

Draft  
Village of Old Bennington  
Trustees' Meeting Minutes  
Dec. 3, 2024

The meeting was held at The Barn and on Zoom. A link to the Zoom recording is here:

<https://zoom.us/rec/share/zkyP7xJjLdC0yCJj1B8sslgWJoO9mxVGB1KwSc1SoJYmD11FGbheGuXxPgTAiTvm.N4FlpXQMZBmIkJm8>

Passcode: 5Js\$c0EJ

Officials present: Presiding Officer Anne Slattery; Trustees Than Marcoux, Ed Woods, Tom Woodward, and Susan Wright; Planning Commission Chair Galen Jones; Treasurer Ron Rabadou; Auditor Kathy Wagenknecht; Clerk Mary Walsh; and Zoom operator McKinley Keaffaber.

Officials absent: No one.

Residents in attendance who made comments: Renny Ponvert in person, and Tom Scheetz on Zoom.

1. Call to order: AS called the meeting to order at 7 p.m. Zoom operator MK stated that the proceedings were being recorded on Zoom.
2. Changes or updates to Agenda: None.
3. Approval of minutes from the Trustees' meeting of Nov. 5, 2024: AS said that the meeting's last item of business, the announcement that Tzaims Luksus's request for a tax abatement had been denied, had been omitted from the draft minutes. A final version of the minutes, including that announcement, will soon be posted to correct the omission. EW moved to accept the minutes with that one change. TN seconded the motion, and the minutes were unanimously accepted with the change.
4. Citizen comments not related to Agenda: None.
5. Reports of Commissioners
  - a. Planning Commissioner, Galen Jones: New Village Plan of Development update: process, recommendations, and timetable.

GJ said that consistent with last month's discussion, the Planning Commission would issue a work plan for drafting the new Plan of Development, with the Planning Commission itself managing the "community engagement" portion, and the Bennington County Regional Commission serving as consultant on the rest, including the drafting of an Enhanced Energy Plan. ("Community engagement" refers to a robust and detailed gathering of public opinion from Village residents, which is a requirement of the State.) GJ also said the BCRC wouldn't be able to work on the Village's Plan of Development until the State decided on a possible grant to pay for the work.

During the discussion that followed, a consensus emerged that AS would ask BCRC to move ahead with the grant application process for the entire cost of the Municipal Development Plan project, knowing that the Trustees may not award the entire project to BCRC. AS said the Village's need for a new Plan of Development has been on the agenda since September, and the Trustees remained concerned about whether the Planning Commission had the ability to complete the "community engagement" portion in time. She said the Trustees needed detailed information about what the Planning Commission would be doing, and a specific timetable. The information provided so far has been very general.

GJ said he had asked another consultant for a cost estimate of the "community engagement" portion. That consultant said a bare-bones version might cost \$10,000, but a robust version would cost about \$30,000. He said the State's enactment of its new Home Act made this a pivotal moment for the Village. Housing density could really increase dramatically. The Trustees might want to engage a consultant that could really help to conceptualize our wishes and consider a thorough redevelopment of the Village. He said that the Planning Commission was responsible for readying the Plan of Development, but the Trustees holds the purse strings.

AS said the Trustees didn't just hold the purse strings. Rather, they had the duty to submit the Plan of Development to the State as an accurate representation of the people's wishes. AS said it had been stated in past meetings that Old Bennington was going to miss the deadline of August 2025, when our current Plan of Development will expire. She said the matter kept getting pushed from meeting to meeting with nothing ever decided.

There was further discussion of whether the Planning Commission could do the "community engagement" portion of the project. The question was raised about the consequences of delays after the current Plan of Development has expired. EW said it would open the Village up to new risks, because our relevant laws would become unenforceable.

EW said further that he couldn't imagine any municipality taking on the job of gathering of local public opinion itself, because the local officials are residents

themselves and would necessarily bring inherent biases to the project. He said the job should be done by disinterested professionals.

TW referred to the BCRC's proposed budget for assisting with a Plan of Development, and noted that the BCRC said that just the first five steps, which include the "community engagement" portion, would cost around \$15,000. The entire process was estimated to cost \$28,000 and to consume 140 man-hours. RR noted that the Planning Commission doesn't have the experience that the BCRC has, so it would surely require at least 200 man-hours. He wondered if the Planning Commission really had enough available time.

GJ was asked to discuss the Planning Commissions' reservations about hiring the BCRC to conduct "community engagement." He said that the BCRC didn't have much expertise on the issues facing Old Bennington, which are unique because of the Village's status as a historic district. He also said there were concerns about State's new Home Act. The State wants municipalities to maximize housing density, and the BCRC seems to be geared to producing a Plan of Development that fulfills that State goal. It doesn't have any particular mandate for Old Bennington to continue as a historic village.

GJ said it appeared the Trustees lacked confidence in the Planning Commission, and in him as its chair. He therefore tendered his resignation. AS and EW tried to dissuade him, without success.

RR said GJ had a good point when he said the BCRC doesn't have the Village's best interests at heart. The BCRC's objective is to make sure the Village has a new Plan of Development that complies with the State's goals. SW asked GJ if he knew of other consultants besides the BCRC that might take this on. GJ said he did but he wasn't sure they were available.

AS said it was essential to ask the BCRC to write a grant proposal now, because the State's grant money will be distributed on a first-come-first-served basis, and if the Village delays too long the money will run out.

RR said he wanted to remind everyone that the new Plan of Development was not going to be able to block the implementation of the Home Act, or the State law that permits homeowners to build small-scale solar projects.

Tom Scheetz spoke up on Zoom, saying that in 1800 there were more people living in Old Bennington than there are today, so increasing housing density might not really run contrary to historic preservation.

- b. Roads Commissioner, Than Marcoux: TM said the Village needs to do a regular road-inventory reassessment soon, with a focus on stormwater erosion. There are grants available for this work, covering up to 80 percent of the cost, up to \$1,600.

We need to apply for the grant by the end of December. AS said RR was able to submit the application for a grant.

TM also reported that the Village was ready to handle the coming snowstorm.

- c. Trees Commissioner, Tom Woodward: TW said he was still trying to get Pembroke to cut back the overgrown vegetation on Walloomsac. They've done it in some places but not everywhere. He also said he has received some very promising information from Cornell on the species of trees that are resilient to road salt.
- d. Parks and Sidewalks Commissioner, Susan Wright: Nothing to report.
- e. Police Commissioner, Ed Woods: EW said Renny Ponvert would next make a recommendation about using game theory to guard against habitual speeders.

RP said that speeding is a clear and present danger, and the traffic-calming measures he's been hearing about involve big, expensive infrastructure that can't be installed for at least two more years. But his idea could bring some relief in less than a year. He called it RBS, for "Random But Structured."

The first step would be to install four digital speeding signs, the kind that light up and tell approaching cars 1) what the speed limit is and 2) how fast they're actually driving. They would be positioned on the four main roads leading into Old Bennington. These signs are known to be effective on many speeders, but not the worst offenders, people who are more than 10 mph over the speed limit and don't care.

Catching these habitual speeders is a cat-and-mouse game, and the only way to win it is to create a system where speeding has consequences. There have to be speed traps, but they can't be predictable. They have to be set up at random times and in random places. The habitual offenders have to realize they have a high probability of getting caught when they speed.

We've learned that the Bennington Police Department can't function this way; they don't seem to have the bandwidth. EW previously discussed whether the Sheriff could do speeding patrols for Old Bennington, but the Sheriff's price was too high. With RBS, the Sheriff would have a contract to set up speed traps on an hourly basis, with the hours chosen to coordinate with evenings and rush hours. We wouldn't be paying for patrol cars to sit around when it suited their schedule.

RP also noted that with any effort to manage police patrols, there are unions, minimum-pay requirements, and special-assignment rules to work through. RBS

would be a special assignment. We already know that traffic fees get swallowed up by the State these days, so we can't expect to get anything like the revenue we got from tickets in the past, when Andy provided the patrols. Still, RP believed that doing RBS systematically would bring about a significant reduction in speeding, as habitual offenders would learn that if they speed they'll get caught. He asked that the Trustees discuss implementing some version of RBS as soon as possible.

EW said RP's proposal was well thought out, and would surely get results if deployed in Old Bennington. KW said that speed-patrolling had been very effective when Andy did it, and RBS seemed to be a way to make it effective again. MW said the Village should supplement RBS by lobbying the State to repeal its law allowing habitual offenders to keep their licenses even if they don't pay their fines.

EW said he and RP would meet with the Town police chief and the County sheriff to discuss this idea.

- f. Treasurer, Ron Rabidou: RR said that since the last Trustees' meeting, another \$77,000 of property taxes had been paid. That means tax payments have been received from all but a handful of Village property owners. There is a report on the various delinquencies included in RR's monthly Treasurer's Report, posted on the Village website. The total delinquency is now around \$21,000, which represents a significant increase in the current fiscal year.

RR read the current month's warrants, which are also listed in the Treasurer's Report. EW moved to approve the warrants; TW seconded the motion and the warrants were approved unanimously.

- g. Auditor, Kathy Wagenknecht: Nothing to report.

6. Village/Town roads update: AS said she had met with Will Greer to discuss this effort and expects to hear more from him soon. Greer is the new member-elect who will represent the Bennington-2 District in the Vermont House of Representatives, starting on Jan. 8. The Village/Town roads initiative will require legislative approval.
7. Old business: In response to a question raised at last month's meeting, EW reported on the Town of Bennington's policy on public records requests. He said the Town is required to respond within three days, but that doesn't mean it has to fulfill the request within three days. If it will take longer to produce the requested documents, the Town's policy is to let the requester know that.

The State public-records law allows municipalities to charge requesters for the cost of providing the documents, and municipalities are expected to give requesters a cost estimate up front. But the cost is easier for the Town to estimate than for the Village, since Village officials are volunteers. There will probably have to be more research on the matter of cost estimates, but aside from that, EW said he thought it would be appropriate for the Village to adopt the Town's public-records request practices.

8. New business: None.
9. Adjournment: EW moved to adjourn the meeting at 8:52. TM seconded the motion and the meeting was thereby adjourned.