

Village of Old Bennington  
Trustees Meeting Minutes  
Jan. 6, 2026

The Trustees' monthly meeting was held at the Barn and on Zoom. Here's a link to the Zoom recording of it:

<https://zoom.us/rec/share/ojqAWVrUgpMJblcPFR96Ut5XFp9UAzdXRZIMNYFx90NM3vkaqE-tcce4hbY78dC9.J68Nnj3db32jsx5B?startTime=1767744052000>

Passcode: =c^@6C?C

Officials present: Presiding Officer Ed Woods; Trustees Than Marcoux, Jim Thatch, Tom Woodward, and Susan Wright; Treasurer Ron Rabidou; Auditor Kathy Wagenknecht (on Zoom); Clerk Mary Walsh; and Zoom Operator McKinley Keaffaber.

Residents present: Nancy Coseo, Galen Jones, Renny Ponvert, and Thomas Scheetz. Residents participating via Zoom were Andrew Buchsbaum, Betsy Woods, and Sheila Scheetz.

1. Call to order: EW called the meeting to order at 7:00. All Officers and Trustees introduced themselves, and EW noted that the Board's tech administrator, MK, was planning to move away for university in a few months and would have to be replaced.
2. Changes or updates to Agenda: There were none.
3. Approval of the December minutes: JT said that in the part of the minutes discussing the electronic speed sign that the Village is planning to get, it would be useful to add that the sign's capabilities will include some data collection, which will give the Village trend information. The data can't be used directly in law-enforcement actions, though. MW said she would add that to the December minutes

TW moved to approve the December minutes. TM said that he seconded the motion but wanted first to request another change: There had been a question in December about whether any unused hours of snow-plowing that the Village had contracted for would roll over into subsequent months. He said the minutes should be corrected to reflect that unused hours do roll over. MW said she would make that change. The December minutes were then approved 4-0, with EW abstaining because he was absent from the December meeting.

4. Citizen comments not related to Agenda: Renny Ponvert expressed concern about the way the Board of Trustees was interpreting Vermont's open-meeting law. He said the Board had told him that a letter sent by a Village resident to all five Trustees at once violated the open-meeting law, but he disagreed. He did not think such communications violated the law in any way. EW told him he was wrong, but he did not want to debate the issue now, so he would get backup information from the Village's attorney for a subsequent meeting.

RP also said it should be made clear that the new interim bylaw (adopted at the Jan. 5 special meeting) called for the Trustees to take not one but two steps when an application for a conditional-use permit was submitted: 1) It had to decide whether the property met the requirements for consideration under the interim bylaw, and 2) It had to decide whether to issue a conditional-use permit. EW said that was correct, and that after taking those two steps, the Trustees would refer the applicant's development plans to the Planning Commission for the usual review.

RR said he was confused, because the interim bylaw makes the Board of Trustees the body that authorizes conditional-use permits. The Planning Commission and Zoning Board have no role with respect to the interim bylaw.

EW said he wanted to interrupt to tell RR that the lawyers disagreed with him, and EW was comfortable with what the lawyers said.

RR reiterated that the Board of Trustees was the deciding body for applications filed under the interim bylaw, and Planning Commission and Zoning Board had no role, although the Board of Trustees was free to consult with them and get their advice on applications that came in under the interim bylaw.

EW said the discussion would have to stop for now, because there hadn't been a warning for a debate of this nature on the meeting agenda. He said he would stop the debate for now, do some legal homework, and at a properly noticed meeting in February help clarify what each step was for which body when an application came in under the interim bylaw. He said RR and RP had already raised concerns along these lines, so probably other people had concerns too, and everything needed to be sorted out.

RP said he wanted to be sure that the Village was operating correctly under its own rules and the State law.

Galen Jones said it was his understanding that the approval of any conditional-use permits would be decided by the Trustees.

EW said that GJ's statement zeroed in closely on EW's own understanding of the interim bylaw. GJ then said he still thought it would be better for the Planning Commission should step in before the conditional-use permit decision was made, to do what they would do with the project plans in the normal course of business.

EW said that in the order that the interim bylaw was written in, the Trustees would approve (or not) the issuance of conditional-use permits, and then send the project to the Planning Commission. The proposed development wouldn't be able to move forward from there unless it met the Village's design-review criteria, and it would be the Planning Commission's job to decide that.

Nancy Coseo said she was a stickler for process and would focus on that. She missed Monday's special meeting because she had the date wrong. But she had heard that at some point there had been some discussion of variance versus interim bylaw, and it was said that a variance couldn't be used in these circumstances. EW said that was because the Village's Plan of Economic Development had expired last August, and normal zoning changes wouldn't be made unless the Village enacted something like the interim bylaw. NC said that should be in the public record. EW said it was, but it would certainly be reiterated in subsequent public meetings.

NC said that it appeared that a change of use is being considered – that was what the conditional-use permit appeared to be, authorization for a change of use – and since words matter, they had to choose their words very specifically. EW said that she was right; it was a change of use, because the Village now deems the Walloomsac Inn to be residential property, and the developer wants it to have commercial status.

NC asked whether the interim bylaw had been written by the applicant. EW said that the applicant's lawyer had drafted the first version, and the Village's lawyer then "flew cover over that." In addition, the applicant's lawyer had found some things that the Village's lawyer hadn't noticed yet, and those findings were useful. He said the Trustees would not have presented a draft bylaw written solely by the applicant. They just got the ball rolling.

NC said that was good to know, and the interim bylaw was very well written. She said she wanted everything to be airtight.

JT said that the purpose of the interim bylaw was to show the builders that the Village was committed to their project. And the builders need to know whether the Village is committed, because they have to take certain steps immediately. This winter's frequent snowstorms have been damaging the Walloomsac Inn, and the developers need to protect the building and prevent more damage right away. By dwelling on all the details of design review, the Village was getting way ahead of itself. We don't want to create problems that haven't happened yet.

RP said that what the developer's investors really wanted to see was a conditional-use permit. EW that was the developer's concern; the Trustees' only duty for now was to give them a path to apply for it, and that was what the interim bylaw did. JT said the interim bylaw called for the Board of Trustees to decide conditional-use permit applications, nothing else. But right now, he said, the Walloomsac Inn was on borrowed time, because of bad winter weather. He urged listeners to do what was needed to let the developers shore it up.

RR said he wanted to clarify that the Trustees had passed the interim bylaw to help anybody whose conditional-use permit expires. It contains five criteria that a property must meet in order to be eligible. Any property that meets those five criteria can come to the Board and request a conditional-use permit. The Village is not at risk of being accused of rifle-shot zoning.

EW said that the next step would be to receive the application. When the Trustees receive it, they'll decide on it.

There was next a brief discussion of an offer from Thomas Scheetz (previously the Village's Zoom operator) to straighten out the files in the Village's paper archive, which are not in good order. (The Village has a Cloud storage account for its digital documents, but the documents in the paper archive go back for many years and haven't been scanned, so they can't be put into Cloud storage.) The paper archives are currently stored in the small utility building of a public park. MW said she had the key and would arrange for TS to come and get it. (She added that some of the paper documents were in her basement.)

There was then a discussion of whether the Village could find a better place to house its paper archives. SW said that the papers could be stored at no cost in her place of business (which she is winding down). It's climate-controlled, and large enough to hold everything. The other Trustees thanked her for her offer.

## 5. Reports of Commissioners

- a. Roads Commissioner: TM said he had been working with Norm LeBlanc's assistance to draft a budget for the road repairs that are expected to begin in May.

As for snow plowing, he said the Village was about one-third of the way through the hours it had pre-purchased for the winter. He thought the Village was in a good position for the season. EW said he has heard good feedback on the new contractor. Residents were telling him that Pembroke (the contractor) was there when it was supposed to be.

- b. Trees Commissioner: TW said that the plowing contractor was using an awful lot of salt on the Village sidewalks, which was very hard on the trees. MW said it's also hard on dogs' feet.

GJ said it would make sense to ask Pembroke if there was some other type of snowmelt that would cause less damage.

TM said that no municipalities use the environmentally friendly type of snowmelt because it's very expensive and not available in the quantities municipalities need. EW said maybe SW could also try asking Pembroke for better materials, since

she's the Parks and Sidewalks Commissioner. SW said she had already been planning to ask Pembroke about salt for the sidewalks, since Pembroke is a landscaping company that knows a lot about trees. There was consensus that SW and TM should work on the problem together.

- c. Parks and Sidewalks Commissioner: SW said the new bench had arrived to replace the one that was broken by the crew that restored the Old First Church steeple on the Village Green. She said she was storing it in her place of business and would arrange to have installed in the spring.
- d. Police Commissioner: JT said there had been no reported police incidents. He said he was still working on the historical signs for the Village, and was looking into whether they could be mounted on wooden stands, which would look more quaint than the metal poles. He was still wondering whether there should be a symbolic image (such as the Monument) on the signs. MK said that if JT did decide to use metal posts, he should put rubber guards at the bottom to protect them from rust.

JT said he thought he would have some design options for the Board to vote on at the February meeting.

EW said it was important to consult with SW on the historical signs, since she was serving on a body that's preparing for the upcoming anniversary of the Battle of Bennington. Also, he reminded the Trustees that the Board had a subcommittee with a \$5,000 budget for traffic calming, and it needed to choose the best projects and work efficiently. If there were going to be four signs at the four entrances to the Village, he said, the voting should happen all at once, not four times.

- e. Treasurer: RR asked if the Trustees had any questions on the month's expense statement, posted on the Village website. No one did.

RR then went over the Warrant for the month, which included legal fees for the consulting on the interim bylaw, among other things. It is available for viewing on the Village website.

TW moved to approve the Warrant. TM seconded the motion, and it was approved unanimously.

RR then reported on the two continuing tax delinquencies. He said the Weingarten Trust, owner of 57 Monument Ave., had now paid its most overdue taxes, but not the more recent ones. He said he was now able to correspond with the owners at their regular mailing address.

RR said Tzaims Luksus's delinquency had been raising a number of issues. Tzaims has lately been proposing the subdivision of his property to raise money for his back taxes. RR didn't want to take this idea any farther without speaking with the Village's lawyer. He said he had contacted Jennifer Richmond, a

paralegal at the law firm, but she hadn't responded, and he wanted to know if he could talk to the Village's lawyer, Merrill Bent. In addition, he said Tzaims Luksus had been claiming Homestead status on his property, but he shouldn't be receiving the respective tax break because to qualify for the Homestead preference, you have to live in the property. (Tzaims Luksus now lives in Myanmar.) EW said that it was up to the State of Vermont, not the Village, to catch any misuse of the Homestead law, since it's a State law, enforceable by the State.

- f. Auditor: KW said she had nothing to report.
  - g. Other: EW said there would be another public hearing, for a conditional-use application filed under the new interim bylaw. He thought it would be best to schedule the hearing for Feb. 2, which is a Monday, because if anything still remained unresolved at the end of the hearing, the Trustees could take it up in their regular monthly meeting on Feb. 3.
6. Old business: NC said she thought the Village was applying for a grant to create a walking path in time for the coming Battle of Bennington anniversary. She wondered where things now stood and wished to have another meeting to discuss the project with Jonah Spivak. EW recalled that the last time the Trustees had considered the proposed walking path, JS had wanted to apply for the grant, with the blessing of the Trustees.

SW and JT both said they could also discuss the walking path at their next 250<sup>th</sup> anniversary meeting on Jan. 20.

7. Future Agendas: JT asked when Mary Rogers, from North Bennington, would come to meet with the board on infrastructure repair possibilities, because scheduling had been difficult and the Board was carrying it over from month to month. RP said there were always going to be scheduling problems because Mary Rogers has a regularly scheduled meeting in North Bennington on the first Tuesday of every month. But for the magnitude of what Norm LeBlanc has been doing it would make sense to meet with her.
8. Adjourn: TW asked for a motion to adjourn. JT seconded the motion. The meeting was unanimously adjourned at 7:57.