

Village of Old Bennington  
Trustees' Meeting Minutes  
Feb. 6, 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/hlRI5YvohGXzwN031Df4EfZhXy8YDLHGDSxULfUbO6gxNIYEAHsJK5N\\_v8IHpl-V.voepP27ngDCp-bZf](https://us06web.zoom.us/rec/share/hlRI5YvohGXzwN031Df4EfZhXy8YDLHGDSxULfUbO6gxNIYEAHsJK5N_v8IHpl-V.voepP27ngDCp-bZf)

Passcode: 1bJ!6CW+

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

Officials absent: None.

1. Call to order: The meeting was called to order at 7 p.m. by AS, who noted that the proceedings were being recorded.
2. Changes or updates to agenda: AS said there would also be short updates on certain lists we're required to keep, and on a proposal for a commercial tax.
3. Approval of minutes from Jan. 2, 2024: SA moved to accept the minutes. EW seconded the motion. The minutes were unanimously approved.
4. Citizen comments not related to the agenda: Renny Ponvert said he wanted to introduce the idea of a commercial tax, which could be discussed in detail at a subsequent meeting. He said that judging by the discussion at the last few meetings, it seems as if a property tax increase is inevitable; the only question is the scale. As we prepare the budget for the coming fiscal year, he wants the Trustees to consider taxing commercial buildings in the Village. There are at least three Airbnbs, for example, a rental property, the Four Chimneys Inn, and so forth.

JW asked if Airbnbs were now legal in the Village. NC said that our bylaws say people aren't supposed to rent out their property for periods of less than three months. But there are some people who don't adhere to that rule. She has heard people saying they were "grandfathered," but she hasn't ever seen any documentation of that. We do have some options in this area. A few other Vermont villages have started requiring Airbnbs to register, and they collect a fee for registrations. She has looked into the "local option

tax,” a way of raising additional revenue that some municipalities use, but Ron knows more about that.

EW said the Town hasn’t pursued a local option tax yet and might put it on the agenda for its fiscal 2026.

AS said we will return to this subject at the March meeting.

5. Reports of Commissioners and Officers:

- a. Planning Commission: NC said she has heard from Bill Kaiser, and he knows the temporary fence around the Walloomsac Inn has to come down by March 31. There are no further updates on the Inn. The Planning Commission will meet this month to get the revised bylaws ready to present to the public, which they hope to do at their March 11 meeting. If they’re approved, they’ll be next presented to the Trustees for final approval. After that, the Planning Commission can start working on the Village Development Plan.
- b. Roads Commissioner: JW said he got some complaints from the person living in the former Weingarten house at 57 Monument Ave about terribly loud snowblower noise. EW said he’s aware of those complaints and he has informed that person that the noise ordinance is a Town ordinance, not a Village ordinance, and in any case, it has an exception for snow removal. Separate from that, EW said he received a bid for new stripes at stop signs and crosswalks, which have to be done in the coming fiscal year. He’ll supply the bids in time for budget preparation.
- c. Tree Commissioner: SA said there’s no news to report.
- d. Parks and Sidewalks Commissioner: SW said Pembroke Landscaping got in touch about putting herbicide on the swales. After discussion, Trustees agreed that this needs to be done to prevent roadside swales from deteriorating. SW will reach out to Pembroke to discuss best plan of action.
- e. Police Commissioner: EW said he got a new report from the police, saying it did 20 hours of patrolling in January, for four tickets and 14 warnings. He will follow up with the Police Chief.
- f. Treasurer: RR gave the monthly expense report and noted that the Village was billed twice for 30 tons of salt. JW said he had asked the salting contractor about that and they told him it was a correct order. He also noted that the crews are plowing the streets like crazy even though there hasn’t been very much snow. People expressed further concern about the cost of salting and plowing. Separately, RR said he inadvertently paid a legal bill twice, so our legal expenses are less than what they now appear. The Village has one more CD maturing on Feb. 17, and then all balances

will be transferred to the Bank of Bennington. On property taxes, the Hammond account is now up to date but Weingarten is not.

RR said that we will need to finalize our budget for the coming fiscal year at the March meeting so that it's ready to be presented at the annual meeting. Therefore, he will need the estimated budget requests ten days before our March meeting, or by February 23.

RR gave an update on his work on tax-sale policies and procedures. He checked with Attorney Merrill Bent, who recommended moving forward on the Luksus property, as it has the most serious delinquency. The property owner refuses to enter into a payment arrangement and asked for an abatement. The Clerk will follow up with a request from the property owner outlining his inability to pay. EW said that the Town has never granted an abatement based on "inability to pay", as the subject property always has some value. Once the taxpayer provides the documentation, a board of abatement will convene.

AS asked RR to discuss the State's new legislative initiative on tax sales procedures. RR said there's a pending bill that would essentially eliminate the ability of municipalities like ours to conduct tax sales. The bill would require a five-year "redemption period," so that if there's a tax sale, the buyer wouldn't be able to take title to the property for five years. This proposed legislation also calls for the past due tax amount to be at least \$15,000.

RR said he intends to write to the legislators and tell them that this legislation is not acceptable.

AS asked RR for information on the residency list requirements. RR said the Village needs three lists to conduct its business. The first is the taxpayer/property owner list, which we get from the Town assessor's office. The second is a voter registration list, which the Village is required by State law to post 30 days before any meeting requiring a community vote. Making this list is little bit complicated because everybody in the Village registers to vote through the Town. So we need to get Town's voter registration list and filter out the names of just the registered voters who live in the Village.

MW said she has completed the Village's voter list.

RR said the third list contains the names and addresses of residents, those people who should get the Village's annual report and other documents of that nature. MW asked if the third list is supposed to be posted on the Village website, because there are residents who have asked her why their names aren't on a list on the website. AS confirmed that the third list is for internal use and will not be posted.

- i. Auditor: KW said she has notified the independent auditor that we don't plan to issue a bond. RR said he has also been in touch with a junior auditor at that firm. They know we don't have a tight deadline at this point.
6. Update on road maintenance, construction and financing: AS said that decisions were made in 2019 that the Village would increase its highway tax rate to equal the Town's highway tax rate. We've had two small increases since then, but we're still way below parity with the Town. As a result, the Village highway tax rate has not been sufficient to cover road costs. This is why we don't have enough revenue to pay for necessary road maintenance.

RR has done a lookback that shows that if you count the Village's low highway tax rate every year from 2005 through 2024, the Village has collected a total \$790,621 less than what it would have if it had charged the same rate as the Town. We have to deal with this in the current budget.

RR said that part of the problem is that when the Village resolved in 2019 to match the Town's highway tax rate in two years, the Village failed to take into account that the Town would be raising its rate even more during those two years. So even though we tried to catch up, we never did.

KW said that at the same time the Village wanted tax-rate parity, it wanted to be sure it didn't give any residents a disincentive to live here, as opposed to in the Town.

AS said that by the time the Trustees meet in March, we will probably have an idea of the Town's highway tax rate.

AS provided an update on the discussions with the Town about our roads. AS, EW and RR met with Town Manager Stuart Hurd and Assistant Town Manager Daniel Monks to discuss collaboration with the Village on roads and other infrastructure. The two were aware of Ron's recent findings of the Village's options for financing road maintenance, all of which require some combination of tax increases and/or borrowing.

Three options were discussed for the Village and Town to work together: 1) a full merger, with the Village being absorbed by the Town; 2) the Village could contract with the Town as our vendor for road maintenance; 3) The Town and Village merge together, with a memorandum of understanding that allows the Village to remain in control of land use regulations and other aspects of the Historical District.

The parties agreed that the third option would likely be the most likely to win support of Village voters. At first glance, it appears that this resolution would have the least tax increase for Village taxpayers.

Language needs to be explored that assures the Village control of certain aspects “in perpetuity”. Further discussion and legal consultation are next steps.

AS pointed out that in this scenario, the Town would do the Bank Street repairs. Trustees will inquire with VTRANS to determine if the \$200k grant awarded for that work could be transferred to the Town.

There was further discussion about what finances would be necessary to run the Village once this agreement is in place. It was suggested that it would take very little money to manage land use and historic aspects of the Village.

A discussion regarding the fiscal year calendar followed. The Town is on a July 1 to June 30 fiscal year while the Village is currently on April 1 to March 30 fiscal year. We need to budget Fiscal 2025 as normal but should consider making the calendar change.

KW mentioned that it would be important for the Village to remain named The Village of Old Bennington. Trustees agreed that this is a priority.

NC mentioned that members of the Planning Commission should participate in discussions with the Town when appropriate. AS suggested that in addition, experienced residents of the Village also ought to participate.

7. Warrants: EW moved to accept the warrants that RR presented. SA seconded the motion and the warrants were unanimously approved.
8. Old business: None.
9. Other business: NC asked if RR would send out a proposed budget soon, so that the Planning Commission can know what the costs look like and provide input. EW recalled that when KW was Treasurer, she sent that information out to people, together with the prior year’s budget.
10. The meeting was adjourned at 8:32.