

Draft
Village of Old Bennington
Trustees' Meeting Minutes
Oct. 1, 2024

The meeting was held at The Barn and on Zoom.

Officials present: Presiding Officer Anne Slattery; Trustees Than Marcoux, Ed Woods, and Susan Wright; Planning Commission Chair Galen Jones; Treasurer Ron Rabidou; Administrator David Kiernan, Auditor Kathy Wagenknecht and Clerk Mary Walsh.

Officials absent: Tom Woodward.

Residents in attendance: Lucy Baldwin and Renny Ponvert. Megan Schwarzkopf attended on Zoom.

Guest presenters: Janet Hurley of the Bennington County Regional Commission and Nicholas Ratzler of MSK.

1. Call to order: The meeting was called to order by AS at 6:02. She noted that the meeting was being recorded.
2. Changes or updates to Agenda: RR noted that the trustees still had to have a discussion of whether to continue with the 6:00 p.m. meeting time
3. Approval of minutes from the meeting of Sept. 3, 2024. EW moved to approve the minutes, TM seconded the motion, and the minutes were unanimously approved.
4. Citizen comments not related to Agenda: None.
5. Presentation by Janet Hurley of the Bennington County Regional Commission: The process and deadlines for preparing a new Plan of Development.

AS introduced JH and noted that the Village's current Plan of Development will expire on Aug. 5, 2025.

JH said she had already met with the Village's Planning Commission and told them about this process. Old Bennington's current Plan was devised in 2017 and has an eight-year lifespan. But it is faulty in many ways and doesn't comply with State standards. There is nothing on forest connectivity or habitat loss. There's nothing on flood resilience, which isn't critical because Old Bennington is not on a FEMA-designated floodplain, but the Plan should still discuss community resilience in general. The Plan should discuss future

land-use plans and mapping. It should have a housing element, especially because the new Home Act requires localities to allow duplexes where it now allows only single-family homes. Our demographic data is 14 years old and should be updated. Our current plan doesn't recognize the importance of public communication or public transportation. It doesn't address specific conservation strategies. Overall, the current Plan has few clear policies for implementation.

To maintain a plan that's compliant with state requirements, the Village will have to correct these deficiencies, and that will take more of an effort than we'll have time for in order to have a new Plan ready when the current one expires. But the Village could resolve to keep the current one in place after Aug. 5, 2025, until it completes the new, State-compliant Plan.

The Village is eligible for a grant from the Department of Housing and Community development. Normally we'd apply now and get a decision by December, but the grant process is delayed this year. JH recommended that we apply for a grant. The application deadline will probably be sometime early in 2025. The Village can apply for up to \$30,000, but it has to contribute one-tenth of that amount from our local coffers.

Theoretically, the Village could re-adopt the plan we now have, but it won't be up to state standards, and that would make the Village ineligible for funding for other projects we might want to pursue in the future. Also, the Home Act has provisions that our Plan of Development should really address. For example, it says that in places that have municipal water and sewer services, municipalities must allow for five units of housing per acre, which is a huge change.

SW asked if there were exemptions for certain types of communities.

JH said the requirement is triggered simply by whether the locality has municipal water and sewer service, and there aren't exemptions. She has been helping Manchester and they are getting a zoning overlay, to show where there's water and sewer. They are already compliant in other respects, and they just need to rework their zoning bylaws to make history a priority. But Old Bennington needs to start at the planning stage, not the zoning stage.

AS said that writing a new Plan of Development is an occasion for Village residents to think about what our Village will be like in the future. There has to be community input. Also, we have to have an Enhanced Energy Plan, to give us better standing the next time a resident wants to build a solar installation. The cost of having the BCRC help us with these two plans would be \$17,000.

JH distributed a budget she drew up for consulting services on these two plans. The Village isn't obligated to work with the BCRC, but she said she was sure that no one else would do it any cheaper. The BCRC was set up to serve its member municipalities, and when it helps them with these plans, it always goes over budget. That is, BCRC always put in more hours than it is paid for.

EW said that the BCRC didn't send Janet to Old Bennington to drum up business. They've already got plenty of work.

RR asked whether, if Old Bennington gets the grant money, can we use it to reimburse ourselves for paying the BCRC.

JH said that's not allowed. However, she's submitted three or four proposals for Manchester, and more for other municipalities, and all of the ones she initiated have been funded.

GJ says the Planning Commission has always done this on its own, without hiring consultants. But there's urgency now, because the Village's existing Plan is expiring in a matter of months. With BCRC helping there would be less drafting and re-drafting. We could be confident that we'd have an appropriate product.

SW asked where she could get a copy of the current, deficient plan. AS said anybody can get it on the Village website.

Janet said she had provided her consultation report to the Planning Commission, but she would also send it to the Trustees.

AS said the Village should move forward and try to get a grant.

JH said the Planning Commission would first have to warn and hold a public hearing, and the Trustees would do the same. The new Plan of Development will have to go through a regional and State approval process, and Old Bennington will be expected to show that it engaged with the community before completing our draft Plan.

EW asked what would happen if the Village adopted its next Plan after the current Plan has expired. JH said that's okay, the Village could adopt the new Plan when it's ready. But the Village ought to be planning how it will get citizen input, and it should be gathering the updated data it needs to form the basis of the new Plan. It can draft the Plan when it has the citizen input. She doesn't think we'll have a finished plan until 2026.

KW said that our population is very small and that might make it easier to gather the required citizen input. JH said it's still very difficult to get people to come to meetings and engage with this process.

RR asked how the Plan of Development will help us. It doesn't seem to be a tool for keeping development at bay. Janet said that basically, it might help the Village mitigate things.

SW said she was concerned that the Village was being required to give up the control it has had in the past over historical and aesthetic characteristics.

AS said, “This is the future.”

SW asked, “Why does the future always win?”

GJ said the Planning Commission had to figure out what it wants to do and set a time frame. Their next meeting will be on Oct. 14. The Commission would like to discuss options and bring its decision to the Trustees.

AS said time was of the essence, and if the Village was going to get the municipal grant, it should be applying now.

GJ said the grant proposal couldn't be filed until the portal is open.

Janet normally grant proposals are filed in October, but this year the portal would probably open in early 2025.

6. Vote to approve amendments to the Zoning Bylaws: AS reminded the trustees that they had already received the documentation, especially a helpful summary of all the changes from DK. TM moved to approve the amended Zoning Bylaws. EW seconded the motion and the new Zoning Bylaws were unanimously approved.
7. Update on lead-pipe removal, presentation by Nicholas Ratzer of MSK.

AS said the lead-pipe replacement work wasn't finished. The work was about to begin at Lucy Baldwin's house, when they realized that by digging as planned, they would dig up the roots of some trees.

EW said that as of 2032, it will be State law that no municipal water can run through a pipe that contains lead. This means that if the lead pipes aren't replaced, a homeowner could have their certificate of occupancy revoked. The Village needs a list of properties where pipes must still be replaced, and the Trustees should schedule site visits to keep things moving forward before the grants for replacement run out.

On the other hand, the results on LB's house were inconclusive. It seemed that the standards had changed. She received a letter saying the lead in her water was negligible, but later she was told that you had to have ZERO lead. Other people said they had

AS said there needed to be better planning, so that MSK had clear instructions and didn't just show up and surprise homeowners. The Trustees needed to know now what could be done to replace water pipes as necessary without cutting down trees.

NR said that MSK had decided that for LB's house they could snake the pipe with a cable and look for lead joints. If MSK confirms there are lead service lines and there were concerns about trees, they could discuss alternative routes. The Village is in a stronger

position now, because it has approved the amended Zoning Bylaws. NR said he hoped MSK could find alternatives that would work without digging up Monument Avenue, because it would be a difficult undertaking with the stonework in the swales. He agreed to send the Trustees an email listing all the remaining homes set for lead-pipe replacements, and to schedule site visits with the Trustees: “We’ll make sure everybody’s made whole here.”

8. Reports of Commissioners

- a. Roads Commissioner, TM: The potholes on Bank Street have been repaired. They did as good a job as they could without redoing the whole road.

There was a discussion of salt. TM talked to our salt provider from last year. The Village pays \$86 per ton, buying 30 tons at a time. TM asked for alternatives that would be safer for pets and trees. The vendor said they don’t provide any, because the alternatives cost from \$650 to \$1000 per ton, and that’s so expensive no one orders it.

EW asked if there was any salt remaining from last year; TM said there’s a little.

MS asked if the Village could try going without salt for a month. EW said no, because it wouldn’t be safe. MS said the implication was that it’s okay to poison trees. RP said that Bartlett Tree Experts has a product they can put down that neutralizes road salt near trees. AS asked TM to coordinate with RP and TW on this possibility.

TM also said he had a follow-up question for the traffic calming presenter (at the Sept. 3 meeting) about whether speed humps could be added to the surface of existing roads or the road first needed a whole new surface.

- b. Trees Commissioner, TW: TW was at an out-of-town meeting so he had nothing to report.
- c. Parks and Sidewalks Commissioner, SW: The uneven sidewalks at the top of Monument Avenue have been repaired and the firm did a good job.
- d. Police Commissioner, EW: He and TM have had some questions about traffic near Monument School, where kids are walking their bikes without a complete sidewalk connecting the sidewalks in front of the school with the sidewalks on Route 9. The Village isn’t responsible for private or state property. But who is responsible for the sidewalks on Route 9? He’s been exchanging emails with the interested parties and would like to help the family get an answer. KW said Route 9 is a State road, so the State must be the responsible party.

- e. Planning Commissioner, GJ: The Commission is going to start work on the Plan of Development. Meanwhile they are handling applications for a porch addition on Seminary and some renovations at 16 Walloomsac.
- f. Treasurer, RR: RR was on vacation in Wellfleet and was able to check the property of the party with delinquent taxes on 57 Monument Ave. They are currently the owners of a restaurant, but RR saw that it was completely closed off with yellow police tape on it. They're clearly waiting for a settlement. EW noted that their taxes are soon going to be 12 months overdue and interest is being accrued on the unpaid amount.

RR described the Warrants in need of approval, which include a bill from Pembroke, a small legal bill, the cost of Microsoft Office 365, the bill from Gusto for payroll services, and Green Mountain Power for streetlights. The Trustees unanimously approved the Warrants.

RR also said that both the Town and the Village had offered Tzaims Luksus a generous proposal for catching up on his overdue taxes: He could pay half of what he owes now, and then pay the remainder over the next two years with no interest. TL would not accept this offer.

RR also said that when the property at 57 Monument Ave. becomes two years overdue, the Village will make that owner a similar offer.

- g. Auditor, KW: Nothing to report.
- 9. Village/Town roads update, AS, EW and RR: Nothing to report.
 - 10. Old business: AS said that there would be a vote at the next meeting on whether to keep the meeting time at 6 p.m. or move it back to 7 p.m. EW says the time should also be opened to public discussion.
 - 11. New Business: None.
 - 12. Adjournment: EW moved to adjourn the meeting at 7:28 p.m. TM seconded the motion and the meeting was unanimously adjourned.