

Village of Old Bennington  
Trustees' Meeting Minutes  
August 1, 2023

The meeting was held at The Barn, and on Zoom.

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

Officials Absent: Trustee Steve Anisman.

Citizens Present: Thomas Scheetz and Tamara Kremer via Zoom.

1. Opening: The meeting was called to order at 7:00 p.m.
2. Changes/Updates to the Agenda: None.
3. Minutes: There were no changes to the July 11, 2023, minutes. EW moved to approve them, JW seconded the motion, and the trustees unanimously approved them.
4. Reports of Commissioners, Officers and Committee Chairs:

- a. Planning Commission:

Nancy Coseo reported that commission members are still working on revisions to the Village bylaws to make them comport with the new Vermont Home Act. This will take months.

Kathy Wagenknecht mentioned that there has been activity at a the Walloomsac Inn, however there has been no recent communication between the Planning Commission and the family. NC will be in touch with family members for an update.

The family members are working on a resolution.

- b. Road Commission:

Jim Warren said he had signed 1) an acceptance for Weaver Excavating to do the planned road work on Fairview, and 2) a contract with MSK Engineering, to administer the contract with Weaver. The cost of administration, up to \$29,000, was previously approved.

AS suggested all documents for the Fairview project be stored under “Contracts for Reconstruction of Fairview,” within the “Contracts” section of the Village website.

JW said the Village has an outstanding claim of \$1,064 for damage to the car of a driver who hit a pothole on Fairview. He will wait to see how the Village’s insurer, the Property and Casualty Intermunicipal Fund, PACIF, handles it. (PACIF is part of the Vermont League of Cities and Towns.) The law provides a “sovereign immunity” shield, so the Village is not liable unless the driver can show negligence. There was a discussion of what could be done to minimize further damage.

EW asked for an update on Church Lane, which feeds drivers into a homeowner’s private driveway. AS said the Old First Church needs the lane for cemetery access. A grassy space nearby cannot be used as a turnaround, because there’s a septic tank under it. There was discussion of whether the Village can lawfully restrict access to a Village road. EW will take the matter to the Town of Bennington Traffic Department and see what they do in cases like this.

c. Tree Commissioner:

No report.

d. Parks and Sidewalks Commissioner:

Susan Wright said she tried to check the cost of some sidewalk repairs, but stopped when the vendor told her to spray-paint the broken sidewalks first.

There was a discussion of properties where weeds and brush are encroaching on the sidewalks and streets, blocking drivers’ vision and creating a hazard. SW will send letters setting a 15-day deadline and warning that if the weeds aren’t gone, the Village will have them removed at the homeowners’ expense. If the payments aren’t forthcoming, the Village can attach the owners’ tax bills.

There was a warning about wild parsnips sprouting abundantly in open spaces, and a request that the Village groundskeeping contractor control them. Wild parsnip sap can cause a painful chemical burn if it gets on people’s skin.

e. Police Commissioner:

Ed Woods said he couldn’t give a full police report because the data aren’t in yet. He will give it at the next meeting.

Battle Day is coming up, and EW reminded people that there will be a series of activities at the Monument to celebrate this event.

It was also mentioned that individuals have been using metal detectors to search for buried objects on the state-owned Monument property, which is illegal.

f. Treasurer:

Ron Rabidou said the Village received two deposits from the state highway fund, one from last year and one for this year. Fines totaled just \$70, and RR will ask the Police Department why.

The current Warrant included regular monthly items plus MSK's bill for road-repair preparations and Pembroke's bill for groundskeeping. EW moved to approve the Warrant, AS seconded the motion, and the trustees unanimously approved it.

There was a discussion of the Village's fiscal year, which starts on April 1; the trustees then approve the annual budget in May, a month later. State law calls for municipalities to approve their budgets before the start of their fiscal years. The Village bylaws call for our one-month lag, which allows the Village to have a complete set of prior-year numbers in hand for the annual meeting. Rather than revise the Village bylaws, the trustees could give the budget a temporary approval by April 1, to be codified at the annual meeting. Or it could enact a continuing resolution with respect to the State statute.

5. Old Business: None.

6. Other New Business:

AS and EW reported on their preliminary meeting with Town of Bennington officials to discuss the upkeep of the roads. The Town Manager and Assistant Manager said they were interested in going down any avenue that makes sense to the Village.

There are two possible approaches, to be considered in order:

First Approach: The Village now contracts for road maintenance with outside providers, including plowing, repairs, sidewalk maintenance, and road replacement, as with Fairview. In the future, the Town of Bennington could be that contractor, if the price is attractive. The Town would issue an invoice for the work, and the Village would pay it. This process might be more efficient, and the

Village might benefit from the Town's expertise and larger purchasing volume, which allows it to buy materials more cheaply.

Second Approach: To incorporate the ownership of the roads only into the Town of Bennington. This Second Approach would need to be discussed more thoroughly, but for the moment we will discuss just contract maintenance, as noted in the First Approach above.

EW and AS will continue to meet with town officials to understand the financial impacts of a maintenance contract (First Approach).

Tamara Kremer, a Citizen participating on Zoom, asked for more information on the long-term effects of keeping the historic Village but handing over the roads to the Town. She was concerned that the Town might change some aspect of the Village roads without the Village's consent.

EW said we will continue to look at all options.

7. Adjourn:

EW moved to adjourn the meeting at 8:11. SW seconded the motion. The meeting was unanimously adjourned.