Village of Old Bennington

Trustees’ Meeting Minutes

Sept. 5, 2023

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

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, Peggy Hammond, Steve Korn, and Jim Thatch.

Guest Speaker Present: Jonah Spivak.

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 Aug. 1 minutes and they were unanimously approved.
4. Guest Speaker: AS announced Jonah Spivak and asked those present to hold their questions and comments until he finished his presentation.
5. Presentation: Jonah Spivak (JS) is the Communications Coordinator for the Town of Bennington and is active in planning for the 250th anniversary of the Battle of Bennington, in 2027. An expanded pathway is being planned for visitors. He presented maps showing that the pathway would run along the Old North Road, which is owned by the Village, and along an old railroad right-of-way that’s owned by the Town of Bennington. A viewing platform or trestle on the site of the old Corkscrew Railroad is also being considered. The Town of Bennington’s Recreational Trails Program, a part of the Department of Forests, Parks, and Recreation, would probably fund the improvements, but it would expect the Village to pay a 20 percent match. The State of Vermont is also interested in helping to fund the pathway, but it needs more detailed information.

At a previous Trustees’ meeting, questions had been raised about how to prevent disrespectful behavior if the pathway is built. Even now, visitors to the monument sometimes spread out on residents’ lawns to hold picnics, and relieve themselves in residents’ shrubbery. JS said solutions might be to install Porta Potties during the tourist season, to set up picnic tables on public land, to put a stockade fence or a hedge between the pathway and the abutting properties, and to put up signs laying out the rules.

There were also questions about crime and whether an improved pathway might make it worse. JS said he got 25 years’ worth of incident reports from the Police Department, and they showed 61 total incidents: 6 vandalism, 2 underage drinking, one theft, one burglary, and one assault. The other 50 reports were for insignificant things like false alarms. He checked with Williamstown, which has built a public pathway, and found that most neighbors thought that crime did not increase, but nuisance conditions did, like people not picking up after their dogs.

JS also set up a trail camera on the existing path to learn how it’s being used. Over the past year, the camera recorded 599 people walking, 18 landscapers working, 12 bicyclists, 80 people walking their dogs, 3 hunters, 24 people going into the bushes, 47 deer, 10 foxes, 18 small rodents and 2 raccoons. In total, there were 736 people and 79 animals.

JS said that the 250th anniversary gives us a chance to think about how our community can memorialize and share history. “How we got here is a civics lesson that our country desperately needs right now.”

1. AS asked the trustees and officers for their questions and comments, noting that there would not be a vote at this meeting.

SA said he saw no compelling reason to have an improved public pathway, and questioned whether a pathway is really a historical item. He said expanding the pathway would be “terribly deleterious to the people who are directly affected.”

SW said that if tourists are given an accessible trail, they’ll use it, and the presence of tourists is a good thing. We don’t have an industrial tax base any more, and we need the revenue that comes from tourism.

EW said the “Rooms and Meals Tax” is Vermont’s biggest revenue source. He said the trustees need to know how much detail the state requires before it can make a financial commitment.

KW said there’s no extra money lying around in the budget and she wonders if this project couldn’t be done in a minimal way—maybe just a sign instead of a lot of amenities.

NC said we need to think about who’s going to take care of the pathway after the 250th anniversary is over.

AS said she wanted to know who, between the State, the Town and the Village, would be paying for which elements of this project. The Village is very focused on keeping costs down, and people won’t be willing to vote for the pathway if they don’t know how much it’s going to cost. She also said that when she served as Police Commissioner, she learned that there was a spike in crime in 2021, and she wanted more information about that now, for context.

1. AS asked for public questions and comments.

Steve Korn, a resident, said he lives next to the old bed of the Corkscrew Railway and he knows that even now, visitors go exploring on the residents’ private property. He didn’t want anything that would encourage even more of that.

Jim Thatch asked whether the Board is prepared to write letters requesting state money and wondered why that hadn’t been done already.

Peggy Hammond said her land abuts the pathway and she has never felt threatened by the people walking there. She’s pleased when groups of people feel they can come onto her property uninvited, as some tourists recently did; she’s glad they think it’s beautiful. The landscape is better with people in it. She thinks it seems lonely in the winter, when no one is walking on the path.

1. JS said he wasn’t able to draw up a detailed budget but could get more police data for the Trustees.
2. Further discussion on agenda for October meeting.
3. Reports of Commissioners, Officers and Committee Chairs:
   1. Planning Commissioner, Nancy Coseo

Our zoning administrator has resigned as of Aug. 31. Currently NC is serving as acting zoning administrator and looking for a permanent replacement.

NC responded to a question about short-term rentals in the Village. She believes there are currently two of them. The state’s recently enacted Home Act has some provisions limiting them, so they don’t crowd out long-term rentals. Our bylaws say they must be rented for at least 30 days. Other villages require them to be registered and to pay a tax. The Planning Commission is looking at these issues as it continues to revise the Bylaws to align with the Home Act.

* 1. Road Commissioner, Jim Warren

Exploratory digging for water pipes on Fairview is done, and Weaver Excavating now thinks the road repairs will take two weeks. They will try to keep Fairview open in the evenings, but there may be periods when people can’t drive through. The construction will be announced in the Banner, and there will be lighted signboards for drivers approaching Fairview.

* 1. Tree Commissioner, Steve Anisman

A large branch fell from a tree near the cemetery but work is being done to remove it. Other residents have raised concerns about dangerous dead branches on the trees in front of the Church. SA said the current rules hold the property owner is responsible for pruning off dead branches, but sometimes it isn’t clear whose land the trees are on.

KW said the cemetery is owned by the Town of Bennington, as is the land the Old First Church stands on.

d. Parks and Sidewalks Commissioner, Susan Wright

SW has written and mailed the letters to the homeowners with neglected and overgrown shrubbery, but she has not received any responses.

RR said that our bylaws state that homeowners have 15 days to remove the overgrowth, and if they don’t, the Village will have it done and bill the homeowners for the cost.

EW said residents have been complaining for at least six months, and the Village should go ahead and cut back the plants.

1. Police Commissioner, Ed Woods

The July Police Report showed 40 hours of policing and 11 tickets. EW talked with the chief about why there’s so little ticket revenue. The police have been trying to educate the drivers they pull over. EW told them to issue tickets.

The police union contract calls for a Cost of Living Adjustment as of Aug. 1, so our cost per hour is now $56.45 instead of $52. SA moved to have EW sign the Memorandum of Understanding; JW seconded the motion and it was unanimously passed.

1. Treasurer, Ron Rabidou

RR has been researching bank interest rates for the Village’s reserves, but so far he has learned that governments can’t typically get interest rates as high as consumers do.

The current warrant includes payments due to the former zoning administrator, the police, MSK Engineering for work completed, Pembroke for mowing grass and spring cleanup, plants for the flower boxes, and the rent on the Village’s Post Office box. SA moved to approve the warrant, AS seconded, and the warrant was approved unanimously.

RR looked into whether the Village should make it possible for residents to pay their tax bills with their credit cards. The taxpayer would be charged a 3% fee for this, but the Village would also pay a fee, and with just 96 taxpayers, it might not be worth it.

EW said the Village should make it as easy as possible for residents to pay their taxes.

KW said she didn’t think the Village should allow credit-card payments if the Village would have to pay a fee.

RR said the IRS uses the ACI payment service and the taxpayer pays a percentage fee, and the municipality pays a management fee. He will check and see whether it will give the Village those terms.

RR said the Village must decide how to deal with delinquent taxpayers. The Vermont League of Cities and Towns says the next step is to file a lien, but for that the Village needs an attorney. Do people agree?

AS recommended that RR come up with a policy that can be posted in writing, so that residents can easily find out the process.

1. Presiding Officer, Anne Slattery

AS suggested that the Trustees adopt the same rules of procedure that the Town of Bennington uses at its meetings. They comply with Vermont’s Open Meetings Law. We expect an increase in debate over such issues as the Home Act’s density laws. We need guidelines that will allow us to treat all Villagers equally, and to keep the length of our meetings predictable. We should also post the rules, so it’s easy for Village residents to find them.

EW moved to discuss AS’s proposal. SW seconded the motion to discuss. The motion to discuss carried unanimously.

RR has heard that the Town’s rules are rather rigorous and inflexible. It’s a much bigger body of government than the Village and lots of people come to every meeting and speak. The Village is small and we have prided ourselves on being open and friendly, and letting people come and raise their hands if they have something to say. In the past that practice has given us good input from residents.

SA said the Town’s rules seem to concentrate power in the hands of the selectmen and he prefers the Village’s current format.

AS said the rules of order should be memorialized, with an agreed-upon time limit. We should find a happy medium that gives everybody an equal chance to speak, while keeping meetings from turning into free-for-alls. The State of Vermont empowers presiding officers to establish such rules.

The Trustees agreed to read the Town of Bennington’s rules of procedure and discuss them further at the next meeting.

SA moved to adjourn the meeting at 8:26. Many people seconded the motion simultaneously and the meeting ended.