in the mural we are saying we need to maintain the balance
116 of a system of government where ‘ALL’ does, indeed, mean every human being.
117 ○ “This is a tangible outward symbol of the Town’s support” of the marginalized community, and
118 will be a positive influence on people that are considering moving to Bennington.
119 ○ This will not cost the taxpayers anything.

120 *Board comments/questions:*

121 Mr. Carroll: Because other murals throughout the State and country have been damaged, can we put
122 cameras on the location, and Mr. Hurd will get an answer to that.

123 Ms. Conner: Someone should right up an explanation of why the colors and symbols were chosen as
124 they were, and Ms. Taylor will do that.

125 Ms. Jenkins: How can the Town ensure that the COVID guidelines will be followed, and Ms. Gerish
126 stated that it will involve social distancing and wearing of masks. The idea of music and refreshments
127 was because not everybody would be able to be painting at the same time because of the social
128 distancing.

129 Bruce Lee-Clark: Is this a political statement, and Ms. Gerish answered no - it’s to support people who
130 have been marginalized for years. Ms. Taylor added that it is artistic expression.

131 Jim Carroll: “Of course this is political”, and any group that does not feel included in this statement are
132 afforded the same rights that this group has. We have to apply law equally and cannot deny anyone
133 their right to free speech.

134 Sarah Perrin: How many people supported the ALL, and Ms. Gerish stated there were 28 at the last
135 meeting - 15 of those of color - with several others by e-mail supporting it.

136 *Public comments/questions:*

137 Aisha Dawson: Feels much of the community is left out by doing the mural, is concerned about the
138 potential illegal problems because of it, and that it should be a community decision, not a Select Board
139 decision. Ms. Gerish stated that different marginalized groups support the mural because of how they
140 have been treated for years.

141 Jason Lilly: What is the process for doing street art and feels this mural does not represent the majority
142 of the people in Town and that we’re opening ourselves up to a lawsuit by doing it. This should not be
143 “pushed through and voted on tonight”. More people should be given the chance to weigh in on it.

144 Audrey Petruca: Disagrees with the State’s decision to allow “street graffiti”, and just because it has
145 been allowed, doesn’t mean we have to do it. “The placement of a political statement associated with
146 a controversial group is not welcomed by many citizens of Bennington.” “If this is allowed, then all
147 political speech must be allowed.”

148 Sam Restino: What size lettering will be used? Ms. Taylor stated it will be within the 'No Parking' area
149 and not into the road. Also, it should be ALL and the placement in the vicinity of the Police
150 Department shows intent which will get a reaction.

151 Aaron Rogers: Why is such a major decision going to vote so quickly without enough time for public
152 comment? Most people in Town want unity and this does not spread unity. "Why don't we put
153 Vermont Strong or United We Stand?" instead of only putting Black instead of everyone? This
154 shouldn't be put on a taxpayer road even though the supplies and labor are donated.

155 Mike Bethel: This decision should at least be tabled until the next meeting, and preferably put on the
156 November ballot, without required signatures, for an advisory vote.

157 ***Jim Carroll moved to table the Black Lives Matter Street Mural until the August 10, 2020***
158 ***meeting to hear further public comments. The motion failed for lack of a second.***

159 *Additional Board comments/discussion:*

160 Ms. Conner doesn't feel that waiting two weeks will make a difference in the vote and will
161 personally continue to fight for what John Lewis fought for.

162 Ms. Jenkins noted that this can be made into a political statement, but it is not, and had hoped
163 that we would have heard from more races in the community. Even though more conversation is
164 useful, we should vote tonight.

165 Ms. Perrin doesn't feel that hearing more comments will be beneficial, and we should vote
166 tonight.

167 Mr. Lee-Clark feels that this is a decision to be made by the Board and that this is a statement
168 that is critical for now and is critical for this Town.

169 ***Bruce Lee-Clark moved and Sarah Perrin seconded to support the All Black Lives Matter Street***
170 ***Mural proposal as presented.***

171 Mr. Campbell commented that if this was political, religious, selling something or promoting
172 some personal benefit, or hate speech in any form, he would reject it. This feels like artistic expression
173 and passionate concerns that are not going to be there forever. This is how I would think of it should
174 there be another proposal for street art.

175 ***The motion carried unanimously.***

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177 _____

178 *Mr. Campbell stated that Agenda Item #6. SELECT BOARD VACANCY and Agenda Item #7. MASK*
179 *WEARING CONCERNS will be tabled.*

180 **5. LOCAL CONCERNS MEETING (BCRC) - PATHWAY-ABANDONED TROLLEY BED, BENNINGTON TO**
181 **WILLIAMSTOWN, MA**

182 Cat Bryars, BCRC Project Manager, did the following presentation:

- 183 ❖ The abandoned trolley bed pathway is under the BCRC Transportation Program.
- 184 ❖ This is a feasibility study funded by the Vermont Agency of Transportation to consider the
- 185 conversion of an historic trolley line to a shared use path - commonly known as a bike path - to
- 186 connect Bennington to Williamstown, MA.
- 187 ❖ The 12-mile path would eliminate pedestrians and cyclists from having to use Route 7, which is
- 188 not wide enough to be safe for pedestrians or cyclists.
- 189 ❖ The study will be completed by the end of this year.
- 190 ❖ The popularity of electric bicycles now makes the 12-mile path more practical.
- 191 ❖ The trolley service operated until 1929 when the onset of motor vehicles made the service
- 192 obsolete.
- 193 ❖ The path would provide a transportation alternative, recreation, public health, tourism, and
- 194 economic development to the 4 historic villages of Bennington, Pownal Center, Pownal, and
- 195 Williamstown.
- 196 ❖ If all existing and proposed bike paths were complete, it would form a 45-mile continuous
- 197 shared use path in the region. Such a long length would be a national attraction.
- 198 ❖ \$2.5B tourism dollars comes to Vermont every year from outdoor recreation.
- 199 ❖ Our overall viability of the project will entail analyzing natural and cultural resources, right of
- 200 way impacts to private property, cost, type of path, roadway and waterway crossings, and
- 201 alignments.

202 *Board comments/questions:*

203 Ms. Perrin: When would we know the cost, and Ms. Bryars stated that the Alternative Presentation
 204 (around September 2020) will focus on alternatives, and the Final Presentation (around November
 205 2020) will focus on the cost.

206 Ms. Jenkins: Do you have presentations in all of the towns, and Ms. Bryars answered that they will be
 207 meeting with all four towns.

208 Ms. Conner: Encouraged everyone to go on the Ashuwillticook Rail Trail in Adams, MA.

209 **4. COMMUNITY POLICING UPDATE**

210 Ms. Jenkins reported the following update:

- 211 ✦ Curtiss Reed held a training on July 14th and 15th for the Select Board, Town Manager, Assistant
- 212 Town Manager, Community Development Director, Police Chief, and Police Lieutenant where
- 213 we identified common values and created an aspirational statement as follows -
- 214 ○ "Bennington is an engaged, diverse, and resilient community where all contribute to our
- 215 shared vitality and benefit from an outstanding quality of life."
- 216 ✦ There is a summary of the training on the Community Policing/Community Resources section of
- 217 the Town's website.
- 218 ✦ Ms. Conner served with Mr. Reed and Michele Johnson to interview the applicants for the two
- 219 Research Teams. We received 15 letters of interest for the 6 positions, all were contacted, 12
- 220 were interviewed, and the 6 that were selected have met for orientation and have begun their
- 221 tasks.

- 222 ✚ The 2 groups of 3 - Community Oversight and Community Policing - are working independently
223 with some guidance from Mr. Reed to develop a bibliography that will be made available to the
224 public within a few weeks.
- 225 ✚ Then there will be an open public meeting where the 2 teams can answer questions from the
226 public on the bibliography.
- 227 ✚ The Community Oversight Team is made up of Alana Hart, Joe Holt, and Katie Berger.
- 228 ✚ The Community Policing Team is made up of Jason Lee, Kara Lusa, and Robert Ebert.
- 229 ✚ The next Community Policing Meeting will be an in-person meeting or seen on CAT-TV on
230 Wednesday, August 5th at 6:00pm on the First Floor of the Fire House. Face masks and social
231 distancing are required with a maximum of 50 people. There is an RSVP process and the info on
232 this will be available tomorrow in press releases, flyers, and on the Town website. This is a
233 Vermont Partnership Meeting, not a Select Board meeting.
- 234 ✚ The purpose of the meeting is to continue the community dialogue on what we as a community
235 see as our vision and what we see as the vision of the Bennington Police Department, and how
236 those two fit together.
- 237 ✚ We have been reaching out to the Vermont Delegation to learn as much as we can on the
238 thinking on civilian review boards because this will be a topic when they reconvene in August.
- 239 ✚ We are looking at a Town of Bennington Citizen Advisory Committee Protocol. Currently, the
240 Select Board is serving as an interim review board and we will be establishing a protocol for any
241 reviews that may need to be done in the future. Mr. Lee-Clark read the Protocol, and this will
242 be posted on the Town's website.
- 243 ✚ We have also reached out to the IACP to see if they can give us any model protocols for us to
244 review.

245 *Board comments/questions:*

246 Mr. Campbell: Although we will be waiting for input from the IACP during the next two weeks, we will
247 use this Protocol, as read, should another complaint against the Police Department occur. We will be
248 voting on it at the August 10th meeting.

249 Ms. Perrin: Reiterated her concern that showing a person's image and not redacting their names will
250 cause retaliatory action against them. We should look at Section 5.b and Section 6 again before we
251 vote on this. Mr. Campbell added that he shares this concern and we have reached out to IACP and
252 Mr. Reed for best practices in Vermont. It is a work in progress.

253 Ms. Jenkins: Concurs with these concerns and is waiting for input from IACP.

254 **8. FY2020 ANALYSIS - SET 2020 TAX RATE**

255 Mr. Hurd stated that we had projected a \$0.05 increase if all agencies were approved. They
256 were all approved, however, we have a lower \$0.0419, or 3.47%, increase.

257 The General fund is up \$0.0431 for a tax rate of \$0.07540.

258 The Highway Fund is down \$0.0012 for a tax rate of \$0.0402.

259 The Fire Fund is level for a tax rate of \$0.0842.

260 *Sarah Perrin moved and Jeanne Conner seconded to approve the FY2020 Tax Rate as*
261 *presented. The motion carried unanimously.*

262 **9. MANAGER'S REPORT**

263 Mr. Hurd reported the following:

- 264 ✓ *PFOA Construction:* Tabled until the next meeting.
- 265 ✓ *WWTF Upgrade:* Tabled until the next meeting.
- 266 ✓ *Pathway Report:* Tabled until another meeting.
- 267 ✓ *SVC Camp:* Mr. Monks reported that the noise complaints had continued so the Town filed for,
268 and was granted, a Temporary Restraining Order which stated that there could be no amplified
269 sound after 9:00pm. The Restraining Order was not complied with so the Town filed an Order
270 for Contempt with a Hearing scheduled for July 23rd. Prior to that Hearing, the Town and the
271 Camp reached an agreement which was also not complied with. We have now filed another
272 Order for Contempt and that Hearing is scheduled for July 30th where we will be seeking a
273 Preliminary Injunction to stop the noise from the campus.

274 Mr. Carroll feels that it is important to cite the number of violations and the times of day that
275 they occurred, and Mr. Monks stated that all of those, as well as, the Police Reports have been
276 filed with the court so the judge will be well aware of the situation. The Board was sent
277 everything that the court received today. Mr. Monks added for people to continue to report
278 their complaints to the Police Department if the noise is continuing.

279 **10. UPCOMING AGENDA**

280 August 10, 2020 - Board Meeting

281 *August 5, 2020 - Vermont Partnership Meeting (Not a Select Board Meeting)*

282 **11. OTHER BUSINESS**

283 Ms. Conner: Would like a Board Training with the Vermont League of Cities and Towns.

284 Mr. Carroll: Expressed his personal loss with the passing of Bill Scully.

285 Ms. Perrin: The Fire Department is having their chicken barbeque on August 14th at \$10/plate.

286 Mr. Campbell: While we are having Zoom meetings, we should have Public Comment at the beginning
287 and at the end of the meetings.

288 **12. PUBLIC COMMENT**

289 Mike Bethel: Encouraged everyone to go to the shops downtown and support them with some of the
290 Town's marketing money.

291 Sam Restino: The DRB Meetings are in person and was wondering when the Select Board meetings
292 would be. Mr. Campbell responded that there are many factors involved that the Board is considering
293 in their decision.

294 Nancy White: Also feels that the Select Board meetings should resume being held in person. It is unfair
295 for the Board to stay home for the meetings while the people that you're representing have to get up
296 and go to work every day. The safest place we have is the Fire House, and she doesn't understand why
297 the Board will not hold public meetings. Mr. Campbell said that the August 5th meeting will be held in
298 person and the Board is making the decision to do so or not, meeting by meeting.

299 *At 8:54pm, Sarah Perrin moved and Bruce Lee-Clark seconded to adjourn the meeting. The*
300 *motion carried unanimously.*

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304 Respectfully submitted,

305 Nancy H. Lively

306 Secretary

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Exhibit 3

**TOWN OF BENNINGTON
CITIZEN ADVISORY COMMITTEE PROTOCOL**

WHEREAS, the Town of Bennington Police Department has adopted a procedure for internal investigations by General Order #19-01 dated February 25, 2020 (the Investigations Policy); and

WHEREAS, 20 VSA § 2401 requires that reviews of certain types of alleged unprofessional conduct by police officers be investigated; and

WHEREAS, 20 VSA § 2401(4)(e) requires that such investigations be subject to civilian review; and

WHEREAS, the Investigations Policy, Sec. II(C)(3), currently provides that the Town Manager or members of the Select Board perform this function; and

WHEREAS, the Select Board wishes to adopt a set of protocols for civilian review of allegations of unprofessional conduct that will assure public scrutiny of police conduct and internal discipline; and

WHEREAS, the Select Board recognizes that investigations of specific allegations of illegal conduct by particular officers shall be treated as confidential under applicable Vermont law prior to resolution;

NOW THEREFORE, the Town of Bennington Select Board, with the concurrence of the Town Manager, hereby adopts the following protocol for review of allegations of unprofessional police conduct subject to civilian review under 20 VSA § 2401(4)(e), including but not limited to complaints alleging unprofessional conduct that are determined to be unfounded by the Chief of Police (the Chief):

1. When a complaint is received by the Bennington Police Department against an officer(s) other than the Chief, and when the complaint alleges conduct that reasonably could be considered unprofessional as defined by 20 VSA § 2401(5), the Chief shall investigate the complaint, develop a full and complete report, and present the report and findings for civilian review to the designated civilian Advisory Committee (currently the Select Board).

2. The Advisory Committee and Town Manager shall meet to review the report and its findings. The Chief of Police shall present the report, answer questions, and provide documentation on procedures and protocols of the Department used in the Chief's investigation. The Chief's findings shall be explained, and justification provided. The Advisory Committee may request additional information or explanation.

3. The Advisory Committee may decide to accept the report or to accept the report with comments. Alternatively, the Advisory Committee may disagree with the findings of the Chief. In the event of disagreement, the Advisory Committee shall provide its reasons in writing to the Chief and the Manager as well as its recommended actions to either sanction the officer(s) or to provide other corrective actions to prevent a future occurrence. Such corrective actions may include additional training for the officer(s), a change in protocol or procedure to prevent the actions, and/or a combination of the aforementioned actions. In this case, municipal counsel shall also be notified.

4. If the report recommends sanctions against an officer for unprofessional conduct that involves, or if the Chief and the Manager agree after reviewing the response from the Advisory Committee that sanctions should be imposed, the officer shall be notified by the Chief and the protocols provided by the Police Union Working Agreement shall then control.

5. Except as otherwise required by law:

- a. Investigatory reports about complaints that allege illegal conduct by particular officers shall be treated as confidential, and review of such reports shall be in executive session, prior to final action by the Advisory Committee.
- b. Investigatory reports about complaints that allege unprofessional but not illegal conduct by particular officers shall be treated as public documents, and review of such reports shall be in open session.

6. The determination by the Advisory Committee shall be made by vote in open session. In matters in which the Advisory Committee does not support a referral for further disciplinary and/or criminal proceedings proceeding arising out of potentially illegal conduct by a particular officer, the investigatory report and findings, together with any comments by the Advisory Committee, shall thereafter be made public, subject to any specific redactions required under 1 V.S.A. § 317(c).

7. In any matter in which the Advisory Committee supports a referral for further disciplinary and/or criminal proceedings arising out of allegedly illegal conduct, as recommended by the Chief and/or the Town Manager, the Advisory Committee's public vote shall not identify the officer by name, and the investigatory report shall be released, if at all, subject to any specific redactions required under 1 V.S.A. § 317(c).

8. In any matter in which the Advisory Committee decides that the evidence may support a finding of illegal conduct by a particular officer, but in which further disciplinary and/or criminal proceedings are not recommended by the Chief and/or the Town Manager, the Advisory Committee's may vote to forward the report to the State's Attorney or Attorney General for further review. In such case, the Advisory Committee's public vote shall not identify the officer by name, and the investigatory report shall be released, if at all, subject to any specific redactions required under 1 V.S.A. § 317(c).

9. Upon the conclusion of any disciplinary and/or criminal proceeding involving alleged illegal conduct by a particular police officer, all related records shall be made public to the extent authorized by law.

Exhibit 4

**TOWN OF BENNINGTON
INTERIM CITIZEN ADVISORY COMMITTEE PROTOCOL**

WHEREAS, the Town of Bennington Police Department has adopted a procedure for internal investigations by General Order #19-01 dated February 25, 2020 (the Investigations Policy); and

WHEREAS, 20 VSA § 2401 requires that reviews of certain types of alleged unprofessional conduct by police officers be investigated; and

WHEREAS, 20 VSA § 2401(4)(e) requires that such investigations be subject to civilian review; and

WHEREAS, the Investigations Policy, Sec. II(C)(3), currently provides that the Town Manager or members of the Select Board perform this function; and

WHEREAS, the Select Board wishes to adopt a set of protocols for civilian review of allegations of unprofessional conduct that will assure public scrutiny of police conduct and internal discipline; and

WHEREAS, the Select Board recognizes that investigations of specific allegations of illegal conduct by particular officers shall be treated as confidential under applicable Vermont law prior to resolution;

NOW THEREFORE, the Town of Bennington Select Board, with the concurrence of the Town Manager, hereby adopts the following protocol for review of allegations of unprofessional police conduct subject to civilian review under 20 VSA § 2401(4)(e), including but not limited to complaints alleging unprofessional conduct that are determined to be unfounded by the Chief of Police (the Chief):

1. When a complaint is received by the Bennington Police Department against an officer(s) other than the Chief, and when the complaint alleges conduct that reasonably could be considered unprofessional as defined by 20 VSA § 2401(5), the Chief, or the Chief's designee, shall investigate the complaint, develop a full and complete report, and present the report and findings for civilian review to the designated civilian Advisory Committee (currently the Select Board).

2. The Advisory Committee and Town Manager shall meet to review the report and its findings. The Chief of Police shall present the report, answer questions, and provide documentation on procedures and protocols of the Department used in the Chief's investigation. The Chief's findings shall be explained, and justification provided. The Advisory Committee may request additional information or explanation.

3. The Advisory Committee may decide to accept the report or to accept the report with comments. Alternatively, the Advisory Committee may disagree with the findings of the Chief. In the event of disagreement, the Advisory Committee shall provide its reasons in writing to the Chief and the Manager as well as its recommended actions to either sanction the officer(s) or to provide other corrective actions to prevent a future occurrence. Such corrective actions may include additional training for the officer(s), a change in protocol or procedure to prevent the actions, and/or a combination of the aforementioned actions. In this case, municipal counsel shall

also be notified.

4. If the report recommends sanctions against an officer for unprofessional conduct that involves, or if the Chief and the Manager agree after reviewing the response from the Advisory Committee that sanctions should be imposed, the officer shall be notified by the Chief and the protocols provided by the Police Union Working Agreement shall then control.

5. Except as otherwise required by law:

- a. Investigatory reports about complaints that allege illegal conduct by particular officers shall be treated as confidential, and review of such reports shall be in executive session, prior to final action by the Advisory Committee.
- b. Investigatory reports about complaints that allege unprofessional but not illegal conduct by particular officers shall be treated as public documents, and review of such reports shall be in open session.

6. The determination by the Advisory Committee shall be made by vote in open session. In matters in which the Advisory Committee does not support a referral for further disciplinary and/or criminal proceedings proceeding arising out of potentially illegal conduct by a particular officer, the investigatory report and findings, together with any comments by the Advisory Committee, shall thereafter be made public, subject to any specific redactions required under 1 V.S.A. § 317(c).

7. In any matter in which the Advisory Committee supports a referral for further disciplinary and/or criminal proceedings arising out of allegedly illegal conduct, as recommended by the Chief and/or the Town Manager, the Advisory Committee's public vote shall not identify the officer by name, and the investigatory report shall be released, if at all, subject to any specific redactions required under 1 V.S.A. § 317(c).

8. In any matter in which the Advisory Committee decides that the evidence may support a finding of illegal conduct by a particular officer, but in which further disciplinary and/or criminal proceedings are not recommended by the Chief and/or the Town Manager, the Advisory Committee's may vote to forward the report to the State's Attorney or Attorney General for further review. In such case, the Advisory Committee's public vote shall not identify the officer by name, and the investigatory report shall be released, if at all, subject to any specific redactions required under 1 V.S.A. § 317(c).

9. Upon the conclusion of any disciplinary and/or criminal proceeding involving alleged illegal conduct by a particular police officer, as soon as possible all related records shall be made public to the extent authorized by law. Such records, including video footage, shall be posted on the Bennington Police Department website for a period of 30 days, or otherwise made available for public review.

Adopted by the Select Board August 10, 2020

Exhibit 5

**SELECT BOARD
MINUTES**

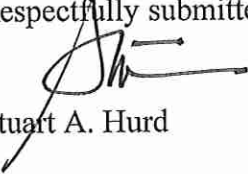
July 6, 2020

Present: Donald Campbell, Chair, Jeanne Conner, Jeannie Jenkins, V. Chair, Sarah Perrin, Jim Carroll, and Bruce Lee-Clark. Absent: William Scully

Also present: Stuart Hurd, Town Manager, Rob Woolmington, Town Counsel

The Board went into executive session for a personnel matter arising from a complaint against the police where premature public knowledge would place the Town at a disadvantage at 10:34 am. The Board came out of executive session at 11:23 am. No action was taken.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stuart A. Hurd", with a long horizontal stroke extending to the right.

Stuart A. Hurd

**SELECT BOARD
MINUTES**

July 2, 2020

Present: Donald Campbell, Chair, Jeanne Conner, Jeannie Jenkins, V. Chair, Sarah Perrin, Jim Carroll, and Bruce Lee-Clark. Absent: William Scully

Also present: Stuart Hurd, Town Manager, Chief Paul Doucette, and Lt. Cam Grande

The Board went into executive session for a personnel matter arising from a complaint against the police where premature public knowledge would place the Town at a disadvantage at 3:07 pm. The Board came out of executive session at 6:00 pm. No action was taken.

Respectfully submitted,



Stuart A. Hurd

Exhibit 6

https://www.benningtonbanner.com/local-news/select-board-dismisses-complaints-against-bpd-but-releases-police-video/article_28cf49c8-09aa-11eb-bb73-5368b93acb1e.html

Select Board dismisses complaints against BPD but releases police video

By Tiffany Tan, Bennington Banner
Jul 26, 2020

BENNINGTON — The Select Board has dismissed several complaints filed by local residents against Bennington police, saying a board review didn't find any criminal, civil or departmental violations. But the board found some of the police techniques concerning and recommended the police department re-evaluate or eliminate them.

At its meeting Wednesday night, the Select Board also publicized video related to the complaints. They included allegations that police have been harassing Bennington resident Joel Fowler, who is Black, by bumping his moving dirt bike with a squad car, issuing him a parking ticket, and telling Fowler's landlord that he is involved in criminal activity.

After reviewing the police department's internal investigation report, along with body camera and dashboard camera video, the Select Board agreed that six of the eight complaints "were unfounded," board member Bruce Lee-Clark said.

In the incident where Fowler got a parking ticket for parking in a fire lane while unloading in front of a laundromat, police video shows Fowler saying that the police were harassing him. His girlfriend, Cassandra Keating, accused police of only ticketing the "Black man." The video shows Keating also had been issued a parking ticket, according to the police report.

Two other complaints were not investigated by the Select Board because they reportedly weren't properly filed. All the incidents took place between April 21 and May 21.

Board members, however, flagged some of the police behavior they saw.

"While the Select Board sitting as the advisory council of citizens found that the complaints did not identify criminal acts or civil wrongs or violations of departmental policy, the board also wishes to express its concerns regarding several of the practices depicted in the complaints filed," Lee-Clark said during the meeting, which was covered live by CAT-TV community television.

These practices, he said, included police speaking to a complainant about a serious matter while a child was present, discussing matters of great concern in a very public location, and proactive contact with landlords regarding prospective tenants.

"The practice of proactive contact with landlords and sharing information not available through a standard Freedom of Information Act request should be discontinued immediately, unless doing so would place an individual in imminent danger," Lee-Clark said. "We request that the department examine its practices and protocols in light of these community expectations and standards."

The BPD report shows Fowler has no criminal history in Vermont, but has a pending case of eluding. The document also lists charges in New York.

When asked if the board's decision to publicize the report and police video was influenced by the current national discussion on racial inequity, and the Black Lives Matter movement, board chair Donald Campbell said: "Absolutely."

The board, he said, is paying close attention to the issues and making sure public officers are aware of their strengths and weaknesses.

BPD RESPONSE

Town Manager Stuart Hurd, who oversees the Bennington Police Department, said he is satisfied with the board's findings. He said it's fair to question longstanding police practices, especially with ongoing efforts to implement reforms at the department.

"Times change, and what may have been acceptable in the past may not be acceptable today," Hurd said in an email. "We have undertaken a task that will require deep explorations and hard work by many to help our police department become more welcoming to all peoples, to eliminate the mistrust, and become more focused on the concept of community policing."

Last month, the Select Board hired a consultant to help implement recommendations from the International Association of Chiefs of Police, which conducted a four-month review to determine if there was any racial bias in the BPD's policies and procedures. The primary focus of the recommendations was on improving community policing methods and addressing the perception of some residents who felt marginalized and believe the police cannot be trusted.

"We accept constructive criticism from the board as well as community members," assistant police chief Lt. Camillo Grande said in an email. "The members of the Bennington Police Department are dedicated professionals serving this community every day and welcome the review ahead of us."

Bennington Police Chief Paul Doucette couldn't be reached for comment.

Fowler, 30, didn't respond to an interview request sent through his attorney on Friday. His complaints to the BPD were summarized in the police report, but were not made public.

It wasn't immediately clear if he or his girlfriend, Keating, could appeal the Select Board's dismissal of the complaints they filed.

UNPRECEDENTED BOARD ACTION

This is the first time the town Select Board has reviewed the results of the BPD's own investigation of complaints filed against it. Previously, it was Hurd who approved or disapproved of the internal report, which is prepared by the police chief. This time, Hurd forwarded the report to the board.

This is also the first time that both the BPD report, as well as associated body camera and dashboard camera video, have been publicly released, said Hurd, who has been with the town government for more than 40 years.

Select Board Chairman Donald Campbell said the board decided on this course of action to promote transparency and trust.

The Vermont State Police Advisory Committee, which the board consulted, had recommended that in "a situation where there are elements of low trust in the community, it's better to be fully transparent and release what you've got," Campbell told the Banner.

Board members' discussions included whether to redact names, concerned that public exposure might discourage some people from lodging complaints. Campbell said this could be an unintended consequence of the board's desire to be transparent.

He said watching the police video would also help community members understand how the board reached its decision to uphold the complaints' dismissal.

Some 20 minutes' worth of police video was broadcast during the Select Board meeting Wednesday night. The only alterations the board decided to make were to bleep expletives and to conceal the face of a minor who appears in the footage.

Contact Tiffany Tan at ttan@benningtonbanner.com or @tiffgtan on Facebook and Twitter.

Tiffany Tan

Reporter

Tiffany Tan is a reporter covering the police, courts and 2020 census for the Bennington Banner.

Exhibit 7

1 BENNINGTON SELECT BOARD

2 MEETING HELD REMOTELY VIA ZOOM

3 BENNINGTON, VERMONT 05201

4 AUGUST 10, 2020

5 MINUTES

6 **SELECT BOARD MEMBERS PRESENT BY VIDEOCONFERENCE:** Donald Campbell-Chair; Jeannie Jenkins-
7 Vice Chair; Jeanne Conner; Jim Carroll; Bruce Lee-Clark; and Sarah Perrin.

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

9 **ALSO PRESENT BY VIDEOCONFERENCE:** Stuart Hurd-Town Manager; Daniel Monks-Assistant Town
10 Manager and Planning Director and Director of the COVID-19 Response; Randy Anselmo-Director of
11 Health Services, Oceana Wilson-Acting Dean and Head of COVID Task Force, Natalie Basil-Dean of
12 Students, Brian Murphy-CFO, Laura Walker-President, Charlie Nadler-Bennington College; Dr. Trey
13 Dobson-SVHC Medical Director; Curtiss Reed, Jr.-Vermont Partnership for Fairness and Diversity; Mike
14 Cutler-CAT-TV; and Nancy H. Lively-Secretary.

15 **PUBLIC CALL INS:** Representative Mary Morrissey; Jonah Spivak; Peter Geannelis; Monique Geannelis;
16 Donny Wassick; Jackie Kelly; Matt Maroney; Nancy White; Mike Bethel; and Shawn Pratt.

17 At 6:05pm, Chair Donald Campbell called the meeting to order and explained that, due to the
18 COVID-19 Pandemic State of Emergency declared by Governor Scott, and pursuant to Addendum 6 to
19 Executive Order 01-20, Act 92, this public body is authorized to meet electronically. There is no physical
20 location to attend this meeting, however, the public may view it on CAT-TV and call in at 1-646-558-8656
21 and enter the meeting ID, 85654984549, when prompted to do so. The call in information will be
22 periodically posted on the screen and the process for calling in was explained. If technology fails us, the
23 meeting will be continued at a time and place to be determined and all votes that are not unanimous
24 will be done with a roll call vote in accordance with the law.

25 *At 6:07pm, Bruce Lee-Clark moved and Jeannie Jenkins seconded that the meeting was*
26 *adjourned finding that an Executive Session be held on a Legal Matter as premature public knowledge*
27 *would place a person involved in the subject matter at a substantial disadvantage. There will be no*
28 *actions taken on these items when going back into Open Session. The motion carried unanimously.*

29 *At 6:12pm, Bruce Lee-Clark moved and Sarah Perrin seconded to go into Open Session. The*
30 *motion carried unanimously.*

31 **1. CONSENT AGENDA**

32 **A. MINUTES OF JULY 22, 2020 and JULY 27, 2020**

33 **B. WARRANTS**

34 *Bruce Lee Clark moved and Jeanne Conner seconded to approve the Consent Agenda with the*
35 *Minutes of July 27, 2020 amended as follows:*

36 *Line 14 and 144, Change "Petruca" to "Pietrucha"*

37 *Line 228, Change "Jason Lee" to "Jeson Li"*

38 *Line 123, Change "right" to "write"*

39 *Line 163, Change "races" to "people of color"*

40 *The motion carried unanimously.*

41 *Jeanne Conner moved and Sarah Perrin seconded to amend the Agenda as follows:*

42 *Add "Agenda Item #4. Bennington Battle Day Celebration Update"*

43 *Move "Agenda Item #4. Curtiss Reed - Community Policing Update" to "Agenda Item #5." etc.*
44 *for all consecutive Agenda items.*

45 *The motion carried unanimously.*

46 **2. PUBLIC COMMENT**

47 Peter Geannelis: Wants to have the Town buy the SVC property to make it into a community recreation
48 and historic area, and also noted that there are a group of people who would consider purchasing it if
49 the Town cannot. He cited his, and his mothers, contributions to the community and would like to be
50 involved on any committee that may be developed for this purpose. Mr. Campbell thanked Mr.
51 Geannelis for his community work and stated that because there is currently an existing contract in
52 place, our attorney has told us that we are limited as to how we can comment on this property.

53 Monique Geannelis: Read most of a letter written by Becky Amos in support of the community
54 purchasing the SVC property.

55 Donny Wassick: Spoke in support of the community purchasing the SVC property noting that it would
56 make Bennington a destination point.

57 Jackie Kelly: Reiterated support for the community purchasing the SVC property and that there are 120
58 people who have expressed interest in doing whatever the Town needs to make this happen.

59 Representative Mary Morrissey: Spoke in support of the community purchasing the SVC property and
60 noted the other towns in Vermont who have successfully done something similar in their revitalization
61 projects.

62 Nancy White: Stated that she has been asking the Town to look at the SVC property since January and
63 was told that the Town had started to do so but there was a private party interested in it. She reiterated
64 that this property would make Bennington a destination point.

65 Nancy White: Asked when meetings would again be at the Firehouse, and Mr. Campbell said that is still
66 being worked on but there were a lot of "deficiencies" with it at the August 5th meeting.

67 Mike Bethel: The All Black Lives Matter mural should be honoring All Lives in our community.

68 Matt Maroney: The people at SVC are "throwing it in our face" because the Judge ruled in their favor
69 and "it's getting ridiculous up here". Mr. Monks stated that the only power we have is the power that
70 the Judge grants us so we will be filing another contempt order tomorrow and hope the Judge realizes
71 that this is a real issue to the neighbors of the college. We need people to continue to file complaints to

72 show that this is still going on and we will bring in more neighbors to testify. Mr. Carroll reiterated that
73 the complaints “are our only ammunition” and gave the Police Department’s number of 442-1030.

74 **3. BENNINGTON COLLEGE REOPENING PLAN**

75 Bennington College President, Laura Walker, introduced herself and members of her staff in
76 attendance. Oceana Wilson did the following presentation:

- 77 • The goal was for the safety and health of staff, students, and surrounding community.
- 78 • We are in adherence with the State of Vermont ‘Return to Campus’ guidelines and all faculty
79 and students have signed the document outlining the environment.
- 80 • All faculty and students will be tested, and then tested again in 7 days. Asymptomatic, or
81 surveillance, testing will be done throughout the term with daily temperature checks, as well.
- 82 • The status of cases will be reported on our website.
- 83 • We anticipate ~520 students this fall.
- 84 • The students that need to quarantine will be arriving August 19th thru August 21st and will
85 quarantine in individual houses. Students that can quarantine at home will arrive on August
86 31st, be tested and then tested again in 7 days.
- 87 • Symptomatic students will isolate in separate facilities until they are cleared by health officials,
88 and those that can will isolate at home.
- 89 • There will be limited student shuttle service to the community and the walking trails that have
90 been closed to local walkers will be reopened. Campus buildings, however, will not be opened
91 to the public.
- 92 • To accommodate the new thresholds, we can reduce hours, limit travel, change our operating
93 procedures, etc.
- 94 • We also have developed remote courses called Bennington Plus for all levels of learning
95 available to everyone but especially high school juniors and seniors.

96 *Board questions/comments:*

97 Mr. Lee-Clark: The Department of Health has said that testing supplies will become more limited in the
98 fall, what is your plan for acquiring them and for the testing process? Mr. Anselmo answered that the
99 limited availability of testing supplies is real, and we are contracted with a lab to do our tests. We do
100 have other options “on the back burner”.

101 Ms. Conner: How are you managing large gatherings? Ms. Basil responded that the students are aware
102 of the limitations with most gatherings to take place outdoors as much as possible.

103 Mr. Campbell: Can the college keep up with the cost of all of the testing? Mr. Murphy stated that there
104 are savings in other areas to offset that.

105 Mr. Campbell: If the campus is closed to visitors, will there be a different way to access the campus by
106 vehicle? Ms. Wilson noted that we welcome walkers and bikers on the trails, however, to access the
107 campus people must remain in their vehicles.

108 Mr. Campbell thanked everyone for coming and welcomed President Walker to Bennington.

109 **4. BENNINGTON BATTLE DAY CELEBRATION UPDATE**

110 Jonah Spivak did the following presentation:

- The large Bennington Battle Day celebration in 1927 came to fruition by two of the founders of Bennington College when over 100,000 people came to Bennington for the celebration.
- There were 17 people on the committee to put together a celebration in 2020 during a pandemic.
- We had hoped for a ceremony at the Monument, however, there will be a ceremony at the Vermont Veterans Home instead.
- CAT-TV played a video featuring 'Colonial Man'.
- On August 15th there will be a 100th anniversary of Women's Suffrage, a presentation at the Carriage House in conjunction with the Old First Church and the Bennington Battle Monument, a Revolutionary Walking Tour of Old Bennington starting at 3:30pm, and at 9:30pm there will be an all aerial fireworks display launched from an undisclosed location to be viewed from your homes or cars. Willow Park will be locked down. And, there will be a Virtual Reverse Parade broadcast from WBTV courtesy of Lynn Sweet.
- Thanks to the Town, Police Department, and especially, the Fire Department for their help with this celebration.

5. CURTISS REED - COMMUNITY POLICING UPDATE

Curtiss Reed, from Vermont Partnerships for Fairness and Diversity, did the following presentation:

- ❖ "You can't dig a new well by digging an old well deeper."
- ❖ Bennington has opted for 'the new well approach' to create better trust among the Town government, Police Department, and the residents.
- ❖ On July 14th and 15th we did a training with the Select Board, Town Manager, Asst. Town Manager, Police Chief, and Police Lieutenant with the best take away being the quality of the different approach by the Lieutenant in doing traffic stops.
- ❖ On July 13th we began interviewing 15 candidates for the 3 Community Oversight Team spots and the 3 Community Policing Team spots.
- ❖ Those selected were Alana Hart, Joe Holt, and Katie Berger for the Community Oversight Team and Jason Li, Kara Lusa, and Robert Ebert for the Community Policing Team. They have just turned in their bibliographies online - Community Oversight had 46 references and Community Policing had 26.
- ❖ The Police Chiefs in Brattleboro, Rutland, and Burlington were interviewed with those interviews yet to be turned in.
- ❖ The bibliographies gathered by the two Teams will be uploaded on August 17th and will put Bennington in a new light showing the rest of the State that Bennington has begun its "new well" process.
- ❖ On August 5th the Community Policing Meeting was held and technology "was not our best friend that evening".
- ❖ The Vision Statement for the Town and the Mission Statement for the Police Department received spontaneous applause. "Community wisdom was apparent in both of these statements."
- ❖ There will be a Task Force with 3 members - 1 will be Dan Monks, 1 will be Bruce Lee-Clark, and 1 will be from the Police Department - to review all of the policies as recommended by the IACP with community members involved on those policies that most affect them.

- ❖ The policy process will take 6-8 weeks, by which time, we should know from the Legislature and Executive Office on how to approach the possibility of the oversight of law enforcement.
- ❖ September 14th and 15th is the training on Community Policing and there should be some slots available for community members. Ms. Jenkins will make sure people know the necessary details to be able to sign up.

The Revised Vision for the Town is -

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

The Revised Mission for the Police Department is -

“The Bennington Police Department is accountable to the community for providing everyone, regardless of identity, with respectful, equitable law enforcement protection and service. We will achieve this through collaborative and positive relationships which contribute to the betterment of our quality of life.”

Board questions/comments answered by Mr. Reed:

Ms. Conner: Do you want the bibliographies to go on the two libraries websites, as well? Yes.

Ms. Conner: Will there be a public presentation of the researchers work or just that it will be on the website? It will just be on the website but can be promoted via social media.

Ms. Conner: Will you be involved in the selection of the Task Force members or will we handle that internally? I will get back to you on that due to financial considerations. The hope was that the way we selected the Teams could be replicated.

Ms. Jenkins: Would like to accept the Vision Statement for the Town this evening, and the Mission Statement for the Police Department at the next meeting. Mr. Hurd recommended waiting until the next meeting to vote on the Vision Statement to give most of the community a chance to see it. Mr. Lee-Clark concurred but will go along with the Board’s decision.

Public questions/comments:

Mike Bethel: Agrees that the Board should wait to vote on the Vision Statement until the next meeting and has heard from many community members that are not happy with this whole process.

Mike Bethel: It isn’t fair to the police that they weren’t represented at the meeting with Mr. Reed, and Mr. Reed said that the Chief and Lieutenant participated by Zoom.

Mike Bethel: Where did the \$66,000 go and didn’t that report say that our Police Department wasn’t racist? Mr. Campbell answered the \$66,000 was for the IACP and that’s how we met Mr. Reed. The present work was funded, for the most part, by the Vermont Community Foundation. The report did not say the Police Department was “racist in so many words”. It did say that there was “no evidence of bias in traffic stops or in our policies but that there were areas that we could get into trouble especially with our policies”. Mr. Bethel added that Mr. Hurd has done a good job with the police and we have a good Police Department.

Shawn Pratt: Sees an inconsistency in the IACP report saying there is no bias in traffic stops when the Town just paid Mr. Samuels \$30,000 for a law suit, and Mr. Hurd explained that this was a settlement for

192 a law suit from 2014 that was determined by all parties involved to settle for the \$30,000 that was paid
193 for by our insurance. Any charges of racism and discrimination were not admitted to or part of the
194 settlement.

195 Shawn Pratt: The police always get the benefit of the doubt, you need to open up more to the
196 marginalized people, and you're moving too fast with the community policing process.

197 *Board questions/comments:*

198 Mr. Hurd: Staff and the Police were at the meeting to listen to what the community had to say.

199 Ms. Jenkins: Reiterated that the purpose of the community meeting was to hear what the community
200 had to say and not for Board members or employees to make comments. The Value Statement that
201 Chief Doucette and Lt. Grande took part in was the "jumping off point" for what we see as a vision for
202 our community. We can post the power point of the meeting to the website with the before and after
203 Vision Statements.

204 Ms. Conner: This process is "much broader" than racism. "It's community policing, it's community
205 oversight, it's policies, it's procedures".

206 Mr. Conner: By not voting tonight, are we obligated to make changes to the Statement that may come
207 in? Mr. Reed recommended to post the Vision Statement as advisory only and that this is what was
208 crafted and will be voted on at the next meeting.

209 Mr. Carroll: Reassured Mr. Bethel that Chief Doucette and Lt. Grande were very much part of the
210 Mission Statement.

211 *It was the consensus of the Board to table voting on the Revised Vision Statement for the Town*
212 *until the August 24, 2020 Select Board Meeting.*

213 **6. CITIZEN ADVISORY COMMITTEE PROTOCOL**

214 Ms. Jenkins explained that the State Police, Attorney General's Office, and the IACP agreed that
215 everything used by the Review Committee to make a decision should be released to the public.

216 Ms. Perrin objected to not redacting the names and not blurring the faces of the people involved
217 because she feels that that could potentially expose them to physical harm and retribution.

218 Mr. Lee-Clark explained that the Supreme Court of Vermont has stated that this is a public
219 document and may not be tampered with except in some very well defined areas. "We don't have a lot
220 of flexibility here."

221 *Jeannie Jenkins moved and Bruce Lee-Clark seconded to adopt the Town of Bennington Citizen*
222 *Advisory Committee Protocol amended as follows:*

223 *In Title, Line 2, Change "Citizen" to "Interim Citizen"*

224 *1. Line 3, Change "Chief shall" to "Chief, or the Chief's designee shall"*

225 *9. Line 3. Change "law." to "law as soon as possible. Such records, including video footage,*
226 *shall be posted on the Bennington Police Department website for a period of 30 days, or otherwise*
227 *made available for public review."*

228 *The motion carried with Sarah Perrin opposed.*

229 **6. SELECT BOARD VACANCY**

230 *Jeannie Jenkins moved and Jeanne Conner seconded to not fill the vacant position on the Select*
231 *Board until the March 2021 Annual Meeting.*

232 Ms. Perrin stated that Maria Scully may be interested in running for the seat in March.

233 *The motion carried unanimously.*

234 **7. BORROWINGS**

235 **A. VERMONT STATE REVOLVING FUND/LEADLINE REPLACEMENT**

236 **B. CAPITAL EQUIPMENT BORROWING**

237 *Bruce Lee-Clark moved and Sarah Perrin seconded to approve the Vermont State Revolving*
238 *Fund/Leadline Replacement Loan Agreement RF3-401-2.0 in the amount of \$225,000.00, waive the*
239 *reading of the Resolution, and authorize the Chair to sign the Loan Agreement, the General Obligation*
240 *Note, the Resolution, and the Certificate. The motion carried unanimously.*

241 *Bruce Lee-Clark moved and Sarah Perrin seconded to approve the Capital Equipment Note in*
242 *the amount of \$294,248.00 and the Capital Equipment Note in the amount of \$140,889.00, waive the*
243 *reading of the respective Resolutions, and authorize the Chair to sign the respective Notes,*
244 *Resolutions, and Non-Arbitrage Certificates. The motion carried unanimously.*

245 **8. MANAGER'S REPORT**

246 *Bruce Lee-Clark moved and Jeanne Conner seconded to authorize the Chair to sign the two*
247 *Business Deposit Resolutions to add Renee Gordon, Assistant Treasurer, as a signatory to the four*
248 *accounts at People's Bank.*

249 Ms. Conner asked if it was a conflict of interest because Renee Gordon is related to Joan
250 Pinsonneault, and Mr. Hurd answered that it was not. The Treasurer can select their Assistant Treasurer
251 and Ms. Gordon has been the Business Manager at SVSU for several years.

252 *The motion carried unanimously.*

253 *Jeannie Jenkins moved and Jeanne Conner seconded to close School Street from Main Street to*
254 *Pleasant Street on September 5, 2020 from 7:00am-6:00pm for Garlictown, USA.*

255 Mr. Hurd stated that everything will be COVID compliant with setups in parking lots and on the
256 street throughout the Town wherever possible with vendors and restaurant curb services.

257 *The motion carried unanimously.*

258 Mr. Hurd reported the following:

259 ✓ *Masked Man:* Vermont is an open carry State so people have the right to carry their weapons out
260 in the open. The mask makes him more intimidating, but he stated that he is protesting his right
261 to bear arms and free speech. At the present time, he hasn't broken any laws.

262 ✓ *SVC Camp*: The order was issued on Friday for the noise to discontinue after 8:00pm and move
263 into the gymnasium for their gatherings. They did not comply and the Judge did not rule in our
264 favor, so we will be going back to court.

265 We have two properties where the owners have passed with no apparent heirs. We can move
266 through the Probate Court to seize the properties and sell them for whatever taxes and attorney fees
267 they have acquired with any excess funds to go to support the school district. More to come at a later
268 date.

269 **9. UPCOMING AGENDA**

270 August 13, 2020 - COVID Recovery Forum via Zoom 6:30pm-8:30pm

271 **10. OTHER BUSINESS**

272 Mr. Lee-Clark: Tomorrow, August 11th, is Primary Day starting at 7:00am at the Firehouse.

273 Ms. Conner: The Rec Center is closing for maintenance from August 17th thru September 8th.

274 Ms. Perrin: Registration for the Battle Day Celebration is on the Chamber of Commerce website.

275 Mr. Campbell: The August 24th meeting will be via Zoom.

276
277
278
279 ***At 9:07pm, Bruce Lee-Clark moved and Sarah Perrin seconded to adjourn the meeting. The***
280 ***motion carried unanimously.***

281
282
283
284 Respectfully submitted,

285 Nancy H. Lively

286 Secretary

Exhibit 8

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

From: <comm@benningtonpolice.com>

Date: Wed, May 27, 2020, 1:32 PM

Subject: Thank You - Bennington Police Department

To: <REDACTED>

Dear Cassandra Keating,

Thank you for taking the time to send us your feedback. We really value your what you have to say.

Here is a copy of what you sent us:

Your Name	Cassandra Keating
Email	[REDACTED]
Phone	[REDACTED]
Town of Residence	Bennington
Compliment or Concern	<p>The following situations have occurred:</p> <ul style="list-style-type: none">-Ticket for loud exhaust, driving without a license on 4/21/20. Came to visit Cassandra's family and find a place to rent. (Officer Mowoski Badge #358) Joel produced a paper copy of his license. Officer Mowoski said that the paper copy doesn't mean anything, even though it was issued by NYS. Fine still stands.- Arrested 5/1 by Bennington PD and accompanied by multiple police departments. This is an extremely complicated situation involving an ex and PD in Colonie, NY. Two days prior to moving here, Joel heard on the news that there was a warrant for his arrest because his ex claimed that he was being abusive to her. He called his lawyer, Charlie Assini ((518) 374-3399). Lawyer confirmed that there was no warrant. When Joel moved here two days later, BPD and multiple agencies showed up and forced their way into Cassandra's father's home. Cassandra's father asked for a warrant. They told him that they didn't have one and pushed passed him, arrested Joel forcefully, and pointing a gun at his infant daughter. They then searched the bedroom. Joel was charged with menacing, domestic violence, and a couple of other charges. Interestingly, according to Cassandra and Joel, the ex shot up (or had someone shoot up) his house on 4/13/20, just prior to her claim that he was abusing her. No Miranda Rights were read. They are getting more information on this case, should you need it. Court pending June 20th. They have parts of this incident on video. In the video, you hear Joel saying "go ahead, tie me up. I'm going to get rich again." One officer had said "Tie him to the front of the truck and drag him back" and laughed." Joel

said "do you know where that comes from?" and that is why you can hear him saying "go ahead..." The officer who said that was wearing gray. Joel is pretty sure he was a BPD officer.

- Parking ticket on 5/9/20. Officer Mowoski followed Cassandra and Joel from McDonalds to the laundromat at the Price Chopper Plaza. Joel and Cassandra pulled up in front of the laundromat and began unloading their 3 bags of laundry. There were 4 other vehicles parked just like they were. Officer Mowoski ticketed only Joel and Cassandra. They have this incident on video.

- On 5/6/20, a woman, Jessica Ericson, flagged Joel down as he was driving on Main Street at approximately 6 PM. She had him pull into the school parking lot. She stopped him because she recognized his car. Ms. Ericson informed Joel that BPD Officer Diotte came to her house to warn her about Joel. She told Joel that Officer Diotte showed her photos of her son and Joel unloading car parts at her house. They had been surveilling him. She said that, "basically they told her I was a gang member and I shot up a house in Albany and that's why the cops came and got me. He told her that I got 2.5 million dollars in my house and got out \$200,000 bail. The Bloods are after me." Ms. Ericson also told Joel that Officer Diotte said that Joel is a known drug dealer and that she should keep her son away from him. Officer Diotte witnessed Ms. Ericson talking with Joel at that time in the school parking lot. Officer Diotte pulled over and started questioning Joel. Officer Diotte called Joel's name and began walking toward his car. Officer Diotte began asking Joel if all of the accusations that Ms. Ericson was relaying were true. Joel said, "if you don't know if they are true, why are you spreading them around like they are?" Officer Diotte said he heard that people want to hurt Joel. Joel asked where the officer had heard that. Officer Diotte said "From people in New York." Officer Diotte asked if other people were going to get hurt, too. Joel got upset and told Officer Diotte that he needed to tell him who was going to hurt him because he was scared. His daughter was also in the car and he was worried. Cassandra arrived with a friend and began filming the incident as well. Officer Diotte refused to give his name, but when Cassandra posted the video and badge number, that was when they learned his identity. This exchange with Officer Diotte is on video. Ms. Ericson is willing to testify to what Officer Diotte said.

- Kim Gurtin, Joel & Cassandra's landlord approached Cassandra on 5/6/20 or 5/7/20 (in her home) to inform her that he had been called by Detective Larry Cole. Mr. Gurtin came to the residence and said, "You guys ain't gonna believe who I just got off the phone with. Larry Cole...He tried to tell me to keep a heads up, that I am renting to bad people, gang bangers from New York. Drug dealers. Violent people." Mr. Gurtin relayed that Detective Cole told him that Joel was involved in a shooting in Albany and that he needs to know who he's renting to before he rents to them

because he doesn't know they type of people he is renting to. Cassandra asked if she could record the situation "That's funny, you're not the only person Larry Cole called. Hold on, let me start recording this." At that point, Mr. Gurtin became nervous and said he didn't want to be recorded because he didn't want to lose his source and that they would never call him again and give him a heads up about who he is renting to. He left after saying that "they're definitely watching you and they plan to do a raid."

Mr. Gurtin returned on a different date. Shawn Pratt was visiting Cassandra because he heard that they were having problems with racism. Shawn recorded the exchange, during which Mr. Gurtin spoke about his interaction with Detective Cole. [This may be your only evidence (if Mr. Gurtin continues to refuse to testify) that Detective Cole called Mr. Gurtin and "warned" him about Joel.]

Ms. Ericson reported that Detective Cole also called her landlord, Pete Cross, as well and provided similar information.

- 5/10/20 8:48 PM, Ms. Ericson reports that Bennington PD are now patrolling her house. She lives on a dead end street. She went out to confront the officer. The officer drove away before she could approach the vehicle. She took video of the incident.

- 5/10/20 Johnny Coon, a family member called Cassandra's Dad letting him know that a BPD officer came to Cassandra's last known Vermont residence looking for Cassandra at Willowbrook. Cassandra called Johnny, who said that she needed to call Johnny's grandson who lives in the apartment she used to inhabit. Darby, the grandson's wife, relayed to Cassandra that the officer (whose name she didn't have) said that he needs to have Cassandra get in touch because they (BPD) had something for her. Cassandra then called BPD and tried asking for Officer Diotte because Darby said that the officer looked like the officer in the video from the school parking lot incident. Officer Diotte indicated that he did not go to her house and was not looking for her. He suggested that it may have been Officer Harrington.

- 5/21/20 Joel is forcefully arrested by BPD Officers. Joel left his residence on his dirt bike. He was driving North on Beech Street. Turned onto Stafford Street. He felt a bump on his rear tire. Joel turned around and looked. BPD Officer Farari (sp?) had bumped Joel's bumper with his cruiser. Officer Farari then turned on his lights. Joel got nervous. He did not know whether the officer was trying to harass him and did not want to get hurt/die because of the officer's actions. Joel continued to drive about a half a block and pulled over into a grassy area. Joel noted that Officer Farari had his hand on his gun as he approached him. Officer Farari yelled "Get off the bike! Get off the bike!" Joel asked "Why are you chasing me? Why did you bump my bike?" Officer Farari continued to tell Joel to get off his bike. Joel shut off the engine and got off his bike. Joel was disoriented and confused. Officer Farari pushed

into Joel. Joel said "why are you so aggressive?" Officer Farari then cuffed Joel. Joel noted that he had his helmet on. Officer Farari removed the helmet and placed Joel into the back of the cruiser. Officer Farari stated that Joel was being arrested and charged with Evading and Negligent Operation. Joel said "But I didn't see any lights." Officer Farari replied, "but you saw me behind you." Joel said "I didn't see you behind me until you bumped my bike and that's when you turned your lights on."

At that point, Officers Mowoski, Harrington, and Osgood arrived on scene. They asked who was there. Officer Farari indicated that it was Joel Fowler. Officer Mowoski said "Oh really?" and seemed excited. He went back to his cruiser and got a dog. Officer Mowoski asked Officer Farari where Joel had been. Officer Farari said "Back there" and motioned to an area away from where the motorcycle was. Officer Mowoski headed in the direction Officer Farari pointed with the canine. Officer Farari said "you know you're the only one who was back there. Did you have anything on you?" Joel indicated that he did not. No Miranda Rights were read at any point. Cassandra showed up on scene and recorded this incident as well. She noted that Officer Harrington was on scene and said "I heard you're looking for me. I heard you got something for me. What you got for me?" At that point, Officer Harrington said "I just went to your last known address looking for Joel." Cassandra replied "Well, if you are looking for him, why are you going to my last known address? Go to his last known address." Officer Harrington replied, "You were the last one he was known to be with" and explained that he was bringing the paperwork for the complaint they tried to file on 5/9/20 (but were denied the ability to do so by the person at the front desk).

Joel and Cassandra are being followed by different officers daily.

Best Regards,
Bennington Police Department
118 South Street
Bennington, VT 05201
Phone: (802) 442-1030

Reference ID: 20200527-9bfb
Date: 2020-05-27
Time: 12:32:56