

Village of Old Bennington
Trustees' Meeting Minutes
Oct. 3, 2023

The meeting was held at The Barn, and on Zoom. A link to the Zoom recording is at the end of the minutes.

Officials Present: Presiding officer Anne Slattery; Trustees Steve Anisman, Jim Warren, Ed Woods, and Susan Wright; Treasurer Ron Rabidou; Auditor Kathy Wagenknecht; Planning Board Chair Nancy Coseo; and Clerk Mary Walsh.

Officials Absent: None.

Citizens Present: Thomas Scheetz, Tamara Kremer, Renny Ponvert, Lucy Baldwin on Zoom.

Guest Speakers: Bennington Police Chief Paul Doucette and Police Lieutenant Camillo Grande.

1. Opening: The meeting was called to order 7:00 p.m., by AS, who notified all that it was being recorded. All trustees and all elected officers were present.
2. The Guest Speakers arrived early, so they were moved forward to Item 2 on the agenda. (The numbers of the remaining items do not correspond to the ones on the posted agenda for that reason.)

Chief Doucette and Lieutenant Grande briefed the trustees on the new Speed Cart that has been set up on Monument Avenue. The old Speed Cart was hit by a truck and destroyed, and AS and EW have been asking for a replacement since then. The one now in use on Monument Avenue is brand new. It's solar-powered, so it can't be placed under trees. But the plan is to move it to different positions on Monument Avenue.

So far, the Speed Cart has recorded an average speed of 23 mph, but one car was recorded driving at 46 mph. The police know that Speed Carts make people slow down, but they also know some drivers like to speed up, so they can make the lights flash. On weekdays, most of the traffic is between 7 a.m. and 6 p.m., with a heavy time between 3 p.m. and 6 p.m.

Since Jan. 1, 2023, there have been 149 stops for moving violations in the Village. 80 of them received civil violation complaints, and 69 received warnings. The top five offenses were 1) speeding of less than 10 mph over the limit; 2) speeding of 11 to 20 mph over the limit; 3) stop-sign violations; 4) use of handheld electronic devices while driving; and 5) the driving of unregistered motor vehicles.

The officers provided some information on how money from traffic tickets moves through the system. Money collected anywhere in Vermont, including the Village, goes to a single location, the Vermont Judicial Bureau. There, various fees are withheld before it is released to Old Bennington Village. For example, the officers had seen a \$179 traffic ticket that had been reduced to \$101 by the time it was disbursed to the Village. Another \$229 ticket had been reduced to just \$137. The officers said the withholdings are responsive to acts of the State Legislature requiring certain monies to be dedicated to things like the state domestic-abuse program. He stressed that the police don't have anything to do with these withholdings.

The officers also said that this year a state law was enacted to set new remedies in cases where people don't pay their traffic tickets. In the past, the procedure was simply to add a new penalty onto the unpaid traffic violation, and then, if the person still didn't pay, they would lose their license to drive in Vermont. But some argued that people's ability to drive shouldn't be suspended just because they couldn't pay their traffic fines. Now there's a program that allows people to pay just \$30 per ticket per month until they've paid off their ticket(s), but there's a \$100-per-month limit, and people who have several violations have been hitting the limit. They can now request a hearing and try to have their fines lowered.

These changes have slowed the process of getting revenue to municipalities.

Chief Doucette said the police in Bennington are getting multiple calls per week, asking for traffic enforcement. They know people want traffic enforcement, but they have non-traffic duties to do, too, and they're short-handed. And meanwhile, the tickets that they have managed to issue are moving very slowly through the system that now offers recourse to the traffic violators.

EW said that the police who work in the Village are trying to make drivers slow down. The idea is not to write lots of tickets so the Village gets lots of revenue.

Chief Doucette said they want both to educate drivers and to issue tickets. Before the pandemic they were being asked to go easy on traffic enforcement, but now, people are "literally screaming, We want more traffic enforcement!" He said that Highway 279 has become much more dangerous since the pandemic. They used to catch maybe one car a week going 90 mph on it, but now that kind of speeding is more frequent, and the drivers are going more than 100 mph. There are high rates of crashes with serious injury. People speed, they talk on their phones, they become distracted, and when they hit large animals they can lose control. There are about 500 crashes per year, and while that's getting a little better, we still have to focus on getting people to reduce their speed.

AS said that the previous police officer in the Village, Andy (who retired) was very strict and gave out tickets even if people were just a little over the limit. He was very visible and he had impact. It's not so much that people need education. Just having a police presence helps a lot. The minute the Speed Cart was set up, the speed on that stretch of Monument Avenue slowed down—but after people have passed the Speed Cart, they speed up again. "I think we need a little bit less education and a little more visibility."

Tamara Kremer, a resident, said she had noticed black boxes on poles in Shaftsbury, where there have been speeding problems. They're supposed to collect accurate data on how fast the speeding cars are going. People don't really notice them.

Chief Doucette said there are rumors that those black boxes contain cameras taking pictures of drivers and cars, but that isn't true. They are collecting data on the number of cars going by, for the purpose of controlling the traffic lights better.

KW said she'd like to see more coverage now that the leaves are turning color, because that brings tourists, in cars and on foot.

Chief Doucette said the police are aware of the fall-leaf tourists and the hazards they can cause by looking at the scenery.

Tamara Kremer said that she understood that the police are trying to strike a balance between education and enforcement, but she sees speeding as a quality-of-life issue. Our Village Bylaws talk about preserving the quality of life. She lives on a smaller street, not right on Monument Avenue, and it should be quiet there but it really isn't. How to achieve the right balance? She sees repeat offenders going by at high speed. It's the same cars over and over. She knows who they are. What is she supposed to do with that information?

Lieutenant Grande said the public is welcome to go to the website of the Bennington Police Department. There's a place on the site for making tips. If residents tell what the speeding car looks like, that information will go out to the patrolmen, anonymously. The "tips" feature isn't just for traffic violations. It's for reporting all public-safety concerns.

3. Citizen Comments not related to agenda:

After the police officers left, Tamara Kremer continued the discussion of speeding and traffic violations. She said she knew that speed bumps have been proposed in the past, and she has the feeling people don't want them because they will require more signs, and they'll slow down hospital transports. She said she has researched this extensively and learned that a speed bumps adds only three to seven seconds of driving time. It's possible to reduce the intrusion by making the slope of the speed bumps less steep. But if speed bumps are out of the question on Bank Street, she suggests that a three-way

stop be established at the corner of Bank Street and Catamount. That wouldn't require the signage that a speed bump does.

SW said that Bank Street is so full of cracks and potholes, it was already one big speed bump.

Tamara Kremer said that SW didn't live on Bank Street, and wasn't witnessing the high levels of velocity.

EW said the trustees should put together an anti-speeding committee that could answer some of these questions. He moved for the trustees to create such a committee.

AS seconded the motion.

RR said that the board had a traffic calming study performed by BCRC already, several years ago. They spent a lot of time on it and then the residents voted down the recommendations at the annual meeting. Stop signs were one of the recommendations, for example, and a majority at the voters at the annual meeting didn't want any more stop signs in the Village.

KW said she thought the bylaws prevent more signage.

EW said the trustees could research the bylaws, review the recommendations from three or four years ago, and see if there is more interest in traffic-calming measures now.

Tamara Kremer said that a lot of people have moved to the Village fairly recently, so there might be fewer objections now.

AS moved to have a new committee review the findings of the previous study. The motion is seconded. SA voted against the motion; JW abstained, and motion was passed with the other trustees voting in favor.

4. Reports of Commissioners, Officers and Committee Chairs:
 - a. Planning Commissioner NC recommended that Deborah Towslee be made the Village's new Zoning Administrator. She already serves in that role for the Village of Manchester. The Manchester work takes her about 30 hours a week and she would like to do more. She is highly recommended. She adds significant value to the meetings and processes in Manchester. The Village would keep her on her hourly pay scale, \$40 an hour.

EW said he knows her and he would highly endorse her too.

RR said it needed to be clear that she would be an independent contractor, not an employee of the Village.

EW moved to accept the recommendation; SA seconded the motion, and it passed unanimously.

NC also reported that the Planning Commission was continuing to work on revisions to the bylaws, in hopes of completing a draft by the end of the year, and seeking approval in 2024.

- b. Road Commissioner JW gave up update on the Fairview Street construction. He said the base had been completed, and the surface would be added next.

AS said she drove over the new base the other day, and ruts were starting to form in it. She asked what the process was to ensure the ruts would be smoothed out when the new surface is put down.

JW said he would find that out. He also said that the project had a fixed cost of about \$236,000, and the first check had been sent to Weaver, for \$134,000.

JW also provided an update on the outstanding car-damage claim from Fairview Street. He dealt with the insurer and thought they had decided not to pay the claim. But as of now, he was still waiting for confirmation of that in writing.

JW also said he heard from a concerned resident who said the crosswalks needed to be repainted. He said it would be best to wait until Fairview's repairs are done, so all the crosswalks can be painted at the same time.

- c. Tree Commissioner SA said that trees had dropped heavy branches on the cemetery fence, which led to some disputes with the Town of Bennington over who owned the property. This has been resolved: The Town of Bennington owns the cemetery land. The Town of Bennington also owns the land under the Old First Church. (However, the adjoining Catholic cemetery's land is owned by the Sacred Heart St. Francis de Sales Roman Catholic Church.)

SA also said there continued to be some uncertainty in Village documents about who is responsible for trees standing on private property within the first 25 feet from the center of the roads. It's clear that the people who own the property are responsible for tree maintenance within this space, but it needs to be made clear in the Village Bylaws.

SA also said that trees on private property that are more than 25 feet from the center of the road are not the Tree Commissioner's responsibility. Instead, they fall under the purview of the Planning Commissioner. And the only land that the Village of Old

Bennington owns are the traffic islands in the intersection of East Road and Monument Avenue.

NC said that there are rules for tree maintenance in both the Bylaws and the Ordinances. Both of them need to be reviewed. Whose responsibility will this be?

RR said that NC and SA could compose verbiage that would correct any inconsistencies between the Bylaws and the Ordinances.

- d. Parks and Sidewalks Commissioner SW said tree branches fell in Village parks after the last big storm, and she asked Pembroke to clean them up. They have done so.

She also said that Monument Avenue was dark recently, and when she called Monument Electric, they realized they had forgotten to reset the breaker after some recent repairs. Now the lights are normal.

SW asked for guidance on the next step with the Babcock property. She has sent letters telling the owners to trim back their overgrown shrubbery or else the Village would do it at the owners' cost. She has heard nothing in response.

RR and EW said the Village rules were very clear that the Village has the authority, after giving notice, to go ahead and have the shrubbery removed. The Village also has the power to place a lien on the property, so the outlays will be recovered when the place is sold.

AS said she'd call the attorney for the Town of Bennington and check whether anything else had to be done first.

- e. Treasurer RR said the sole large expense at the moment is the road repair. The cash balance at Bank of Bennington is down to \$130,000. RR will start to make transfers from HFCU (of cash from certificates of deposit that have matured) to Bank of Bennington, but this can't be done instantaneously. RR said he thought that as the CDs matured, it would be best to transfer all but \$1,000 out of HFCU.

For the warrant, the big item is the check to Weaver for road work. Green Mountain Power is higher than usual because they didn't send last month's bill in time for the September trustees' meeting so there's a backlog.

SA moved to approve the warrant; AS seconded the motion, and it was approved unanimously.

RR said he had researched competing bank proposals, and the best course of action was to keep all the Village's money in one bank. We're now below \$250,000 deposit insurance limit, but even if we go above it, the banks have ways of protecting us. In

general, they pledge collateral to an insurance entity, which will use the collateral to make the Village whole in the event of a bank failure.

As for interest rates, there isn't a great difference between the different banks being considered.

RR's recommendation is to stay with Bank of Bennington because they meet our needs and the bank uses the deposited money locally; RR would continue to move money from HFCU as the Village's CDs there mature, and deposit it in Bank of Bennington.

AS moved to stay with Bank of Bennington. SA seconded the motion. The motion carried unanimously.

RR moved on to the matter of funding of the Fairview and Bank Street repairs. He thought the Vermont Bond Bank was the right way to proceed. But to apply for that, we will need to engage local bond counsel, to ensure that we do everything in the way that the Vermont Bond Bank requires. The bond counsel will assist the Village in holding a special meeting to get the approval of the voters.

We will also have to have an audit of our most recent financial statements. This could cost about \$10,000. We could consider the cost of the audit as a cost of borrowing.

But we'd have to do all this before the end of December.

KW she didn't think the audit could be finished by then.

RR said the audit would have to be completed before the money was disbursed to us. The Vermont Bond Bank makes its decisions in January and June, with disbursements respectively in February and July. He added that the Village cannot make these road repairs without either borrowing or raising taxes. Shouldn't the next step be for him to contact the bond counsel and get an estimate?

KW said he would have to contact an auditor, too.

EW asked who the bond counsel should be.

RR said the Vermont Bond Bank has a list of practitioners. None of them is in Bennington, though. This is a specialty law practice.

SA moved to authorize RR to contact bond counsel and an outside auditor. AS seconded the motion and it was approved unanimously.

RR then reminded the trustees that they had asked him to prepare a collections process for late taxes. He relied principally on guidance from the Vermont League of Cities and

Towns. He noted that the trustees had previously recommended he ask the Town of Bennington about their policies and procedures. RR contacted the Town's Tax Collector as well as its Town Manager, but he received little helpful information. Neither the Tax Collector nor the Town Manager responded to multiple requests for copies of any written policies and procedures that the Town follows.

RR said that in some respects the matter was pretty straightforward. If the Village is going to opt for a tax sale, that's the last tool we have, and it's a complex process. RR wouldn't feel comfortable about doing that without legal advice.

Some expressed concern that a tax sale would be a drastic measure, especially if the overdue taxes were relatively small.

RR said the tax collection policies and procedures are all based on the guidelines of the Vermont League of Cities and Towns. He brought their manual to the meeting, "Handbook for Collectors of Delinquent Taxes."

EW asked whether the tax sale is for anyone at the two-year mark.

RR said that the Town does it at two years, but we can make it anything we want.

AS said she would like to look at the Vermont League of Towns and Cities manual.

RR said the League sells it. His is from 2019 and it may not be the most recent edition.

AS said she thought the trustees needed to review the tax collector's manual and RR's recommendations. "I think it's part of the fiduciary responsibilities of trustees to understand these things."

RR said there's also a requirement that the treasurer and tax collector be bonded, and he thought the trustees would want to be bonded too.

KW said she thought the Village might already have this coverage through PCTIV. RR said he would follow up to be sure.

5. Changes/updates to the minutes for September's meeting:

AS said she had received an email from Jonah Spivak, requesting changes in the minutes from Sept. 5, 2023. She checked with the Vermont League of Towns and Cities and learned that factual errors should be corrected, but other than that, the minutes are supposed to capture the essence of what was discussed, and are not supposed to be verbatim transcripts. In this case, there were factual errors in references to different

road and railway rights-of-way. AS will provide those corrections for MW to make, if the trustees approve.

SW said Jonah Spivak also wanted the word “planned” changed to “suggested.”

EW said the minutes should also mention that the trustees had discussed writing a letter to the state, in support of installing security cameras on Monument Circle.

SA moved to have MW make those changes to the September minutes. EW seconded the motion and it passed unanimously.

6. Old Business

AS said there were still some issues to resolve about the suggested pathway improvements.

SA said it all seemed to come down to whether the trustees wanted to have the improved pathway or not.

SW says it was a big topic that needed discussion; the trustees were not ready to vote on it.

SA said the trustees had been discussing this for two years, and there was not much else to say.

AS says Jonah had wondered if we could at least sign a letter expressing interest in the idea.

SA moved to not support the pathway concept. JW seconded the motion, but said he had something further to say: He thought it was clear that the pathway improvements were a way for the Town of Bennington to expand its pathway system, and it doesn't really have anything to do with the Battle of Bennington. He said it was not a wise expenditure of taxpayer funds.

AS said she could never approve of a project when the trustees have been given no estimates of the possible cost or the effect on taxpayers.

SW said there were too many gray areas about who will pay for which part of the pathway. Jonah hadn't been able to provide those details. “I like the idea of a nice, orderly path for people to walk on. But I don't think we can even vote yet.”

EW said all the trustees had been asked to do was to write a letter of support for pursuing more information about a possible pathway. “I haven't heard that any

taxpayer dollars would be spent. I've been very much in support of the Bennington pathway system as a whole, but I don't understand how our Village part would connect with the Town's pathway system. I think the Ask was: Are we in support of pursuing the feasibility of the pathway?"

SA said he would oppose the pathway expansion even if the trustees had all the information. To him, the question was whether the trustees support the pathway as a concept.

After discussion as to how a motion should be articulated, SA made a "motion to support the pathway (for Old Bennington) as a concept." SW approved the motion. SA, AS, and JW denied the motion. EW abstained.

After the vote, the meeting was adjourned.

Here is the link to the Zoom recording:

https://us06web.zoom.us/rec/share/DZJTtJkSHO9HuNODo7uzSWMmohakG5khHKZsqY3ys2xl-xM12CcHHbPUU5CoiG4t.ynGEmoKtfuX_n3LL?startTime=1696374018000
Passcode: 6j3tS%Q4