

Village of Old Bennington
Trustees' Meeting Minutes
Sept. 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/R9TbAG1i6A88Gl1ZItqcDDhuX3Xb2oqP8KfCnhSDArNDJzKOe2lyBFQQ6hKEBjcG.Fsg87BZzdrivr-Kd>

Passcode: p8##03iJ

NOTE: There is no audio for the first 14-15 minutes of this meeting due to a technical problem.

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

Officials absent: Auditor Kathy Wagenknecht.

Citizens present with public comments: Renny Ponvert, Christine Costello, Mark Vaughn, Megan Schwarzkopf.

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: AS said there were two additional items to discuss: whether to continue with the 6:00 p.m. meeting time, and a complaint received from a resident about an increase in airplane noise.
3. Approval of minutes from recent meetings, including the special hearing on zoning.
 - a. TW moved to approve the minutes of the Aug. 6 meeting, which included a special hearing on zoning. TM seconded the motion, and the minutes were unanimously approved.
 - b. TM moved to approve the minutes of the special Trustees' meeting on Aug. 13, for voting on the bylaw changes. SW seconded the motion and the minutes were approved unanimously.

4. Citizen comments not related to Agenda: RR pointed out that the decision to change the Trustees' meeting time to 6:00 p.m. wasn't on last month's Agenda, and it was discussed and approved rather hastily. But 6:00 p.m. is the prime dining hour for the majority of U.S. families, so before this change is finalized, there should be an Agenda item and a proper discussion of the best meeting time.
5. Special topic: Traffic calming study by Mark Anders, Senior Transportation Planner of the Bennington County Regional Commission. EW introduced MA as the one behind many traffic studies relevant to the Village. He said the presentation would be for listening and asking questions only --- no decisions made or actions taken.

MA said he would talk about "traffic calming" measures. The BCRC gets lots of complaints about speeding and traffic volume. He covers traffic issues in 17 towns and villages. He has noticed that GPS systems like Google Map have changed speeds and volumes in places like Old Bennington, because they route drivers through towns and villages that they wouldn't have thought of driving through before.

He has reviewed ten years of data, including 4,111 crashes, 777 of which at least one person was injured, and 10 in which there was at least one fatality.

He lives on the extension of Monument Avenue, and he showed a photo of a car that crashed right next to his house. He and his neighbors could hear the car speeding before they heard the crash. The car's tire hit the edge of a culvert, which caused the car to fly through the air and hit a utility pole, breaking it in three places. Luckily no one was in their front yard at the time. Everybody, including MA, is worried about being hit by speeding cars. Many residents of Bennington would like to commute by bike or on foot but don't do so because they're afraid of being hit by a car.

They are right to be scared.

MA showed statistics that said, among other things, that if a pedestrian is hit by a car going 20 mph, there's a ten percent chance of being killed, but if the pedestrian is hit by a car going 45 mph, there's a 60 percent chance of being killed and a 30 percent chance of being seriously injured.

There are measures the Village can take to reduce speeding. MA wrote the BCRC's manual about them. He showed two photos, one of a state highway and the other of the extension of Monument Avenue by his house. The Monument Avenue extension looked just like the state highway, wide and straight with yellow center lines. That's why people speed there. MA showed another photo, of a street that didn't look like the state highway because it had parked cars, shadows, trees close to the road and other features of a residential neighborhood, which would make people drive more slowly.

Research has shown that you can make people drive more slowly by doing relatively simple things, like painting white lines to narrow the driving lanes to ten feet instead of eleven feet. Or you can remove the double-yellow center lines; BCRC has found in traffic

studies that doing this can reduce average speeds by 8 mph. The upper part of Monument Avenue has had the yellow lines removed, so it doesn't look like a state highway and is less susceptible to speeding than the extension. [Clerk's note: The lower part of Monument Avenue, in front of our house, auditor KW's house, and former Trustee Jim Warren's house, has the yellow lines. Why? Can they be removed too?]

The State of Vermont has rules that dictate which roads must have yellow center lines. They reflect the volume of traffic. Monument Avenue has about 2,300 vehicles per day, and that isn't enough to require the yellow lines. Vermont Trans puts them down automatically, and the Village has been having them removed, at least from the upper part of Monument Avenue.

MA has conducted a speed test in the Village. The average speed is 27 mph. Village streets are 22 feet wide. State highways are 23 to 36 feet wide, and the average speed on a road with those dimensions 36.1 mph.

Another traffic calming measure is the Radar Feedback Sign, showing each driver how fast they're going. These signs can cause a 2 to 11 mph speed reduction, but they have no enforcement capability. They are not equipped with cameras and can't get pictures of the speeders.

The "gold standard" in reducing speeding is "Vertical Deflection Speed Humps." Speed Bumps aren't generally used on public thoroughfares. They're used in parking lots and commercial driveways. Speed Humps are 12 to 14 feet long and just three inches high, so they don't cause as much of a jolt as Speed Bumps. You have to have more than one Speed Hump in sequence for them to be effective. If you just put in one Speed Hump, people will slow down to drive over it, then speed right back up again.

MA shows a photo of a Speed Hump with garish markings painted on it but said there's a lot of flexibility in how they're painted. He also showed a photo of a Speed Hump with tire tracks going around the side of it, showing that cars were avoiding it, but you can post signs right next to Speed Humps to prevent drivers from going around them.

There are also "Speed Tables." They're like Speed Humps, but they're stretched out twice as long. You can drive over them a little faster, up to 30 mph, so they're ambulance-friendly.

Studies show that Speed Humps and Speed Tables reduce speed and also reduce the volume of cars, because drivers find out where the Speed Humps/Tables are and choose other routes.

There was a traffic study in Old Bennington last May. It showed that 31 percent of cars drove 5 mph over the speed limit, and 5 percent drove 10 mph over. In one week, there were 15,907 cars driving through. The highest speed was 74 mph.

Old Bennington has been the scene of 14 crashes in the last ten years. Three of them involved serious injuries. But safety isn't the only reason to adopt traffic calming measures. The quality of life is also a valid reason.

In response to questions about what the Trustees' next steps should be, MA said that his report on traffic calming is available on the BCRC website as a public resource. It's a pretty new report, and there's a lot of curiosity about it, but so far no one has started implementing the suggested changes. We'll learn more about how well the various traffic-calming measures work once more municipalities have implemented them.

MA said he's now working on some cost analysis.

Renny Ponvert said he'd seen radar speeding signs elsewhere that tell you if you're in violation of the limit, flashing red and green. He supposed they're very expensive. EW said they're actually in the \$1,800 range, but they don't record enforcement information or have any memory. It's possible to change the flashing message from time to time, which makes people notice them more.

RP commented on MA's finding that someone was driving at 74 mph in Old Bennington recently; the outliers are putting everyone at risk. He supposes it's the same people serially offending day after day, probably at the same time each day. Does the Town of Bennington Police Department just leave everything up to the Village to put an end to this?

EW said the Village's relationship with the BPD is that they're responsible for emergency management, safety, and traffic control in Old Bennington. In the past, we had an additional agreement to pay for an extra BPD officer assigned to Old Bennington, but the Town couldn't fulfill the agreement because it didn't have enough police, so the agreement was ended. Now the Town is responsible for just the basics.

SW asked about noise pollution and MA responded that Speed Humps and Speed Tables are associated with two types of noise, tire noise and engine noise. Below 25 mph, the engine noise dominates. Also, trucks make noise when they go over Humps and Tables because their loads can shift and rattle.

Mark Vaughn asked about signs as a traffic calming measure and whether stop signs were more effective than yield signs. MA said traffic signs are dictated by the state and they're not supposed to be used for traffic calming.

There was a discussion of the dangerous intersection in front of Old First Church and what difference the stop sign had made. GJ mentioned that some people might object to the noise made by cars stopping and starting at stop signs. There were also comments about noisy motorcycles, whether motorcycles speeded more than cars, and whether motorcycles are allowed to play music while driving.

AS said she would put an item on the Agenda for further discussion at a subsequent meeting.

6. Reports of Commissioners

- a. Roads Commissioner, TM: He received some maps from the State with a request to verify their accuracy, which he has done. Nothing about the Village's streets has changed over the past year. Also, in response to residents' comments about potholes and repairs around drainage grates, he has gathered some cost information: The labor rate will be the same as in the past, but the total cost of filling potholes will be higher because there are more potholes now.
- b. Trees Commissioner, TW: He has responded to several residents with questions about tree removal. He went to visit the sites and saw that in some cases the trees are apparently being harmed by de-icing products used in the winter. The residents had already spoken with arborists, usually Greater Heights, and the arborists recommended removal. But at the moment, the Bylaws offer no guidance about removing trees that are just declining, not dead. There ought to be a policy about this.

GJ said that the written policy on declining trees is "a little mushier than it might be." If a tree is dying, it can be removed, but the mushier part is how you get the certification that it's dying. As the Bylaw is now written, the Village Administrator is the first point of contact.

Megan Schwarzkopf said she has spoken with both Greater Heights and Pembroke about four ailing trees she had planted on Monument Avenue. They were expensive to plant and now Greater Heights has told her that they're all in decline because of harm done during sidewalk repairs. She isn't eager to spend more money on replacement trees that are also going to die. She has spoken with TW about some other street trees that needed attention and agrees with his view that there needs to be a policy for dealing with trees in decline.

EW said the question is whether we should keep planting trees in unhealthy places where they won't do well. There were questions about the salt used in the winter, and whether the chemicals used to control weeds in the swales could be hurting the trees. TW said that in general, those chemicals are for green growth and they don't harm trees or woody shrubs. He said the issues are complicated, but the Village at least ought to be able to advise property owners on how to deal with trees in decline.

- c. Parks and Sidewalks Commissioner, SW: Nothing to report.
- d. Police Commissioner, EW: No news from the Police Department, but he did get a question from a resident about a safety issue. The resident first wanted to know if the Trustees were aware of the trespassing incident at Tzaims Luksus's property. The Trustees are aware. Then the resident asked about what liability the Village might have in the event the trespassing continues and someone gets hurt on the property.

EW said that the Luksus house is in both the Village and the Town, and the Town Police Department has jurisdiction over the safety plan. If there is a live emergency on the Luksus property, the Town police would take charge. Therefore, EW doesn't think the Village has liability, though he noted that he's not a lawyer.

- e. Planning Commissioner, GJ: GJ said there's a deadline coming up for completing the Village's Plan of Development. It has to be done by May 2025 to be sure the Village has a new Plan of Development in place when the current one expires on Aug. 5, 2025. He said the basic premise of what the Village aspires to be has not changed, but the state has enacted new laws that make the management of the Village different than in the past.

AS said the purpose of the Plan of Development was to define and articulate how the residents want their Village to look in the future. It's important to get public input on this. In fact, the guidelines for writing a Plan of Development say the officials should include a description of how they did their outreach to get citizen input. It's not up to the Trustees to decide how the Village should look, but to find out what the residents think. Do they want anything changed? The Town of Bennington is convening focus groups for this purpose. They've asked people to come in and talk about what the Town will look like in the future. AS noted that the Plan of Development is not about changing the look for the Village now, but rather how they want it to look in the future.

GJ said it was true that the BCRC recommends researching residents' views on this, but if the Planning Commission attempts that now, the project will take a lot longer, and there is a deadline. Is this what people want? Are there expectations of more development and maybe some commerce? We'll be at a different place in terms of our timelines if we build in focus groups.

AS said we also had to remember the new Home Act, and what it would be possible to do about that. TW asked if it would be possible to get funding for doing the research. AS said that the State of Vermont does have municipal grants for this purpose, but we've missed the application deadline. We could still try to get a grant, but it wouldn't be a sure thing and we wouldn't know until April if our application had succeeded. There's an estimate that the process would cost about \$17,000, and a grant would cover all of that but \$3,000.

There were questions about whether the Village could spend \$17,000 on something that wasn't in the budget. AS said that people could get a lot of questions answered if they attended the next Planning Commission meeting, on Monday evening, Sept. 9. A representative of the BCRC will be there to explain the process. She said these are major issues and it's unfortunate that no one ever comes to the meetings.

DK said that in a Village with 90-some households it wasn't essential to have in-person meetings to gather residents' opinions. The Village could simply circulate a survey and gather input that way. If the Village does a survey, the State will agree

that it has done enough. EW said it was important to get as much resident feedback as possible, and the Trustees shouldn't scrimp on this process if there is grant money available. MV said it would be helpful to give residents examples of some concrete proposals that the Plan of Development might contain. If the concepts are nebulous people won't know what to say.

- f. Treasurer, RR: He has confirmed that we'll receive a total \$16,000 of state highway funds from the State of Vermont for the year. (That state apparently changed its payment schedule because of the flooding.) We're still getting highway money dribbling in from prior years, too. RR detailed other items in his Treasurer's Report, which is posted on the Village website. He said that having done his monthly reports in compliance with GAAP for the last few months has made him realize that the Village's previous method was more timely and more informative than GAAP accounting. He is wondering about restoring the previous accounting method. AS said that there should be an Agenda item and full discussion of this in the next meeting.

RR also said he had warrants for the Trustees to sign, for DK's pay and to Gusto for doing the payroll management. TW moved to approve the warrants. EW seconded the motion and the warrants were unanimously approved.

RR also pointed out that the new tax bills had been mailed. The Town has a payment plan this year, but the Village will not adopt it. EW asked about the tax status of 57 Monument Avenue. RR said they have promised to send a check, but so far no check has arrived. As of November 11, that property will be 13 months past due, plus one month. The State calls for deferring enforcement action until the property taxes are two years past due.

7. Village/Town roads update, AS, EW, RR: Nothing new to report.
8. Old business:
 - a. Scheduling of Board of Abatement meeting. There was a discussion of whether the meeting could take place on Oct. 1, or whether there were any notification requirements that couldn't be done in time to meet that date. The meeting was tentatively set for Oct. 1, with MW confirming that the required notification could be done in time. [Clerk's note: the required notification schedule can be met for an Oct. 1 meeting.]
 - b. AS said the Trustees' request for changes in the proposed Zoning Bylaws had been sent to the Planning Commission for incorporation into the working version.
9. New business: RR said that on Tzaims Luksus's property the trees were hanging over the edge of the street and posing a hazard to traffic. They're going to have to be removed.

TW said the increased airplane noise is apparently due to flying lessons, and we may want to get in touch with the instructors and find out what their schedule is. AS said she would go to the airport in person and see what she could learn.

10. EW moved to adjourn the meeting. TM seconded the motion and the meeting was unanimously adjourned.