Draft

Village of Old Bennington

Trustees’ Meeting Minutes

Jan. 7, 2024

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

<https://zoom.us/rec/share/67l_SctULcpGV1YoQ3xPl8uEQprS1lc6vCA8lt66ZPtgXZDLdA-selJWohk5BLoU.klBuP78LRGLAsBoP>

Passcode: 1+j4&q@$

Officials present: Presiding Officer Anne Slattery; Trustees Than Marcoux and Tom Woodward; new Planning Commission Chair Brian Scheetz; Treasurer Ron Rabidou; Zoning Administrator David Kiernan; Auditor Kathy Wagenknecht; Clerk Mary Walsh; and Zoom operator McKinley Keaffaber.

Officials absent: Trustees Ed Woods and Susan Wright.

Village residents in attendance: Renny Ponvert and Tom Scheetz in person; Lucy Baldwin and Megan Schwarzkopf on Zoom.

1. Call to order: AS called the meeting to order at 7 p.m. and noted that even with two absences the group still had a quorum. Zoom operator MK noted that the proceedings were being recorded on Zoom.
2. Changes or updates to Agenda: None.
3. Approval of minutes from the Dec. 3, 2024, meeting: TW moved to approve the minutes. TM seconded the motion and the minutes were unanimously approved.
4. Citizen comments not related to Agenda: None.
5. Reports of Commissioners
   1. Roads Commissioner: TM said he had applied for a grant from the State of Vermont to help pay for road erosion analysis, which is part of the municipal roads general permit and must be completed once every five years. He said the grant had been approved. It will provide $1,600 toward the $2,000 cost of the analysis. The Bennington County Regional Commission will complete the analysis for the Village.
   2. Trees Commissioner: TW said he had been preparing some written guidance for Village residents, so they can find out more easily how to care for and remove, if necessary, the street trees on their land. Currently the information isn’t easy to find; there’s confusion about whom to call about dying and damaged trees, depending on their location; and there’s no written guidance on resources for replacement trees. TW circulated his draft.

RR said he thought residents seeking information about trees should always be able to contact one person, preferably the tree commissioner. DK said that as Zoning Administrator, he would base permit decisions on direction from the Tree Commissioner as to the tree’s viability. TW said that in general, the Village needed to take seriously the impending loss of many, many historic trees and how it would affect the Village.

Separately, TW reported that Pembroke had done an excellent job of cleaning up the vegetation overhanging the road and swale at 18 Walloomsac.

* 1. Parks and Sidewalks Commissioner: AS said SW had informed her that she was out sick but had no business to report. AS also said that a resident had asked whether the old watering trough on what was once the Village green could be made functional again in time for the 250th anniversary of the Battle of Bennington. RR and KW said this had been studied in the past, and it would be very expensive because it involved excavating and laying pipes to connect with underground pipes across the street. AS said it was hoped that the State would make grants for anniversary-related projects, and perhaps such a grant would pay for restoration of the watering trough.
  2. Police Commissioner: AS said EW was out of town.
  3. Planning Commission: AS announced that Brian Scheetz was the new Chair of the Planning Commission, and Carl Feltz was the new Vice Chair. RP said the Planning Commission had been speaking with a highly qualified resident who was interested in filling the empty seat on the Commission. The Commission will get back to the Trustees with a recommendation.

AS asked DK to discuss what was happening with “hybrid public meetings.” DK said municipalities in Vermont were bound by the State’s Open Meeting Law, but improving technology had raised some questions about how the law applied to “hybrid” public meetings, where some people attend in person and others attend via internet. He said the Vermont League of Towns and Cities had developed a set of requirements for conducting hybrid meetings lawfully. (One example: Votes must be conducted in person, not on Zoom.) Other municipalities have been adopting them, and the Village of Old Bennington will now do so.

There was also a discussion of the Village’s technical capacity for hybrid meetings. DK said the Village’s current equipment didn’t allow for recording everybody in the room at annual meetings; it didn’t allow the Trustees to see residents who participate from home, on Zoom; and it didn’t allow presenters to share documents on a visible screen. He said that adding the necessary equipment wouldn’t be expensive. The main issue was whether there was a space where the Board could store it.

KW said she had a meeting scheduled with Old First Church officials, and she would ask if the Board could lock up the equipment and store it in the attic. DK said he would look into the cost of the necessary equipment.

* 1. Other business: AS offered a status report on the Village’s new Plan of Development. She said the Village would apply for a grant from the State to cover the cost of preparing its new Plan. She provided a draft of the application, which was prepared by the Bennington County Regional Commission. The BCRC’s planning program manager, Janet Hurley, was recently appointed to serve on a new State land-use review board and would be able to draft revisions to the application only if the Trustees requested them before her departure on Jan. 24. That didn’t leave enough time for the Trustees to wait for the Planning Commissioners to propose revisions at their next meeting, then vote on the application at next Board of Trustees meeting in February.

BS said the content of the draft application had been written to satisfy the State’s grant requirements – they weren’t a draft of the new Plan of Development itself. Therefore, he didn’t think this was a good time to argue about the content. AS said she had noticed that the application said the Village “could” do this or that, but it didn’t commit to a particular direction. For example, she said, the application opened the door to seeking a “Village Center” designation, which could include the Museum, the Old First Church, the school, and the Walloomsac Inn; such a designation would be advantageous because it could give the Village access to a number of grants, perhaps for planting trees or reconnecting the water supply. But specific grants were not discussed, and AS said the application did not lock in the Village to any particular approach. DK said the application looked very standard to him, too – it was just a way to get the process started.

Because of the time sensitivity, the Trustees decided to approve the application on a contingent basis, pending the approval of the Planning Commission at its meeting on Jan. 13. TW so moved. TM seconded the motion and it was unanimously approved.

* 1. Treasurer: RR said the financial statements were posted on the Village website, and the Trustees needed to sign the warrants, which included a quarterly insurance payment, the cost of a fall cleanup in the park, the bill for payroll and tax services, and electricity for the streetlights. TM made a motion to approve the Warrants, TW seconded the motion, and they were approved unanimously.

RR also said the budget for the coming fiscal year needed to be drawn up soon. He said he would send a budget worksheet to the Trustees before their February meeting, so they could use that meeting to draft a preliminary budget. That would give them a month to consider the budget, make changes, and finalize it at the March meeting.

RR said the Board needed a timeline showing everything that had to be done before the annual meeting, because there were a number of mandatory due dates to keep in mind. AS and RR will provide this at the February meeting.

g. Auditor: KW said she had no business to report.

1. Village/Town roads update: AS said the new State legislature would be sworn in on Jan 8, and after that, anything a municipality wanted them to consider had to be filed by Jan. 27. Bennington’s new representative, Will Greer, will shepherd the process along. He will send a summary that the Village provides him to the Legislative Counsel, and within a week’s time the Legislative Counsel will send back the wording that will make it a correct bill.

In addition, the Village must vote on the transfer of road maintenance and repair duties to the Town. The Town does not have to conduct such a vote, but various lawmakers have said that they want the Town’s Select Board to approve the transfer.

RP asked what would happen to the funds the Village had dedicated to road maintenance when the Village wasn’t responsible for the roads any more. AS said the reserve funds would go to the Town of Bennington to complete the reconstruction of Bank Street (and cover other one-time capital expenses related to roads). RR said that three years ago the Village was told it would cost $500,000 to fix Bank Street, and the corresponding grant from the state was for just $200,000. He said that meant the Village’s reserves would have to be forwarded to the Town to cover the Village’s share of the cost. AS said that any remaining funds would revert to the Village.

AS said it was essential to keep the process moving forward because it would determine whether Bank Street was fixed in fiscal 2025 or fiscal 2026. There was a brief discussion of the accounting implications.

TS asked whether the trustees thought the transfer of the Village’s road obligations might prompt the Town to build a road behind the monument, where there were some wooded parcels of land for sale. AS said there appeared to be road construction between Fairview on the golf course. [Clerk’s note: The girls’ school on the respective site recently improved the old Corkscrew Railway railbed, to access their property for what appears to be tree clearing. This land is outside the Village.]

AS said she understood TS’s concern, but thought it was probably a losing battle because of the zoning changes the State had mandated with the Home Act. She said it was now the Village’s job to protect itself.

1. Old business: None.
2. New business: None.
3. Adjourn: TW moved to adjourn at 7:54. TM seconded the motion and the meeting was unanimously adjourned.