

Village of Old Bennington
Trustees' Meeting Minutes
May 7, 2024

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

https://us06web.zoom.us/rec/share/c27az31uJcInSNSK1x7tK-j4AmMOq6Pjnf75enWhcsdVZoeKCWsGp299rBb_h9-.4tNKntaNkLLi8tFQ

Passcode: Ef+PE1^G

Officials present: Presiding officer Anne Slattery; Trustees Jim Warren, Ed Woods, and Susan Wright; Planning commissioner Nancy Coseo; Treasurer Ron Rabidou; Auditor Kathy Wagenknecht; and Clerk Mary Walsh. Trustee Steven Anisman attended the meeting via Zoom.

Citizens present who made comments included: Galen Jones, Renny Ponvert, and Megan Schwartzkopf.

1. Call to order: The meeting was called to order at 7:01 a.m. by AS, who noted that the meeting was being recorded.
2. Changes or updates to the agenda: AS added that this afternoon, the State of Vermont has begun installing fencing around the Monument, out of an abundance of caution, because some pieces have fallen off. The fencing will allow visitors to approach the Monument only under a protective canopy. The State will give the Village a written statement of its plans for repairing the Monument. NC will be adding detail in her Planning Commission report.
3. Approval of the minutes from April 2, 2024: EW moved to approve last month's minutes. JW seconded the motion, and the minutes were unanimously approved.
4. Citizen comments not related to the agenda:
 - a. Megan Schwartzkopf said she had a bad fall in front of 11 Monument, where the sidewalk has a newer slab that is not level with the rest of the sidewalk. It poses a dangerous tripping hazard. Since her fall, she has heard about other pedestrians falling there. SW agreed and said she had already asked MSK to send inspectors to look at that part of the sidewalk. They have told SW that they have asked the contractor to fix this.
 - b. NC said that the Old First Church will hold its annual tag sale on June 8. They're accepting clean items in good condition, but cannot accept clothing or books.

5. Appointment of Planning Commissioners: AS said two people had offered to serve on the Planning Commission, Galen Jones and Chris Ponessi.

a. Galen Jones has been a Planning Commission member and is now up for re-election. EW moved to appoint Galen Jones to the Planning Commission. JW seconded the motion, and the motion was unanimously approved.

b. Chris Ponessi, of 34 Monument Ave., works for Mance Engineering and has extensive experience working with development-review boards in Shaftsbury and elsewhere. AS moved to appoint Chris Ponessi a seat on the Planning Commission. EW seconded the motion, and the motion was unanimously approved.

NC said that the two new members' terms will start at the Planning Commission's May meeting and run through May, 2028. The full Commission will now consist of Carl Feltz, Galen Jones, Chris Ponessi, Renny Ponvert, and Brian Scheetz.

6. Reports of Commissioners:

a. Planning Commission: NC said that for transitional purposes she would stay on long enough to deliver the Bylaw revisions to the trustees. There was a discussion of NC's transitional role. AS moved that NC be appointed to a temporary spot, not to exceed three months, while the Commission finishes revising the Bylaws and holds a public hearing on the revisions in June; doing this will preserve NC's voting rights during the transition. EW seconded the motion, which was unanimously approved by the Trustees. However, a new chair of the Planning Commission must be elected at its May 13 meeting.

NC provided more information on the fence around the Monument and the State's work. Her contact person is Jamie Duggan, of the Department of Buildings and Grounds. He told NC that a previous assessment of the Monument's condition led to some repairs that have failed. The State has just received a Phase 2 report, gives a more detailed assessment of the Monument's condition. It says that the mortar is the problem. It has to be reworked. The goal is to keep the Monument open and safe. The Village Planning Commission has had good experience in dealing with the State on issues like this in the past. They are good about keeping the Village informed and involved. Jamie Duggan has come to Planning Commission meetings and helped with design review. The fencing to be used around the Monument will be the same type that the State used last year to keep people away from flooded buildings in Montpelier. SW said the 250 Anniversary Steering Committee is aware that this is going on and she thinks it will take advantage of the State's scaffolding in some way.

AS said that as of now there was no official funding for any work on the Monument and the State has not yet decided how much money it will provide. They are trying to get substantial federal grants for the work.

b. Roads Commissioner, Jim Warren: JW said there was nothing to report except that citizens are reporting potholes. He recommended having Jerome put some hot mix into those, and said he would contact Jerome for that purpose.

c. Tree Commissioner, Steven Anisman: No activity to report.

d. Parks and Sidewalks Commissioner, Susan Wright: She has found a contractor who gave a quote for repairing the sidewalk pavers that are now painted with red Xs. This will eliminate the tripping hazards. She has been thinking that if the Town could take over the Village's streets, the Town might take over the sidewalks, too. For now, though, she'll continue to handle sidewalk repairs as they come up. Also, Pembroke has been in the Village, picking up fallen sticks and debris.

e. Police Commissioner, Ed Woods: As previously discussed, EW has spoken with the sheriff about the cost of patrolling Old Bennington, now that we will not have a dedicated Town patrol car in the coming fiscal year. If the Town Police Department were going to be patrolling it would cost us about \$4,500 a month. The Sheriff's quote is about \$5,500 a month, a substantial increase. We haven't budgeted for this. Part of our problem is that the State has changed the way it transfers the money collected for traffic fines back down to municipalities. The Sheriff's Department is fully funded with contracts like this; providing local patrols for a fee is their business. It would look more attractive if we had the money, but at the moment we do not. There was a discussion of alternative ways to make speeders in the Village slow down. Hopes were expressed that it would be easier to work on anti-speeding measures when the roads are under the Town's control. AS moved to table the issue of Sheriff patrols until the next year, and let the Sheriff's Department know that. SW seconded the motion and it was unanimously passed by the Trustees.

f. Treasurer, Ron Rabidou: RR read the expenditures for the past month, which are in his report. There was a discussion of the striping on the roads, and the problems that come up with the stripes fade. There's a faded one on Highway 9, but it isn't our road. EW said he would ask who is supposed to be fixing that.

RR said that the Village will join with the Town with respect to any tax sale on 18 Walloomsac Road, which is more than two years past due. KW said she had spoken with Tzaims Luksus's son earlier in the day, and he said he would try to stay abreast of the situation. There was a discussion of the status of the Weingarten property, because at the moment the RR's correspondence is going unanswered. RR said he would send another letter.

As for the warrants, RR said there were five checks totaling about \$4,500. AS moved to approve the warrants. EW seconded the motion, and all voted to approve the warrants.

g. Auditor, Kathy Wagenknecht: KW said the draft of the Village's outside audit is now in hand. The auditor found a few minor things to be corrected. The main one is the Village's treatment of expenses. For at least 20 years, the Village has listed these amounts as expenses in the month we receive the invoices, but the accepted accounting practice under the modified cash

basis of accounting is to record the expense in the month we pay the invoices. For the Village, there's a one-month lag.

EW asked if this meant that the Village would have to switch from "cash" accounting to "accrual" accounting. RR said doing that would be a lot of work, of debatable benefit. He said the Trustees should decide if they wanted to go to the trouble at this point. There was a discussion of pros and cons. RR recommended that the Village start using the "modified cash basis" of accounting, effective April 1. EW moved that the Village elect the "modified cash basis" effective April 1. AS seconded the motion. There were no objections and the motion carried unanimously.

7. Board of Abatement update, Anne Slattery: AS said the Board of Abatement had made a decision, which the Secretary of State's guidance says must be disclosed in writing in the next five days, along with the rationale.

8. Village/Town roads discussion, AS, EW and RR: EW said the two legislators we were instructed to work with on this matter had needed ample briefings on the Village's legal status. They are accustomed to getting requests in the form of a "request for a charter change," but the Village can't give them that because it doesn't have a charter. After digesting this information, the two legislative representatives said that a vote by the Village would add gravitas to the proposal, and that the Village should schedule a special meeting on the topic.

Renny Ponvert said he was unaware that the Trustees were to have any discussions with legislators in Montpelier, and he thought the Villagers should have been informed.

RR then read the minutes of the April 2 Trustees' meeting, to the effect that the Trustees had publicly reported that they would be in touch with the two legislators, on the advice of Merrill Bent, and described the process. The minutes said further that when the legislators understood the Village's situation and goals, they would give the matter to Legislative Counsel, so that a bill can be drafted. The full process is likely to take months.

There was a discussion as to why a resident had cited a lack of proper public discussion, when the minutes showed that this topic had been discussed at every meeting for the past four months.

EW said that RP had asked good questions about control of the Village roads, and the Trustees were still trying to button up the answers. RR said the Village couldn't hold a constructive meeting on this topic until there was a full understanding of the required legal process and the probable results. He said the Trustees were still gathering the necessary information and would bring the matter before the residents of the Village when they had it. AS stated that the process was to call a special meeting, which is the law.

9. Old business: None.

10. New business: RP requested an agenda item about the roads, so that Village residents could ask for information in public. AS said there had been monthly agenda items on this subject, but

she would arrange one or more additional meetings, where Merrill Bent and Stuart Hurd (Bennington Town Manager) could be present to answer questions too.

11. The meeting was unanimously adjourned at about 8:50 p.m.