

Village of Old Bennington
Trustees' Meeting Minutes
Feb. 3, 2026

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

https://zoom.us/rec/share/5sJ-UVQFvREQWiZRp5HOdgMt-niy-tlndp1i_ajKaeymJ2hyZzelBaxFDZI59w8A.zf1688tZTrFId4iF?startTime=1770163415000

Passcode: wy6#\$dPE

Officials present: Presiding Officer Jim Thatch; Trustees Than Marcoux, Tom Woodward, and Susan Wright; Treasurer Ron Rabidou; Zoning Administrator David Kiernan; Auditor Kathy Wagenknecht; Clerk Mary Walsh; and Zoom operator McKinley Keaffaber.

Officials absent: Presiding Officer Ed Woods.

Village residents who spoke: Renny Ponvert, Brian Scheetz, Megan Schwarzkopf

JT called the meeting to order at 7:03 and said he would preside because EW was absent.

1. Changes or updates to Agenda: None.
2. Approval of the minutes from the Trustees' meeting of Jan. 7, 2026: The minutes were unanimously approved.
3. Citizen comments not related to Agenda: Brian Scheetz, chairman of the Planning Commission, said the Commission had a vacancy and had been speaking to possible candidates, of which there were three so far. He said he wanted to know the correct procedure for filling the vacancy.

JT said that Richard Caswell was also interested, so there were four candidates. He said that when the interviewing was done, the Planning Commission would recommend a final candidate to the Board for approval.

4. JT said he needed to insert "Other Business" into the Agenda, so he could report the results of the Special Meeting of Feb. 2, 2026. He said that in the closed session that followed the public hearing, the Board of Trustees voted unanimously to approve the

Conditional Use Permit for The Walloomsac Property LLC, with no additional conditions.

TW said it was important to explain that the Feb. 2 meeting was neither a Zoning Board meeting nor a design-review meeting of the Planning Commission. The Board of Trustees had a very narrow job to do, and it did that job. It was not an occasion to frontload the conversations that Zoning and Planning would be having next, as the restoration of the Walloomsac Inn moves forward.

RR asked why the Board of Trustees had gone into an executive session after Monday's public hearing. He said the State of Vermont had standards for executive sessions and it wasn't clear to him that the one on Feb. 2 matched any of them. JT said the decision to hold an executive session had been made under the advice of counsel, and it took place within a properly warned public meeting, as required. SW said the Trustees were there to do just one thing, and they did it in the executive session, in just the way they had said they would. They did not ride roughshod over the public, she said.

Also under "Other Business," JT said that the Trustees would be glad to send a delegate to Planning Commission meetings on the Walloomsac Inn restoration project if it would be helpful. BS said that the previous Presiding Officer, Anne Slattery, always attended Planning Commission hearings, because there were sometimes Trustee issues that she could address then and there. EW hasn't been able to keep up that practice because the Planning Commission meets at the same time as the Town Select Board, on which EW also serves. SW noted that anyone can come to Planning Commission meetings, so she could simply attend as a citizen, not a Trustee.

Also under "Other Business," RR said he had received a letter from Peggy Hammond, who could not attend the public hearing. He read the letter, which said PH hoped that the Village's standards for historic preservation would improve as the restoration project moved forward. She enclosed a walking-tour guide for SoHo, which she said could be a model for Old Bennington. KW said that Old Bennington did have a walking tour guide already. The docents at the Old First Church hand it out to visitors.

Also under "Other Business," MW said she had received a tax-abatement request from Tzaims Luksus, and passed out copies to the Officers and Trustees. She said it was different from his request in 2024, which was totally open-ended and had to be turned down. The new proposal was concise and made arguments in keeping with the laws of Vermont. She said TL was not asking this time for his delinquent taxes to be abated, just the interest and penalties. MW suggested that the Board of Abatement meet on March 3, 15 minutes ahead of the Trustees' regularly monthly meeting. The other Officers and Trustees agreed.

MW said she had also received a message from TZ, saying he was going to return from Rangoon, Myanmar, to Old Bennington around May 1, when he would move back into 18 Walloomsac Road and start repairing the house and protecting the contents. RR said TL's location wasn't relevant to the tax-abatement proceedings.

5. Reports of Commissioners:

- a. Roads Commissioner: TM said the Village had 93 storm drains, of which 17 were in poor condition. Some just have damaged grates on the surface, but most need interior masonry repairs. The bricks and mortar are crumbling and falling in, blocking access for regular cleanings. He and Norm LeBlanc, of North Bennington, are still mapping all the damaged drains.

TM said he and NL were also producing a list of needed repairs to the streets. They had planned to make some of the repairs last fall, but couldn't because of bad weather. TM said he'd have a complete list in time for the March Trustees' meeting, when the Fiscal 2027 budget will be prepared.

TM also said VTrans makes an annual "spring mailing" to municipalities in January, asking the Trustees and Clerk need to sign a form reporting the measurements of the roads and whether they have increased or decreased. The Village's road measurements are unchanged. TM circulated the form for people to sign.

MW asked about the State's planned repairs on Route 9, which Richard Caswell had mentioned at Monday's hearing. She understood it had no bearing on the Conditional Use Permit, but she was still interested in what the State was planning to do and why it hadn't started yet, because the intersection where Route 9 passes the Walloomsac Inn was extremely dangerous. She was informed that the work was in fact planned for the one-lane street called "Park Way" that connects to Route 9 across from the Walloomsac Inn. It has a place where the pavement has been worn away, leaving a big, muddy mess. The State has plans to pave over the damaged place, up to the sidewalk or the curb.

- b. Trees Commissioner: TW said he had had two requests regarding trees but they were growing on land that wasn't under his jurisdiction. He said he'd also been asked about the row of unhealthy trees in front of Old First Church. Six or seven of them should be pronounced hazardous and removed or replaced. The Town argues that land is the Village's responsibility. RR said he disagreed. He said the Town owns the cemetery, and the Town is no different from any other property owner, so the trees are the Town's responsibility. RR also recalled a previous occasion when the Town had paid to care for some sickly trees on that site.

TW also said he'd looked at some of the Walloomsac Inn's trees, and found some just north of the Inn that could be cut. They were scrubby volunteer trees, not the stately trees that grace Monument Ave.

- c. Parks and Sidewalks Commissioner: SW said people had been complaining about over-salting of the sidewalks, so she looked into it and learned that Calcium Magnesium Acetate might be less harmful. It would be expensive if the Village used

it exclusively, but she had also learned that Pembroke could mix it with sand. That would be effective with less expense. She said she would include the cost of a CMA-sand mixture in the FY 2027 budget.

JT asked about residents' comments on the performance of Pembroke, which just started its first winter of plowing and salting for the Village. KW said people had asked her if someone new was doing the plowing, because they could see a big improvement this winter.

BS asked about the walking trail that Town of Bennington communications director Jonah Spivak had proposed. [The plan was to build the trail on the unused right-of-way leading northwards down the hill from the Monument.] BS said the minutes referred to a grant application. JT said the grant wasn't forthcoming, but JS had a Plan B for the trail that he wanted to run by the Trustees at a future meeting.

- d. Police Commissioner: JT said there were no reported police incidents. The elevator inside the Monument isn't going to be working in the coming months. Friends of the Monument will look for other ways of attracting visitors, without the elevator.

JT said he was working with EW on traffic calming. He handed out a page showing images of some possible designs for road signs that would be more welcoming and attractive than ordinary speed-limit signs. [The images are posted below these minutes on the Village website.] JT said he hoped to get feedback on them. The idea was to remind drivers that they were in a historic district, and ask them to drive carefully. One of JT's designs echoed the curves of the fence in front of Old First Church.

TW said there were laws about the height of signs, to keep them from going through the windshield if a car hit one. The Village should make sure its signs were compliant. MK said the Village should consider a "good-bye" message on the back side of the signs, for people to see as they left Old Bennington.

- e. Treasurer: RR said he was working on a tax sale for 18 Walloomsac Road, amidst concerns that the owner, Tzaims Luksus, is 94 years old and living in Myanmar, and needs consideration. Concerns were expressed that some of the contents of his house are historically and artistically important and need curation. RR said there have been discussions about letting TL stay in the house for a period of time, making de minimus tax payments while organizing the contents. But Town officials who have worked with TL in the past say that when he has agreed to make minimal tax payments, he has not made them. The State of Vermont does give owners one year to stay in their houses after a tax sale, before the purchaser can take possession. A tax sale in Bennington is typically handled as an auction of all the delinquent local properties, in the Town Hall. All a bidder has to do is to bid an amount larger than the taxes due to both the Town and the Village. If no one bids that much, the Town and Village would foreclose and take over the house, in hopes of selling it later. [After the meeting, RR let the Clerk know that the Tax Sale had been set for April 24.]

KW expressed concern that such an auction might trigger the State's new Home Act, allowing the buyer to build five dwelling units per acre. RR said the Village's Economic Development Plan would have rules about this, but it won't be in force until summer. Renny Ponvert said that some portion of TL's land [roughly eight acres] is considered protected wetlands. In addition, the Home Act limits development possibilities to parcels that are connected to the municipal water and sewer systems. KW said that 18 Walloomsac Road did have water and sewer lines, but TL had disconnected them because he couldn't pay the bills. Megan Schwarzkopf said that the back half of the parcel is oddly shaped, and the front four acres are not all in Old Bennington; some of the land is in the Town of Bennington. She thought this could become a complex legal issue if a purchaser wanted to subdivide.

RR then turned to budget planning for Fiscal 2027, which runs from April 1, 2026 through March 31, 2027. He distributed worksheets showing the amounts received and spent in various categories in all fiscal years since FY 2023. The Trustees and RR then discussed their estimated amounts for FY 2027. For some categories it was still too early to make good estimates. The final amounts will be included in the budget at next month's Trustees' meeting. The budget will be part of the Village's annual report, and put to a vote at the annual meeting.

RR also reviewed the expenditures for the month of January, which make up the Warrant; the amounts are available for public inspection in the Treasurer's report, under "Board of Trustees" on the Village website. TW moved to approve the warrant, TM seconded the motion, and the warrant was unanimously accepted.

- f. Auditor: KW said there was nothing to report. RR said KW was going to make sure that all electronic transfer forms have the required three Trustee signatures.
- g. Old Business: TW said he would like to put a report from the Planning Commission onto the coming agenda, so the Trustees could be apprised of the status of the Economic Development Plan.

SW asked whether the contents of the Village archive, now in the utility building of the Stark Street playground, were going to be moved into her climate-controlled workspace, and if so, who was going to do the actual move. No decision was made.

- h. Adjournment: JT moved to adjourn at 8:26. TW seconded the motion, and the meeting was unanimously adjourned.