

Village of Old Bennington
Trustees' Meeting Minutes
June 3, 2025

The Trustees' monthly meeting was held at the Barn (in the foyer because the meeting room was closed) and on Zoom. A link to the Zoom recording is here:

<https://zoom.us/rec/share/iBvGuWR-i-yf9EDfEFqMLtfKL9VkAAaahsgxL0UMaFaJ-djScR5AJZkB5vP3WAeY.tiQV-0pcqIfHPiIo?startTime=1748991659000>

Passcode: CTCW+M4.

Officials present: Trustees Than Marcoux, Jim Thatch, Ed Woods, and Tom Woodward; Treasurer Ron Rabidou; Auditor Kathy Wagenknecht; Clerk Mary Walsh; and Zoom operator McKinley Keaffaber.

Officials absent: Trustee Susan Wright, Administrator David Kiernan.

Citizens present: Brian Scheetz, David Silver, and Renny Ponvert in person.

Guests on Zoom: Samantha Page and Callie Fishburn, both of the Bennington County Regional Commission (BCRC).

1. Call to order: EW called the meeting to order at 7 p.m. Introductions followed, since a newly elected trustee, Jim Thatch, was starting his two-year term with this meeting. JT said he had moved to 10 West Road, Old Bennington, in November 2020. Since then, he has served as the president of the board of the Bennington Theater and the Bennington Historical Society, as well as co-chair of the Battle of Bennington 250th Committee.

Other terms of trustees and officers as of June 3, 2025, are as follows:

- TM was starting the second year of his two-year term as a Trustee.
- TW was starting the second year of his two-year term as a Trustee.
- EW was starting the first year of a new two-year term as a Trustee.
- SW was starting the first year of a new two-year term as a Trustee.
- KW was beginning a new one-year term as Auditor.

--RR was beginning a new one-year term as Treasurer/Tax Collector.
--MW was beginning a new one-year term as Clerk.
--Brian Scheetz was beginning his first full year as presiding officer of the Planning Commission, having taken over the post after his predecessor, Galen Jones, resigned mid-term.
--David Silver was starting the second year of his current two-year term as presiding officer of the Board of Zoning Adjustment, having served since 1994.

2. Re-organization: It was agreed that Trustees would nominate a new presiding officer. (The last one, Anne Slattery, has moved away.) JT asked about the presiding officer's duties. EW said the presiding officer ran the monthly meetings and worked closely with the Clerk on records and compliance with Vermont's requirements for municipal governments. EW asked MW to describe Anne Slattery's approach as presiding officer. MW said AS was a real stickler about deadlines, keeping meetings on track, and complying with Vermont's open meeting law. Consequently, the board was able to get a lot done. EW said he hoped future presiding officers would meet that standard.

TM nominated EW as presiding officer. TW seconded the motion. EW asked the board to make it a six-month term that could be reconsidered at the end of six months. The other Trustees agreed and EW was unanimously elected presiding officer.

After that, EW nominated TM to a second term as Road Commissioner. JT seconded the motion, and TM was unanimously elected.

EW then nominated TW to a second term as Tree Commissioner. TM seconded the motion and TW was unanimously elected.

EW then nominated JT as Police Commissioner, saying it was an interesting job because the Village was trying to work closely with the Town of Bennington and the Police Department, especially on traffic patrolling.

There was a discussion of policing and traffic. DS said he missed the days when the Village had its own dedicated police officer; now he said he saw people speeding all the time and there was no police presence. KW said the whole Village was up in arms about speeding. EW said Old Bennington had to contract an officer from the Town because it wasn't qualified to run its

own police department, but after the last such officer retired, the Village wasn't able to get a replacement because the Town Police Department became chronically short-handed. He said that unfortunate State policies were withholding traffic-fine revenue from the municipalities where the violations happened; in addition, State policies were removing speeders' incentives to pay their fines at all. EW said the Town was putting seed money into its budget for some preliminary traffic-calming measures.

After the discussion, JT was unanimously elected Police Commissioner.

EW said that although she was absent, SW had previously told him she was willing to continue as Parks and Sidewalks Commissioner. TW moved to nominate SW to that position. EW seconded the motion and SW was unanimously elected to another term.

TW said that the State required the Village to select an Authorizing Official for its grant to cover the cost of preparing a Plan of Development. The Authorizing Official's duties are to make sure the grant is used for the stated purpose, and to keep appropriate records. It is not an elected position. EW said TW should be the Authorizing Official and TW agreed to serve in that role. EW asked if there were any nominations for an alternate, and when there were none, EW said that he would serve as the alternate.

The two BCRC officials on Zoom said that someone from the Village needed to serve as a liaison to the BCRC's Commissioner meetings, which take place every other month. The Commissioner meetings are open to the public, so residents of the Village can attend, even if they aren't the liaison. CF said that a few other municipalities in the area send liaisons who aren't municipal officials. BS volunteered to serve as the liaison, saying he expected to be working with BCRC quite a bit this year.

3. Approval of Minutes: TW moved to approve the minutes of the May 6, 2025, Trustees' meeting. TM seconded the motion and the minutes were unanimously approved.
4. Public Comment on items not on the Agenda:
 - a. The Issue of Roads: RP said he had been asked to offer alternative ideas to the Roads Transfer Initiative, which was voted down at the April 22

special meeting. He had two ideas, which he asked to be added to the agenda for the next Trustees' meeting:

--First, just as the Village now employs David Kiernan to assist the Planning Commission, RP proposed that the Village hire an expert to do consulting work for the Roads Commissioner. He said the Town of North Bennington has its own highways department, with lots of equipment and a staff engineer. Perhaps they could offer TM their expertise.

--Second, RP proposed that the Village approach the Town of Bennington to serve as its contractor for plowing and salting roads in the winter. He asked that this be put on the agenda for the July meeting.

EW agreed that these possibilities could be added to next month's agenda. But he said that the Town of Bennington was not currently open to any contract with the Village, so RP would have to come up with an alternate contractor.

KW said she thought the Village should not give up on the initial idea of the Roads Transfer Initiative – having the Town assume responsibility for the Village's roads. EW said this could also be discussed at the coming month's meeting.

- b. The Status of the Steeple: TW said he had news about the steeple of the Old First Church. It will return, but repairing it has turned out to be a lot more complex than anticipated. TW said the people overseeing the repairs are prepared to come and brief the Trustees and Planning Commission on what's in store.
- c. Planning for an Inn: DS said it had come to his attention that there was a construction project on Seminary Lane, involving plans to have an inn there. He looked at the zoning bylaws and was not able to find any bylaw that would either permit or bar such a use. All he could find was some language defining "inn." He asked the Village's attorney, Merrill Bent, about it, and she said the issue was ambiguous.

BS said the owners of the property had approached the Planning Commission for approval, since the Commission has authority to do a design review. But the Planning Commission told the owners they had to go to the Zoning Board of Adjustment, since the whole Village is zoned

“residential,” and only the ZBA had authority to give the owners a variance.

EW said the Village’s bylaws do not enable it to issue a variance on this project, but the bylaws are vague. It seemed to him that the only path forward would be a cleanup of the bylaws.

DS said he wasn’t sure whether the Zoning Board had the power to approve the project, given the ambiguity of the bylaws. He said the ZBA could hold a public hearing, to which anyone could come and object to the inn project; if there were no objections, then that would seem to be a path forward. But what could the ZBA do if there were objections? He said the more straightforward approach would be to clean up the bylaws.

EW asked if there was already an application for the project, since an application would be the starting point. BS said he had received an application and given it to the Zoning Board. EW said that granting a variance despite the ambiguity in the bylaws would set a precedent, and the Village would have to amend the bylaws.

BS said that if the applicant appeals for a variance, Section 86B of the current Zoning Bylaws calls on the Zoning Board of Adjustment to issue a decision in the applicant’s favor, as long as certain stated conditions are met. [Clerk’s note: Section 86B, and the list of conditions, is available [here](#), at page 31 of the PDF.] BS said further that the handling of the application for the inn could have implications for the future of the defunct Walloomsac Inn. He said that the Village needed a structure to do a spot approval. Its current Plan of Development was set to expire soon, and he didn’t think the Village could amend its bylaws without an in-force Plan of Development.

EW said the Village’s current Plan of Development would expire in August, and the Village needed to have a provision allowing it to operate legally before the next Plan of Development was in force. (In response to a question from KW, BS said the Four Chimneys never had to contend with a lapse of this sort.)

EW asked SP and CF (of the BCRC) to explain the process if the current Plan of Development expired. CF said she didn’t know. She said the State had awarded its grant to Old Bennington with the expectation that

Old Bennington would take a very comprehensive approach, giving adequate time for a thorough engagement with the residents and for meeting all State requirements. SP said the grant envisioned not just a simple statutory update, but a rigorous discussion with the community as to how they wanted their Village to develop in the future. Fulfilling the State's expectations would necessarily take longer.

BS said he was concerned about possible legal jeopardy. DS said he thought the Village should ask Merrill Bent about this. EW said he would do that.

SP said that she had given TW an Agreement of Services, laying out what BCRC is planning to do for the Village as it prepares the new Plan of Development. She said the Agreement needed to be finalized. TW said the Planning Commission needed to review it first, but the Trustees were eager to get started.

5. Commissioner reports:

- a. Road Commissioner TM thanked RP for outlining his ideas. He said he had issued Requests For Proposals for repairing Bank Street but had not yet received any responses. He said that the State (VTrans) had told him to reissue the RFPs, and that VTrans believed Old Bennington would eventually get some proposals and be able to complete the work in time to get the State's grant.

TM also said he had contacted nine or ten snowplowing providers. Some said they weren't interested in municipal contracts. The main problem is what they called "consistency" – they wanted to get a payment for the whole winter up front, so that they could pay their employees week after week and keep them on hand, even if there were extended warm spells when there was no plowing for them to do.

There was a discussion of whether contracts like that were really workable, given the vagaries of winter weather in Vermont. People were concerned that if the Village paid up front, some setback during the winter might leave the vendor unable to fulfill the contract. TM said he would provide more information at the July meeting. It would be ideal to award the snowplowing contract in August.

There was a discussion of the intense public interest in having good road maintenance and plowing done. TM said that at the recent annual meeting, people approached him to tell about instances when snowplows lifted pieces of the antique marble sidewalks out of the ground and didn't bother to put them back. BS said that on Monument Circle a snowplow had lifted a chunk of the curb out of position, dragged it away and left it on the grass; no one could put it back because it was too heavy to lift. He said he'd wondered whether the Village or the State was responsible for something like that, since the Monument is State property. TM said he would look into it.

There was a separate discussion of why the Village's swales on Fairview Street and Walloomsac Road extended beyond the Village's boundaries. Several houses have swales in front of them even though they aren't in the Village. EW said that the VTrans official working with TM on Bank Street repairs might have an explanation. He asked TM to ask and report back.

- b. Tree Commissioner TW said he'd had a report of some trees on Catamount Lane that needed pruning, including some on the Gallen property, where trees were recently added to screen off the solar installation. He asked if there was a preferred method of communicating requests for pruning with the homeowners. EW told him there was not, as long as TW kept records of the requests and responses.
 - c. Parks and Sidewalks Commissioner: No news.
 - d. Police Commissioner: No news.
6. Treasurer/Tax Collector RR said that signature cards from the bank needed to be updated, in light of the recent changes in the Board's membership. The Warrant from the previous month totaled \$72,957. The individual items can be viewed in the current Treasurer's Report on the Village website. EW moved to approve the Warrant. TW seconded the motion. The Warrant was unanimously approved.

RR said there were no developments on the sale of the Luksus property; for the other properties in tax delinquency, he said he needed to send out new collection letters.

There was a discussion of the delinquency at 57 Monument Avenue, a source of concern because the owners have stopped responding to RR's letters. They have rented out the house and are receiving rental income, but they have no motive to pay their taxes. Foreclosure proceedings could be started in November.

7. Auditor: KW had no news to report.
8. Upcoming agenda items: EW said he was aware of two Agenda items for the July meeting: 1) Research of the zoning issues connected with the inn project on Seminary Lane, and 2) RP's proposals for road work.

RP asked if it would be reasonable to ask the Board to have a discussion with North Bennington's presiding officer, Mary Rogers, to make sure it made sense for him and TM to continue their talks with North Bennington. EW said the talks with North Bennington were acceptable as long as no commitments were made. TM said he wondered if he and RP should know what a possible roads arrangement with North Bennington would look like by the date of the July meeting. EW said it sounded as if he and RP were suggesting they'd have something like a Request For Proposals. TM said that no decisions would be made. EW repeated that he wanted to be sure that no commitments were made during the talks.

9. Other business: The Trustees signed checks for the month's invoices and filled out the State's Authorizing Official form, as required to receive the Plan of Development grant.

After the signatures were completed, TM moved to adjourn. TW seconded the motion, and the meeting was adjourned at 8:49.