

Draft  
Village of Old Bennington  
Trustees' Meeting Minutes  
Nov. 5, 2024

**Please note that starting in December, the meeting time will revert to 7:00 p.m.**

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

[https://zoom.us/rec/share/ZY1tmwT8trO\\_tuopsphj2AHadIhvaajvJMqFxaREYROokZ1NwACmftubKoV8\\_8fY.TVeIdezV1CG450cX](https://zoom.us/rec/share/ZY1tmwT8trO_tuopsphj2AHadIhvaajvJMqFxaREYROokZ1NwACmftubKoV8_8fY.TVeIdezV1CG450cX)

Passcode: mi7+tgV5

Officials present: Presiding Officer Anne Slattery; Trustees Than Marcoux, Ed Woods, Tom Woodward, and Susan Wright; Planning Commission Chair Galen Jones; Treasurer Ron Rabadou; Administrator David Kiernan, Auditor Kathy Wagenknecht, Clerk Mary Walsh, and Zoom operator McKinley Keaffaber.

Officials absent: No one.

Residents in attendance who made comments: Renny Ponvert in person, and Tom Scheetz on Zoom.

1. AS called the meeting to order at 6 p.m. Zoom operator MK stated that the proceedings were being recorded on Zoom.
2. Changes or updates to Agenda: None.
3. Approval of the minutes from the Trustees' meeting of Oct. 1, 2024: EW moved to approve the minutes. TM seconded the motion, and the minutes were unanimously approved.
4. Citizen comments not related to Agenda: RP asked to put an item on the agenda for the December meeting, on the use of game theory to guard against habitual speeders. He agreed to provide an outline for the Trustees to read before the meeting. The basic idea is that game theory can be used to set up speed traps on days and times that habitual speeders can't predict.
5. Reports of Commissioners:

- a. Roads Commissioner, Than Marcoux: RR asked TM if the Village has a contract yet for snow plowing. TM said that at this point there is a verbal contract, with the price about the same as last year. Other than that, there was no roads-related news. AS said she had heard that the large cement blocks in front of the Old First Church are about to be removed.
- b. Trees Commissioner, Tom Woodward: In response to a question asked at the last meeting, TW said the contractor is planning to clear the swale on Walloomsac Road in early November.

There was also a request to remind all residents that if a tree goes down, even if it just falls down, the property owner should let the Tree Commissioner know. This is not because the Village wants to be “Big Brother,” but because the Village may be able to help replace the tree.

- c. Parks and Sidewalks Commissioner, Susan Wright: No news, except that the sidewalks that needed work have now been cared for. Also, SW said that someone cleared out the marble stones near the monument and edged them nicely. No one knows who did the work but the Village is appreciative.
- d. Police Commissioner, Ed Woods: The crosswalk sign at the corner of Monument Avenue and Main Street was destroyed and has been replaced. Cost to the Village was \$500. RR will look at insurance deductible to see if it is worth a claim.

EW also provided an update on traffic-calming efforts. Village roads will not be considered by the Town for any traffic calming measures until and unless the ownership of roads transfers to the Town. Depending on the status of roads at budget time, Trustees should consider budgeting for traffic calming in FY2026, which runs from April 1, 2025 through March 31, 2026. The Town is in the process of discussing its FY2026 budget for Town roads.

EW reviewed examples of traffic calming measures, with the effectiveness depending on the application. Such measures could include additional speed signs, stop signs, speed humps and speed bumps. Removing double yellow lines and reducing travel lane width are also effective in some situations. Electronic speed signs can be purchased for approximately \$3,000 each. These signs are permanently installed and do not have any sort of memory function. EW will investigate for budgeting purposes. The Town has two speed carts, used for speed data gathering. These are portable and can be placed with a request to the Police Dept.

EW reviewed the preliminary policy/process that the town will follow to address traffic calming concerns. If the Village chooses to adopt such a policy, the Town policy could be used as an example. More to come on this as the policy works its way through the approval process.

TW said it was clear that no traffic-calming measures were imminent, but speeding and reckless driving continue to be a problem. He wondered if it was possible to do anything about them now. This will appear on a future agenda.

- e. Planning Commissioner, Galen Jones: AS said that the Village's current Plan of Development expires in August, 2025, and the Village must write a new one. She said that on Monday, GJ had sent the Trustees an email laying out the Planning Commission's proposed process for doing so. She then asked GJ to summarize the process and explain the Commission's rationale.

GJ said that because of changes in Vermont's laws, particularly the new Home Act and the need for an Enhanced Energy Plan, the process for writing a Plan of Development will be more complicated now than it was in the past. The new Plan of Development and Enhanced Energy Plan will also have a greater impact on the character and "feel" of the Village than ever before.

GJ then reviewed the roles that the Bennington County Regional Commission (BCRC) could play in assisting the Village in writing these two plans. He offered the Planning Commission's thoughts on what would best serve the interests of the Village, and how to expedite the process.

**NOTE: There was extensive discussion of the relevant issues. The full discussion is available on the Zoom link above.**

The Planning Commission recommended that the BCRC be engaged to write a Municipal Planning Grant for the Village, and then to participate in the actual writing of the new Plan of Development. It was noted that the BCRC is required by State statute to certify any Plan of Development, regardless of whether or not the BCRC participated in the drafting. The State will not approve the new Plan without the BCRC's certification.

GJ explained that the most important part of preparing the new, State-mandated Plan of Development would be the section called "Community Engagement," which requires active outreach to all members of the Village, in a rigorous and disciplined manner, to gather ideas and opinions about all aspects of the Village and how it could and should evolve over time. GJ said the Planning Commission believed that the Community Engagement element could be better handled by the Planning Commission, and not the BCRC. A long discussion ensued as to whether the members of the Planning Commission had the market-research skills required to execute the Community Engagement element, as well as the time and resources to do so. The Trustees acknowledged that GJ, who is the lead Planning Commissioner, is a highly skilled market-research professional with 30 years of relevant experience. However, they questioned the market-research skills of the other Commissioners. As importantly, the Trustees pointed out that drafting the Plan of Development and Enhanced Energy Plan will be very time-consuming,

and they expressed doubts that the Planning Commission could carry it all out in a time-sensitive way.

There were also questions about whether some of the State's requirements could be waived or revised in the Village's case, given the lack of alignment between the State's Home Act and the Village's historic-preservation designation. RR also asked whether, at some stage of the process, the residents of the Village would have the chance to vote. There will be further discussion.

The Trustees then asked GJ to confirm with the BCRC whether it could both write the Municipal Assistance Grant and be involved, in whole or in part, in drafting the two Plans and fulfilling the Community Engagement element. They requested that the Planning Commission provide the Trustees with a detailed plan that the Commission would follow in executing the Community Engagement section, with a timetable.

Once the Trustees have received the Commission's plan and timetable, they will discuss them before taking further action.

- f. Treasurer, Ron Rabidou: On property taxes, the Village has received about half of the revenue that it projected in the budget of the current fiscal year (which started on April 1).

RR briefly summarized the Warrants, which are listed in the current Treasurer's report on the Village website. He said he was surprised that the bank's printing vendor charged \$82 for just two books of deposit tickets, and he would check and see if it might be possible to economize. He said the bill from GoDaddy was for the renewal of the Village site's domain for one more year, not for any other services from GoDaddy. TW moved to approve the Warrants, TM seconded the motion, and the current month's Warrants were unanimously approved.

RR said that the Board of Abatement had denied Tzaims Luksus's request for abatement of his delinquent and future property taxes, and had sent him a written explanation of the denial, as required by statute. TL replied by saying he was not going to pay any of the taxes. Wilmington, the law firm representing both the Town and the Village on the Luksus property-tax matter, has advised that the relevant rules were recently changed and it would be a good idea to wait until spring before taking further action. AS confirmed that TL did not say he was going to appeal or otherwise dispute the Board of Abatement's decision.

RR also said he still hadn't received any response from the Weingarten property, which is also delinquent.

- g. Auditor, Kathy Wagenknecht: Nothing to report.

6. Village/Town roads update, Anne Slattery, Ed Woods and Ron Rabidou: AS said that by Wednesday morning the citizens will know who their state legislators will be. Once the Trustees get a feel for that, they will move into high gear on the transfer of jurisdiction for the roads. By next month she will be able to provide a more robust update. In the meantime, she said she would send a status report to the Trustees, so they can delve right in once things start moving again.
7. Old business: AS said she has heard from residents that they would prefer that the Trustees return to their previous schedule, with meetings starting at 7:00 p.m. The Trustees were of mixed opinions. EW said he has served on other boards and 6:00 p.m. is the normal starting time; that's why he suggested the Village Board change its schedule to 6:00. TM said 6:00 worked better with his work obligations. AS moved to revert to the 7:00 p.m. starting time and TW seconded the motion. The motion carried, with AS, SW, and TW voting in favor and TM and EW voting against.
8. New business: RR said that a resident of the Town had filed a request for information about matters that he'd read about in the minutes from a meeting several months ago. RR said he was surprised to learn that the State Legislature had enacted a provision requiring municipalities to respond to Public Records requests within three days. He said that in the past, when he was working on his doctoral dissertation, he filed lots of Freedom of Information requests and the government often took months responding to them, or even more than a year. The new Vermont Public Records law does give municipalities the ability to get a ten-day extension, and to charge for producing the requested records. RR said that in this case he met the three-day deadline, but it took him three hours to get the documents together and write an explanation, and he wondered if the Village should consider having a stated policy of charging for Public Records responses. Without a stated policy, the Village can default to what the State allows, which is to charge \$30 an hour. What do the Trustees want to do? AS said the Trustees should discuss it. EW said he would check on the Town's policy.
9. Adjournment: EW moved to adjourn the meeting; TW seconded the motion and the meeting was adjourned at 7:43 p.m.