

Village of Old Bennington
Trustees Meeting Minutes
November 6, 2018

Officials present: Trustees Andy Buchsbaum, Charles Edson, Ron Rabidou, Jim Warren, and Susan Wright as well as Treasurer Kathy Wagenknecht.

Officials absent: Clerk James Gallen

Residents present: Megan Schwarzkopf, Jill and Galen Jones.

1. Opening.

Ron Rabidou called the meeting to order at 7:03. In the absence of the clerk, Ron also volunteered to act as clerk for the meeting.

2. Minutes.

Jim Warren and Ron Rabidou proposed several minor corrections to the draft copy of the minutes of the October 2, 2018 meeting. Jim Warren moved that the trustees approve the minutes as corrected, Susan Wright seconded the motion, and the trustees unanimously approved the motion.

3. Citizen Comments.

There were no citizen comments.

4. Reports of Commissioners.

a. Road Commissioner.

- i. Andy Buchsbaum noted the new layout of the intersection of Route 9 and Monument Avenue that narrowed the width of Route 9 and shortened the crosswalk.
- ii. He reported that the state completed restoring the crosswalk on Route 9 at the Bennington Museum.
- iii. He provided an update of Monument Avenue sidewalk project, noting that the state imposed several requirements in connection with its grant including a review of the project by an arborist and a historic preservation group. The budget includes funds for these reviews.
- iv. He said he would meet with Jason Dolmetsch of MSK Engineers to review his proposal for a survey of the Village roads to plan for future repairs and maintenance.

b. Tree Commissioner.

- i. Jim Warren reported that a representative of the Old First Church contacted him concerning the removal of a tree near the southeast corner of the church. There was a brief discussion concerning whether the tree

Village of Old Bennington
Trustees Meeting Minutes
November 6, 2018

- was in the public right of way, which would require the Church to obtain the permission of the Tree Commissioner to remove it. Jim will follow up.
- ii. Susan Wright noted that Pembroke had planted the two trees approved at the Annual Meeting.
- c. Parks and Sidewalks Commissioner.
- i. Susan discussed several items including proposals to place flower hangers on lamp poles, restoring the monument on the center island, and placing granite or limestone benches on the center island. Susan will develop a plan and cost estimate for each of the proposals to be considered in connection with next year's budget. Susan and others suggested that some or all the costs might be funded through private donations.
 - ii. Megan Schwarzkopf said that she was preparing a plan for the maintenance of the trees on the Village greens. She felt that preserving the trees on the greens should be a priority.
 - iii. In connection with our plan to honor former clerk Donna Berry, Megan proposed planting an Amelanchier shrub in an appropriate location on the center island of the village green. Elhannon Wholesale Nurseries would plant the shrub, but the village would need to maintain it. We will consider the proposal at a future meeting.
 - iv. Kathy reported that after the fall clean-up of the village greens we have already exceeded our Parks budget for the year (\$18,000 versus \$17,000).
- d. Police Commissioner.
- i. Charles reported that Officer Corey worked 108 hours, made 59 property inspections, and issued 17 tickets for \$2,734.
 - ii. Charles said he had received several complaints concerning trucks travelling up Monument Avenue and turning around at the Monument. He attributed this to the removal of the No Through Trucks sign at the intersection with Route 9. See below for further discussion of this matter.
- e. Treasurer.
- i. Kathy explained that she needed a trustee to sign the appropriate paperwork at the bank to roll an expiring 12-month CD into a new 24-month CD. Susan Wright volunteered.
 - ii. Kathy reported that we will receive the payment in lieu of taxes from the state related to the monument property within ten days (about \$7,000).
 - iii. She reviewed expenses for the month. There was a further discussion of maintenance costs for the village greens as well as the recent tree plantings.

Village of Old Bennington
Trustees Meeting Minutes
November 6, 2018

- iv. Kathy presented the warrant list. Andy moved to approve the warrant list, Charles seconded the motion, and the trustees unanimously approved the motion.

5. Old Business.

- a. No Through Trucks Ordinance.
 - i. Ron explained that the state removed our No Through Trucks signs along Route 9 in connection with the resurfacing project because state laws prohibit towns from posting such signs.
 - ii. In following up on the No Through Trucks sign matter, Andy and Ron learned that our existing No Through Trucks ordinance does not comply with state laws concerning restricting traffic on town roads, specifically that the signs refer to No Through Trucks, which is not permitted, and do not state the load limit for the road, which is required. Further, the village needs to annually notify the DMV of any load limits so the DMV can maintain its online database that enables trucking companies to plan routes. Finally, we needed to place signs at both ends of each restricted road.
 - iii. There was extensive discussion of our options to restrict large trucks from areas of the village, especially trucks mistakenly travelling up Monument Avenue.
 - iv. Andy agreed to investigate our options with the state, town, and others, and the trustees will discuss the options at our next meeting.
 - v. Because our current ordinance does not comply with state law, Ron suggested we rescind the ordinance. Jim made a motion rescind the ordinance due to legal deficiencies, Andy seconded the motion. Jim, Andy, Susan, and Ron voted to rescind the ordinance; Charles abstained.
- b. Transfer of Records to James Gallen.
 - i. Given the lack of success of our extensive efforts to obtain the village records from the prior village clerk, Ron contacted village counsel concerning our options. Counsel suggested that he could write a letter to the former clerk explaining that we have a need for and right to claim the records and requesting arrangements for her to transfer the records to the current clerk.
 - ii. At Charles's suggestion, we agreed that he could make one more effort to obtain the records. We also agreed if we have not received the records by our next meeting, we will instruct counsel to write a letter as described above.
- c. Update of Village Bylaws and Ordinances.

Village of Old Bennington
Trustees Meeting Minutes
November 6, 2018

- i. Ron asked for comments on the previously distributed updated copy of the Village Bylaws and Ordinances reflecting known changes to the document since its last printing in 1998. There were no comments.
- ii. We agreed that Ron should post the updated document on the website.
- d. Newsletter. We decided not to issue an interim newsletter given the availability of information about our activities on our village website.

6. **New Business.** None.

7. **Adjournment.**

Andy moved to adjourn the meeting at 8:29, Jim seconded the motion, and the trustees unanimously approved the motion.

DRAFT