

Village of Old Bennington
Trustees' Meeting Minutes
June 2, 2026

[Note: The minutes have been corrected to include RP's intention to keep his seat on the Planning Commission until his successor is in place, as per Vermont statute, but will recuse himself from Planning Commission votes. He will vote solely as a member of the Board of Trustees. The correction is underlined in the text.]

The meeting was held in the vestibule of The Barn, because the usual meeting space was taken up by tag-sale preparations. The usual internet was therefore unavailable, and Zoom access for participants was audio-only, not video. We hope to be able to add a link to Zoom's audio-only recording of the meeting soon.

Officials present: Trustees Rennie Ponvert, Kristin Roessner, Jim Thatch, Ed Woods, and Susan Wright, with Jim Thatch presiding after the Board reorganization, and outgoing presiding officer Ed Woods serving as Zoom operator; Treasurer Ron Rabidou; Auditor Kathy Wagenknecht, and Clerk Mary Walsh.

Please note that the Trustees are still looking for a Zoom operator. Spread the word!

Village residents participating in person: Galen Jones, Brian Scheetz, Lucy Baldwin, and Rick Caswell. The names of people participating on Zoom were not visible.

1. Call to order: JT called the meeting to order at 7:04 p.m.
2. Changes or updates to the agenda: None.
3. Approval of minutes from the May 5 meeting: JT moved to discuss possible changes to the minutes and KR seconded the motion. There were no changes requested, and the minutes were unanimously approved.
4. Citizen comments not related to the agenda: None.

5. Reorganization: EW, the outgoing Presiding Officer, said this was the first regular Board meeting since the Village's election. There were two new Trustees, and Commissioner roles needed to be assigned.

EW first called for nominations for presiding officer. SW nominated JT. EW seconded the motion. RP nominated KR, but there was not a second. There was no discussion. EW called the vote, and JT was unanimously elected Presiding Officer. EW then turned the meeting over to JT.

JT called for nominations for Road Commissioner and nominated EW. SW seconded the motion. There was no discussion, and EW was unanimously elected.

JT said that SW was the longtime Parks and Sidewalks Commissioner. KR moved that SW be reappointed to that role. EW seconded the motion. There was no discussion, and SW was unanimously re-elected Parks and Sidewalks Commissioner.

JT said that he had been serving as Police Commissioner for the past year. EW moved for KR to become Police Commissioner. JT seconded the motion. There was no discussion, other than KR asking others' help in getting up to speed in her new role. KR was then unanimously approved as Police Commissioner.

JT nominated RP as Trees Commissioner. KR seconded the motion. In discussion, SW recalled that RP was the one who had suggested the Village start its tree-replacement fund. RP was unanimously approved as Trees Commissioner.

RR said that contact information for the Trustees, Commissioners and other Village officials needed to be updated for the Village website. He said he thought the Village website should provide only names, street addresses, and email addresses, without phone numbers. EW said he thought the Presiding Officer and Police Commissioner should have their phone numbers available on the website.

RR also pointed out that the Village website allows just 15 items per section (e.g., the Agendas section, or the Minutes section, both under the "Board of Trustees" tab). He said the State requires the Village to keep 12 months'

worth of minutes on the website at all times, but there has been a tendency to file supplementary documents in these space-limited sections, and they have crowded out the mandatory 12 months' worth of notes.

RR asked the Trustees for permission to reorganize the website in the clearest way possible. He said that if some of the supplementary documents had to be removed in the process, those documents could be retained indefinitely in the Village's iCloud storage account. It isn't open to routine public browsing like the Village website. The current practice is for members of the public to ask MW to retrieve documents as needed. LB asked if there was an index for the iCloud storage account, since it would be hard for residents to know what documents to ask for without an index. MW said that for now, there was no index. Nor were there systems for naming or organizing documents. The result was a jumble. She thought the iCloud storage space needed to be reorganized, too.

Also, with respect to the Village website, MW said one other problem is that the web builder the Village uses, GoDaddy, often blocks her when she's trying to post things. RR has tried many times to restore MW's access, but after a few weeks or months of normal access, she finds herself blocked again. (MW hasn't ever been locked out of the iCloud storage account, though.)

The Trustees unanimously approved reorganizing the website and the storage account. They agreed it would be worthwhile to find out which website builders other small nonprofit organizations use, in case there's something more reliable than GoDaddy.

JT said that a new Planning Commission member (Rick Caswell) was in attendance, waiting for consideration by the Trustees, but first the Trustees needed to talk about the conventions for selecting new Commissioners. When there are vacancies on the Planning Commission and Zoning Board, it takes a long time to fill them. This is especially true of the Zoning Board, where the term of even the Chair (David Silver) has recently expired.

The Trustees noted that BS's term (as Planning Commission Chair) had ended on March 31, the end of the Village's Fiscal 2026. JT moved to reappoint BS as Chair; KR seconded the motion, and BS was unanimously reappointed Chair. BS said that because the Village's new fiscal year had begun on April 1, he had led a Planning Commission meeting when his

previous term had expired and he hadn't yet been reappointed for Fiscal 2027. The Trustees agreed that this wasn't a problem.

RR said that a Nominating Committee had been established this year to identify possible candidates for the Board of Trustees, and he wondered if the Nominating Committee shouldn't also be identifying candidates for the Planning Commission and Zoning Board. BS said that the Nominating Committee had, in fact, found candidates for the Planning Commission, but those candidates weren't available yet – they were people interested in serving in the future. The Planning Commission had open seats now. BS said the Planning Commission had a total five seats, and at the moment only three were filled. Rick Caswell was the Commission's choice to fill one empty seat, but RP's election as a Trustee meant that another seat on the Planning Commission was now vacant.

BS said it wasn't clear whether RP was still a Planning Commissioner, now that he had been elected to the Board of Trustees. There was a discussion of whether RP could, in fact, still be a Planning Commissioner now that he was an elected Trustee. EW said he would strongly oppose RP attempting to fill both positions at the same time, since it would put RP into a conflicted position. RP said he had checked Vermont statutes and was sure there was no rule against a Trustee serving as a Planning Commissioner at the same time. RP also said that he planned to give up his seat on the Planning Commission as soon as a successor had been approved. In the meantime, he said he would recuse himself from any Planning Commission votes.

SW said she had been serving on the Board of Trustees for six terms, and the conventions had varied in that time. But she said she thought it worked best when the Commission had asked people to come forward, then interviewed those people. In any case she said the Village should be consistent and follow the same procedure every time.

BS asked if anyone knew what the law said on this issue. No one did. JT said the Board did have a procedure in place. SW said it should be adhered to. EW said that at a previous Board meeting the members had agreed that the Nominating Committee had become a permanent body, whose activities should be included in each month's agenda.

6. Board's consideration of Rick Caswell, a nominee for the Planning Commission: BS introduced RC, saying he had a long history of service, had

been a Trustee in the past, and had, in his interview, shown a strong knowledge of, and affection for, the Village. EW moved for the Board to approve RC's nomination to the Planning Commission. JT seconded the motion. In discussion, KW recalled that RC had been serving as the Board's Presiding Officer ten years ago, when she moved to the Village. The Board voted and RC was unanimously approved.

7. New application for a Conditional Use Permit: EW noted that this Agenda item called only for the Trustees to set a hearing date for the application, which is for 3 Seminary Lane; the details of the application were not warned for a discussion at the current meeting and therefore could not be discussed. BS said that an application for a Conditional Use Permit would go to the Board of Trustees, not the Planning Commission. (This is within the framework of the Interim Bylaw.) BS also said that although the date on the application was May 2, David Kiernan had made a note that he had received it on May 27. Since there's a 30-day time window, the Board has until late June to deal with the application. A hearing date in mid-June would conform to the warning requirements.

JT asked if it would work for everybody to schedule the hearing for Tuesday, June 16, at 7 p.m. No one objected. KR said she would be travelling but could participate by Zoom. EW said he'd let DK know about the hearing so that he could warn it in time. EW gave each of the other Trustees a copy of the application, emphasizing that it was to study, not to discuss, until the public hearing.

8. Reports of Commissioners:

- a. Roads Commissioner: EW said he was still talking with Pembroke and was hoping to be able to reach an agreement for the firm to remove snow from Village sidewalks again next winter.
- b. Trees Commissioner: RP said he had been surprised to find that each year, for the last three years, there had been some unspent money left in the Village tree-replacement fund. He wondered what the Board thought about possible changes in how the money was to be spent.

MW recalled that the fund had been set up to help pay for new trees to be installed after dead or dying trees were removed; it wasn't established to

help pay for dead branches to be pruned off of ailing trees, or for the removal of dead trees.

SW said RP could request a budget to work on the dying trees now standing on public land – for instance, on the Village Green. There was a discussion of who is responsible for the trees on the Village rights-of-way. RP said there's a body of law in Vermont that gives "tree wardens" purview over the removal of trees from rights-of-way, and it may empower the Village to compel people to replant new trees if they take down an existing tree without proper approvals. EW asked RP to do further research on areas where the rules were not clear, such as whether shrubs should be treated the same way as trees under the law, and whether the tree-replacement fund could help pay the cost of a property owner adding a new tree without first removing a dying tree. RC recalled that some years ago, he and another Trustee, Jim Warren, had chopped some trees down on the Village's south traffic island because they were in such poor condition.

- c. Parks and Sidewalks Commissioner: SW said that Norman LeBlanc of North Bennington had helped a lot with the repairs of Bank Street, and she was wondering if she should ask him about a possible joint arrangement for repairing sidewalks. She was advised to go ahead and pursue the possibilities.

SW said the Town of Bennington's Public Works Department had proposed restoring the Old Bennington Fountain on June 8, if the Trustees could agree to that date and were able to provide a plumber to fix a leak in the pipe. The DPW's job would be to lift the fountain from its base, excavate beneath it, and install a curb stop, at no cost to the Village. She said that previously, the Town's water utility hadn't been willing to get involved with the fountain, but apparently Jonah Spivak (head of communications for the Town) had talked them into it, perhaps in light of the coming 250th anniversary of the Battle of Bennington.

JT, who, like SW, has been working on 250th Anniversary preparations, said that the fountain had been tested, and was known to be leaking at the base. He said the DPW had a crew available for the other steps on June 8. KR said she knew of a good plumber and would see if he was available that day. RP made a motion for the Village to hire a plumber. SW seconded the motion, and it was unanimously passed.

SW also said she still needed to arrange for the installation of the new stone bench to replace the one that was broken during repairs of the Old First Church's steeple.

- d. Police Commissioner: KR had nothing to report, except to say that the main issues in the coming year are expected to be speeding, signs for the streets, and traffic calming measures. She said her employer (a bank) may require her to get its compliance officer's approval for her to serve as a Village trustee.
9. Report of the Treasurer: RR reviewed the invoices paid over the past month, which are listed in his monthly treasurer's report on the Village website, under the Board of Trustees tab. He said there was a glitch in the expenses reported for the month: The Village's law firm had sent two invoices for its work on the tax sale of 18 Walloomsac Road, and was therefore paid twice. RR had to get the overpayment back, and with the lag for that, the reported expenses for the past month didn't match the amount of the Warrant.

He said the biggest news was the receipt of \$10,780 from the tax sale.

There continue to be two other tax delinquencies, of Peggy Hammond and the Weingarten Trust. RR said that those property owners haven't responded to his prior letters, and he would next send them a letter explaining the Village's policy: When a tax delinquency has existed for two years, that triggers the legal process that can end in a tax sale. The beneficiaries of the Weingarten Trust, Grant Hester and John O'Toole, have moved back into the house at 57 Monument Avenue and paid the taxes due for Tax Year 2024. But the remaining amount is still due, and penalties and interest are accruing on it.

RR said that Tzaims Luksus had been notified by the Town's attorney that his delinquent taxes would continue to accrue interest and penalties of 1 percent per month during the year that the State of Vermont allows for him to seek some other way to pay his delinquent taxes and keep possession of 18 Walloomsac Road. RR said he wasn't sure whether Tzaims really understood that this meant that his share of the tax-sale proceeds was being eaten away by about \$3,000 per month if he did nothing. SW said that Tzaims had to speak up if he wanted to waive the one-year grace period and stop the accruals. RR said the Town of Bennington had a form that Tzaims

had to sign in that case; once he signed it the deed would be given to the buyer right away and Tzaims's share of the tax-sale proceeds would stop being eroded.

RP moved to approve the Treasurer's Report and SW seconded the motion. In discussion, RP asked to RR confirm that there was no mismatch in the amounts billed by the BCRC for its help in preparing the Village Plan of Development, versus the grants received for that work from the State. RR said that according to former Trustee Tom Woodward, the Village paid its bills due to the BCRC on one schedule, and received the grant money from the State on another schedule. He said that once the Plan of Development was approved by the State, the State would send the Village the grant money to cover most of the cost. TW had been chosen to oversee this process. EW said that since TW was no longer a Trustee, he would volunteer to replace TW in this oversight role.

10. Report of the Auditor: KW said she had nothing to report.

11. Other Business: RP said he had a procedural question: He felt that the Agendas for the monthly Trustees meetings weren't being posted early enough. When he was a resident (and not yet a Trustee) he would find out what was on the Agenda just 48 hours before the meeting was held, and that wasn't enough time to prepare.

There was a discussion of the procedure and timing. MW said that when Anne Slattery had been presiding officer she was a real stickler for deadlines, and she had expected the Agenda to be posted 48 hours before each meeting.

[Clerk's note: Vermont's Open Meeting Law (1 V.S.A. § 312) says at (d)(1) that the Agenda must be posted 48 hours before regular meetings and 24 hours in advance of special meetings.]

There was a discussion of whether a partial agenda could be posted ahead of the requisite 48 hours in advance, with any subsequent final items added in time for the State's 48-hour deadline. EW said this was too much to ask of the Board's volunteer Clerk.

12. Upcoming Agenda items: None.

13. Adjourn. JT moved for the meeting to be adjourned. EW seconded the motion and the meeting was unanimously adjourned.