

Village of Old Bennington
Trustees' Meeting Minutes
Sept. 1, 2026

[Note: These are draft minutes, to be finalized at the October Trustees' meeting.]

The meeting was held at The Barn and on Zoom. A video recording of the meeting is available at:

https://zoom.us/rec/share/SUVelGZJERVmseTUEO07OCESe6KDrvE1wtS8EYELaumhRemd5Dg-2EtN3cI3PNs_.6sFb_IX-l0teToC7?from=hub

Passcode: 6sCT\$QWi

Officials present: Presiding Officer Jim Thatch; Trustees Renny Ponvert, Kristin Roessner, Ed Woods, and Susan Wright; Treasurer Ron Rabidou; Auditor Kathy Wagenknecht; and Clerk Mary Walsh.

Village residents participating in person: Marc Baetens, Andy Buchsbaum, Suzanne Buchsbaum, Nancy Coseo, Ilze Erdogan, Galen Jones, Brian Scheetz (also Planning Commission Chair), and Wendy York.

Village residents attending on Zoom: Lucy Baldwin, Wil Morris, Sheila Scheetz, Megan Schwarzkopf, and Betsy Bluto Woods.

1. Call to order: JT called the meeting to order at 7:02 p.m., after the new recording equipment was tested. JT said he got recommendations from CAT-TV. The Planning Commission will be using the same new equipment to record meetings. For now, RR will make the Zoom videos.
2. Changes or updates to the regular agenda: None.
3. Approval of minutes from the August 4 meeting: JT asked if anyone had changes or corrections to request. There were none. EW moved to approve

the minutes, KR seconded the motion, and the minutes were unanimously approved.

4. Citizens' comments not related to the agenda: WY said that while walking in front of the Old First Church, she noticed that a lot of mortar was missing from in between the cobblestone crosswalk. EW said the missing mortar was on a list of needed sidewalk repairs that SW is keeping. AB said he had noticed the weeds were getting out of control in the swales and wondered if Pembroke could spray them. SW said she would contract Pembroke.

RP asked for an update on the appeal of the Trustees' decision to grant a Conditional Use Permit to 3 Seminary Lane; he had heard that there was a meeting on this. But none of the other Trustees knew of any meeting. JT said the Village's lawyer, Merrill Bent, had filed a motion to dismiss the appeal, arguing that it was filed prematurely.

5. Possibility of a Local Option Tax: SW said an L.O.T. was a tax paid on non-essentials, such as meals and motel rooms, usually by people who visit, not permanent residents. Both the Village and the Town of Bennington are considering adding an additional 1 percent Local Option Tax onto the 6 percent sales tax that the State of Vermont already collects. Vendors would collect the money and send it to the State. The State would then send 75 percent of it back to the respective municipalities. SW said it could be a very good thing for the Village. The State has estimated that the Village and the Town, together, could receive \$1.8 million per year.

Marc Baetens asked about the \$1.8 million estimate, and others emphasized that this would be the total for the Village and the Town (not just the Village). EW said the Town of Bennington's website had a very detailed explanation of the Local Option Tax, which is [here, along with a survey](#). EW said he had already told the Town's Select Board that he would not vote for the Local Option Tax unless there was a guaranteed offset for property taxes. More than 50 percent of the people who would pay the new tax would be coming from out of town. The Town of Bennington attracts a lot of visitors, and the wear and tear on local infrastructure is one reason our property taxes are so high.

RR said the State of Vermont already had a 6 percent sales tax. He wanted to know if the new 1 percent Local Option Tax would be collected on all the same things, and he was told that it would.

6. Update on the new Village Plan being drafted: BS said there would be a regular Planning Commission meeting on Sept. 14. It would normally be on the 7th, but Sept. 7 is Labor Day. The Commission will vote on the draft at that meeting. Then, 30 days later, it will hold a hearing on the draft. It is currently preparing to submit the draft to both the Trustees, and to our neighboring towns, a State procedural requirement. State procedure also calls for the Trustees to hold a separate hearing, the timing of which will be up to the Trustees. It isn't ultimately the Planning Commission that approves the new Village Plan; the Trustees do.

EW asked if the Trustees' meeting is supposed to be a "special meeting." BS said he thought so but he wasn't positive. He recommended asking Zoning Administrator David Kiernan.

JT said he had procedural concerns. First, he wanted to know if the current draft Village Plan was a confidential document. BS said it wasn't confidential, but it didn't really exist yet. JT said he was concerned about the slow pace of keeping the Trustees informed. He said he had gone to the Planning Commission's meeting of the previous night, and there had been a discussion about having a Village Center, and how much of the Village would be included in it. JT said he thought this was a worthwhile topic of discussion and he was concerned that the Trustees were going to be given the Plan document so late in the process that they wouldn't be able to give it proper consideration.

BS said there was a correct procedure that the Planning Commission was supposed to follow. He said the Planning Commission had once held a joint meeting with the Trustees, but he was later told that shouldn't have happened. He said the process called for the Planning Commission to deliver a proposed Plan to the Trustees, and if the Trustees didn't like it, they could change it.

JT said he had learned a lot at the previous night's Planning Commission meeting. He said he'd heard about a number of ideas for the first time, and now he was having to play catch-up. He said he liked the way the draft Plan

called for the Village to join the Bennington Museum in promoting local history, for the 250th anniversary and beyond. Doing that was in keeping with the BCRC's mission, which he noted was to strengthen local assets and support the prosperity and resilience of communities in the region.

GJ then interrupted to say that JT was in violation of his statutory role as a Trustee. He said JT could come to the Planning Commission meeting and express his views as a private citizen, or he could wait until he was presented with the finished Village Plan and express his views on it then, as a Trustee. But he couldn't opine now on what the Planning Commission had been doing.

JT said he merely wanted to mention some things he hoped would be in the coming Village Plan. GJ insisted he was in violation of the law.

EW said he thought the Trustees needed the consultants from the BCRC to be at the next Trustees' meeting. He said the schedule was manageable and there was no timeclock ticking.

BS said the problem was that the State-mandated schedule had very long "warning" periods, which caused frustration. And if, after waiting out the long warning periods, the Trustees said the Planning Commission needed to make revisions, it would push the completion date even farther out into the future. He said he had looked into the procedure as much as he could, but it was inflexible. The Planning Commission had to vote on Sept. 14, then send the draft Village Plan to the other nearby towns, then wait 30 days and hold a hearing. And the Trustees had to warn their own separate hearing.

NC said it was true that the process was longer than people would like, but as soon as the Planning Commission issued its warning for its public hearing, it was obliged to put the draft Plan up on the Village website for public review.

BS said he understood that JT was trying to avoid going through a long process twice, in case the Trustees wanted the Planning Commission to make revisions.

MW said that at the previous night's meeting the BCRC consultants said they would do some "homework" and provide new findings back to the

group. She wondered if they could distribute those findings early, so that people would have a chance to read them before the next meeting.

BS said the BCRC consultants had said that Village Zoning Bylaw changes, made in 2024, were insufficient to put us into compliance with the Home Act [also enacted in 2024]. BS said he had asked the BCRC consultants to let him know, specifically, on which items the Bylaw changes had fallen short. He said the information could be discussed at the next Planning Commission meeting, but he didn't want it to evolve into a wide-ranging discussion of the Home Act.

MW said the consultants were also asked to provide examples of other municipalities that have "center" designations, and why the designations mattered. BS said he had not asked the consultants for that information, and if villagers wanted them to answer other questions, they should make sure the consultants knew.

WY asked if residents could supply feedback at any point during the 30-day window, once they had reviewed the draft Plan.

EW said it would be best to have one person designated to collect all the responses during the 30-day window. BS suggested the responses be sent to the Zoning Administrator [David Kiernan, obzoning@gmail.com].

MB said he didn't see why the next Planning Commission meeting had to be put off by a whole week because of Labor Day. BS said that the Planning Commission had to find a date when all commissioners were available, and when the Old First Church could open the meeting space in The Barn. BS said David Kiernan usually handled scheduling, but he was on vacation.

AB said that for the "Village Center" discussion on Sept. 14, it would be helpful to have a graphic illustration showing exactly where the Village Center would be and, at the same time, explaining what the three possible "tiers" involved. He said he had noticed that a lot of people at the previous meeting didn't know what the tiers were about, and if people didn't understand the concepts on the 14th, the discussion would be a mess.

JT said he agreed 100 percent and thanked BS for his hard work on the Village Plan. EW said he believed the Village was coming to the home stretch.

7. Status of the residents' petition to repeal the Interim Bylaw:

JT opened the topic to public comments. MW said she wanted to know if Merrill Bent had advised the Board on a possible repeal. JT said that he had spoken briefly with MB, and she had said the matter should be put forward for public discussion, and then, if the Village wanted to go forward, it should “warn” a meeting where a vote of the residents could be taken.

JT said the Interim Bylaw had served its purpose, making zoning activity possible at a time when the Village didn't have the required Village Plan. That was why it had been enacted. But now that the next Village Plan was taking shape, the Interim Bylaw might be unnecessary.

BS said that if the Interim Bylaw were repealed now, the Village would have no legal mechanism for assigning a Non-Conforming use to a property. If the Village wanted to have that power, an additional Bylaw would still have to be passed.

JT said Marc Baetens might be able to clarify this and asked him MB found having the Non-Conforming designation to be beneficial. MB said he did, and added that the Non-Conforming designation was now applied only to properties that had been operating outside the authorized land uses before the Village Bylaws were written.

NC confirmed that the Village properties with Non-Conforming status today were those operating that way before the Bylaws were enacted in 1978, then grandfathered. She said “Conditional Use” status was something else, a designation not applicable to the Village's current Bylaws.

EW said “Conditional Use” status was for a different reason.

SW pointed out that in 1978, the Walloomsac Inn was operating as an inn, so it had “Non-Conforming” status then and was grandfathered. But when the Berry sisters stopped running it as an inn used it as their home, the Non-Conforming status lapsed.

RR said that repealing the Interim Bylaw while there was legal action concerning the application of the Interim Bylaw, and the Conditional Use

Permit related to it, was something that merited further discussion with Merrill Bent. He also said there would eventually be a Village Plan with Bylaws to govern issues like this. If the Village repealed the Interim Bylaw now, he said, it would appear that the Village had enacted it to expedite the restoration of just two properties owned by the same developer. He thought it would be prudent to wait to repeal the Interim Bylaw until the new Village Plan was in place.

EW said he understood what RR was saying, but he wasn't concerned about the optics of applying the Interim Bylaw to just those two properties. At that time, the Trustees were interested in just those two properties.

BS said he also understood RR's concern, but the Village's documentary record was very clear about what had happened. The issues were contentious and the citizens had opportunities to be heard. The enactment and possible repeal of the Interim Bylaw merely reflected changing political circumstances.

AB asked whether, in the future, the Bylaws could be amended to limit commercial uses if that's what the Village wanted. NC said they could. She said just because the 2017 Village Plan had expired, it didn't mean the Bylaws were invalid. They were still law. She recalled that the Village had already worked extensively on revising the Bylaws to make them comply with the Home Act, but the Home Act had continued to evolve. The problem was not that the Bylaws were deficient, but that the Home Act had morphed.

EW said that after the 2017 Village Plan expired, it remained in place, but the State of Vermont would not permit any revisions to it. That's why the Board had to enact the Interim Bylaw. Had the 2017 Village Plan not expired last year, the Village could have resolved these matters through more normal channels.

WY said that as of Sept. 14, Village residents would have 30 days to read and think about the new draft Plan, and then there would be discussion of it in a special meeting. If revisions had to be made, there would be another 30 days to review those. She didn't see how the new Village Plan could be done before December.

NC asked whether, if there were further revisions, the revised Plan had to be provided once again to all the neighboring municipalities.

BS said the upcoming Planning Commission meeting would be a public meeting, where residents could endorse or complain about the new Plan. And the Trustees would have their meeting for the same purpose. After that, the draft Village Plan would be revised once, taking into account the comments from both public meetings.

GJ said was not his understanding. He said he thought the Planning Commission could use the input from residents to revise the draft, and that draft would go to the Trustees, who could revise it again after getting public input, and things could go on and on.

BS said he thought the opposite was true, so he would have to check. SW said David Kiernan was likely to know the answers and asked if he'd be back by Sept. 14.

JT said he would speak with Merrill Bent again about the repeal of the Interim Bylaw, and then the Trustees could decide. KR said it would be helpful to get a written opinion from MB that all of the Trustees could read. EW said it would also be helpful to know of any judicial decisions in relevant cases.

8. Reports of Officers and Commissioners

- a. Presiding Officer: JT reminded listeners that 2027 would be the 250th anniversary of the Battle of Bennington, and there were plans to have a refreshment tent with a façade resembling the old Catamount Inn. The grant application to subsidize it had been successful, and the tent would be pitched on the lawn of The Barn on August 1.

JT also said residents were asking about about the status of the Walloomsac Inn. He had spoken with Casey Sunderland (of the owners/developers' firm) and could provide some brief updates:

- The developers were putting together materials for a presentation to the Planning Commission.
- They must have the inn fully designed to know how many parking spaces they will need.
- They're encouraged by what they've done so far.

--They want to dispel the rumors about numerous parking places at 3 Seminary Lane. There are no such plans.

--They want to work with the Village on correcting the dangerous intersection in front of the Walloomsac Inn.

JT said if people had further questions, he could relay them to the developers, or the residents might prefer to have Casey Sunderland answer questions in person at a Trustees' meeting.

WY recalled that at one point people were planning to go to the State Highway Commission to review the usage of Route 9 where it passed the Walloomsac Inn. She wondered what was going on with that.

KR said she'd like to know whom the developers will be partnering with on the hospitality side of things, because they didn't have experience in that area.

- b. Road Commissioner: EW said the contract between the Town and the Village was being considered by the Town Select board, with terms as disclosed at last month's Trustees' meeting.

He also said he heard the Town Police Department was going to do more traffic research at the other end of Monument Avenue, and the electronic speed sign would be installed then. Plans call for it to rotate between Lower Monument Avenue, Upper Monument Avenue, and Bank Street. There was a discussion of residents' frustration with speeding drivers, dangerous intersections, and the lack of traffic-calming measures so far. KW said her dog had been killed by a car on Monument Avenue. IE said taking her two children to school each day was harrowing, and the Village needed to set an acceptable balance between beauty and safety. EW said the Board needed to make Village streets as safe as they could be. AB said the State needed to be involved too.

RP said the speeders tended to be a certain type, and the only way to make them slow down would be to ticket them. He said the Village would have to pay for it. He said he thought a human police officer was the only thing that would work.

EW said there was confusion because the Village had always wanted a dedicated cop, and it had one until a few years ago, but when he retired the Bennington Police Department couldn't replace him. He said that RP shouldn't be talking about throwing taxpayer dollars around.

KW said she expected that when the electronic sign was installed, it would help. JT agreed. KR suggested forming a subcommittee for traffic calming. EW said that he and SW and JT had formed one already, but it finished its work and was disbanded. IE said the subcommittee should be reconstituted and start researching which measures would be most effective. The discussion continued, about different risks in different parts of the Village, and measures like speed bumps.

- c. Parks and Sidewalks Commissioner: SW said she had spoken with Norm LeBlanc of North Bennington about the stretch of sidewalk in need of repairs. She said his crew will repair it in September, and the price would be about half of what was budgeted.
- d. Tree Commissioner: RP said he was preparing a proposal for how the Tree Commissioner would operate. He said he wanted to post it and get community feedback. He also said there had been progress in getting the fallen tree removed from Catamount Avenue.

RP said there was a large dead maple tree on Monument Avenue in front of the Old First Church, plus some others nearby that were very unwell. He said he had contacted the Town of Bennington's Public Works Director, R.J. Joly, who told him the Town didn't own the land under those trees, and they were the Village's responsibility. RP therefore recommended the Village take down the dead tree, and plant some 12-foot saplings now to replace the sick trees when they'd be removed in a couple of years.

Others recalled that the Town Manager himself had agreed that the Town owned the land under those trees. RR said that RP should send the Town the same letter that the Village would send any homeowner whose dead tree posed a risk to public safety. EW said he would email the Town Manager's office, telling him to watch for the letter.

KR asked about the blight affecting maple trees. RP said it was anthracnose, a common fungal blight for Norway maples during damp weather. AB said there was a spray for the blight. WY said she researched it last year and learned it can shorten trees' lifespans. The solution is to vacuum up all the leaves and then spray.

RR said there were actually two diseases, black tar and fungus. The fungus turns the leaves brown.

e. Police Commissioner: KR said she had already reported her news.

9. Treasurer's Report: RR said the Statement of Revenues was already distributed, and he would take any questions. The biggest expense this month was audio-visual equipment, which David Kiernan purchased at Staples after getting recommendations from CAT-TV. Another significant items included a bill from the Town for sending out Village tax bills, and legal bills for 3 Seminary Lane.

RP asked if it was possible to determine how much of the legal bills would be offset by permitting fees. RR said he didn't think the permitting fees for 3 Seminary Lane were significant. EW said landscaping didn't require a permit. RR said he thought a fee was collected by the Zoning Board in connection with a hearing.

EW moved to approve the warrant. JT seconded the motion. All voted to approve the warrant.

RR said that Peggy Hammond had made a payment on her delinquent taxes, \$6,000 of the \$7,000 overdue. The payment covered her oldest payments first, taking her off the hook for legal action in November. All of the Village's delinquent property taxpayers owe additional amounts to the Town, for tax payments and water/sewer payments.

10. Auditor: KW said she had no news to report.
11. Old business: There was none.
12. EW moved to adjourn, RP seconded the motion, and the meeting was adjourned at 8:48.

