Village of Old Bennington
Trustees' Meeting Minutes
July 7, 2026

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

The meeting was held at The Barn and on Zoom. The Minutes do not attempt to capture every word. Members of the public who want to hear the maximum possible are referred to the following Zoom recording (however, as noted in the discussion, parts of the recording are inaudible):

https://zoom.us/rec/share/fHomZ7wOKHsQy0Hx9fBx5xb-w4sn2qlfnG9USQEsV6bd1yYEAa9JCVaWBc-6J1O1.r5Ad4TbDtSDXqgbb?startTime=1783465226000

Passcode: *k9Hk9^U

[Clerk's note: This meeting included a long and thorny discussion of Minutes, at Agenda Item 5. In the interest of transparency, the Clerk has included a full narrative account of who said what. However, to keep readers from bogging down in a long discussion of a topic that may not interest them, the Clerk has moved the full narrative to the end of the Minutes, and presented it as an Addendum. The Clerk is optimistic that the upcoming purchase of better audio-visual equipment will lead to crystal-clear recordings of Board meetings, freeing her and everybody else from having to spend so much time on what should and should not be in the Minutes.]

Officials present: Presiding Officer Jim Thatch; Trustees Renny Ponvert, Kristin Roessner, Ed Woods, and Susan Wright; Zoning Administrator David Kiernan, also acting as Zoom operator; Treasurer Ron Rabidou; Auditor Kathy Wagenknecht, Clerk Mary Walsh.

Village residents participating in person: Brian Scheetz, also Planning Commission Chair, 19 Monument Circle; Marc Baetens, 21 West Road; Wendy York, 77 Monument Ave.; Colleen Kelley, 72 Monument Ave.; Andrew Buchsbaum, 129 Monument Ave.; Suzanne Buchsbaum, also Nominating Committee Chair, 129

Monument Ave.; Linda Schulz, 364 Elm St.; Nancy Coseo, 3 Monument Circle; Galen Jones, 10 Walloomsac Road; Mark Zotto, 43 Monument Ave.; Megan Schwarzkopf, 37 Monument Ave.; and David Silver, also Chair of the Zoning Board of Adjustment, 1 Catamount Lane.

Village resident who spoke on Zoom: Thomas Scheetz, 19 Monument Circle (permanent address).

Citizens from outside the Village who spoke as abutting neighbors of The Seminary: Andrea Lampron, 348 West Road; Daniel Richmond, 362 West Road.

1. Call to order: JT called the meeting to order at 7:00 p.m.

2. Changes or updates to the regular agenda: None.

3. Approval of minutes from the June 2 meeting: EW moved to approve, pending discussion, and JT seconded the motion. In the discussion, RP said the June 2 draft minutes did not state his intentions as both a Planning Commissioner and a Trustee. (He noted the dual status is permissible under Vermont statute.) RP said he would step down as a Planning Commissioner once his replacement has been found. From then on, he said, he would serve only as a Trustee. In the meantime, he said, he would recuse himself from any Planning Commission votes that coincided with related Board of Trustees votes. MW said she would add that information to the June 2 minutes.

4. Citizen comments not related to the agenda:

   --BS, of 19 Monument Circle, asked that the Trustees add to their August agenda a discussion of the merits of repealing the Interim Bylaw, which covers the designation of certain non-conforming properties. In response to questions, he said the Trustees would discuss the possible repeal and then open the floor to citizen questions and comments. He said Vermont statutes allowed for such a repeal.

   --MB, of 21 West Road, asked if the Village could consider ways of improving safety at the dangerous intersection of West Road and Monument Avenue. He proposed replacing the Yield sign with a Stop sign; adding painted markings on the pedestrian crosswalk; and closing off the lane called

“Park Way,” among other things. WY asked for more detail, but was told that would be provided at a future meeting, when the matter was on the agenda.

--MW asked about the promised electronic speed sign which has not yet been installed. CK said that from their house they too often saw drivers speeding up as they prepared to run the Stop sign in front of the Old First Church. JT said the electronic speed sign had been budgeted. EW said the Board hadn’t ordered installation yet because they were still getting quotes and other information.

--DR asked to comment on the process of deciding on the application for a Conditional Use Permit for 3 Seminary Lane. He said that to qualify under the Interim Bylaw, the property was supposed to be severely dilapidated, but he didn’t think things like cracked plaster and an old boiler met that standard. WY said she had heard that some trees behind 3 Seminary Lane had been paint-marked for clear cutting.

--AB asked whether there would be a time when the public could weigh in on the conditions placed on the possible Conditional Use Permit, or would they be decided solely by the Trustees. JT said the six conditions were already listed in the developer’s application, and were open for public discussion at the July 2 hearing. AB asked if there was any possibility that the developer might suddenly add 40 parking spaces. JT said that was impossible under the current application, because the developer had specified that there would be only eight parking spaces. [Clerk’s note: later in the meeting RR noted that the site plan in the application did not show the entire parcel.]

--SW asked how many people in the room had read the entire application carefully. She said it contained answers to many questions, as would the Findings of Fact document that the Board of Trustees was currently drafting. She said people seemed to have incomplete information, and a little knowledge could be a dangerous thing. If everybody functioned on the basis of misinformation and half-truths, she said, the process would never go anywhere. She asked the public to be patient and allow the Trustees to do their jobs.

--LS said the process so far appeared to have left out information that interested parties should have received. She said she had moved to Old

Bennington recently and didn't know she had to go to the Village website two days before the meetings to see what was on the agenda. She wanted to know why residents weren't being alerted by email when there were new developments. MW said she had tried to build an email list for the Village but found it hard to get all the addresses.

--RR said it was important to know that the current, approved site plan for 3 Seminary Lane covered just the inn building and adjacent parking spaces. He said the rest of the parcel was not included in either the site plan or the Conditional Use Permit application. He said that whatever happened to the rest of the parcel would have to be the subject of another site-plan review. [Clerk's note: public records show the entire parcel is 3.09 acres.]

--NC said long-term residents were generally aware that there was a regular Trustees' meeting on the first Tuesday of the month, and a Planning Commission meeting on the second Monday of the month. She said she always put notes in her calendar to check the Village website for the agendas two days before the regular meetings. MW said the July 2 special hearing was off the usual schedule, and while the agenda and application were posted in good time, residents wouldn't have known to check the website for them. MW said she could send out emails telling people to look at the Village website when there was something new – but she couldn't do that unless she had their email addresses. In the past, a number of residents have been reluctant to give out their email addresses. There was consensus that MW should continue collecting email addresses, and alert people when they should check the website for news.

--DR read a statement saying that the description of what 3 Seminary Lane would be used for had changed several times. It was hard to follow the ball when the ball kept moving.

5. Robert's Rules of Order protocol: RP put a motion on the floor to curtail MW's current practice of providing what he called a "he-said-she-said" account of what went on in Board meetings. He said the accounts were too long. The one from the July 2 hearing ran nine or ten pages. He said the issues being discussed were very complex, and he offered to answer people's questions about them offline. He said that Robert's Rules of Order said specifically that the minutes be very brief. He said there was a Zoom recording of every meeting, and people who wanted more detail could watch

that. He asked for a second, so that discussion could begin. KR seconded the motion.

In discussion, MW said she wanted to focus on the July 2 hearing, where members of the public went to a lot of trouble, coming out on a hot night, drafting their statements, and being sworn in. She said people felt very strongly about the subject of the hearing [3 Seminary Lane] and they needed to be heard. She said she didn't think it should be up to her to leave some speakers in and edit others out. She said following Robert's Rules for that hearing would lead to "Minutes" that consisted solely of a list of the names of those who spoke and a brief label of their topic, like "The Application." She said doing that would be a slap in the face of everyone who bothered to come out and speak.

KW said that Vermont had its own law controlling municipal minutes, the Open Meeting Law. It contains no reference whatsoever to Robert's Rules of Order, no other required format, no requirement that any particular discussion be included or excluded. Vermont's legal standard for minutes is whether they give a truthful account of the business of the meeting. Robert's Rules was about protocol, which KW said was not important. What was important was whether the minutes made the core substance of the meeting available. She also said that relying on Zoom recording to find out what was said was not possible. The Village has had many meetings where Zoom was not available at all.

The discussion continued at length. Interested readers can find a narrative of it at the end of the Minutes, under "Addendum."

RP offered to amend or withdraw his motion, so that a better version could be crafted at some other time. EW said it had to be voted up or down. There was a vote of the Trustees and the motion failed, 1-to-4, with RP's the only vote in favor.

JT then made a motion that from now on the word "draft" should appear at the top of the minutes when first posted on the website; it would stay there until all necessary changes were discussed and agreed to at the next monthly Trustees' meeting [where the trustees would also vote on whether to accept the corrected minutes]. EW seconded the motion, and the motion was unanimously passed.

RR also suggested to RP that he take MW's minutes from the July 2 hearing and try to revise them, to fit RP's vision of how minutes should be.

6. Board of Zoning Adjustment report: DS said the Zoning Board needed more members. It currently had just three, out of the five that it should have: DS himself, Anthony Mazzola, and David Crowley. DS said the Zoning Board was different from the Board of Trustees and the Planning Commission, in that it didn't have regular monthly meetings. Its practice was that it met only when it received word from David Kiernan that there was an application to be worked on.

   In response to a question, DS gave more information on what the Zoning Board did: The members came together when there was an application, held a public hearing to give the abutting neighbors and others a chance to comment, then they deliberated, made a decision, and publicly explained it. He said sometimes the Board needed legal advice, and then it turned to the Village's outside attorney, Merrill Bent. He said the Zoning Board sometimes went for years without meeting, because there was nothing to talk about. But lately there had been more activity than usual, because of the activities at 3 Seminary Lane.

   JT said he agreed that the empty Zoning Board seats should be filled. He asked Nominating Committee Chair SB whether she had thoughts. SB said DS might ask for volunteers from among the people in the room. He did, and WY and TS said they would volunteer. JT said the Board could not respond immediately but would add an agenda item on the volunteers at the next meeting.

   RR said that in addition to the two empty seats, Anthony Mazzola's term was expiring soon, so he must either be re-appointed or replaced. DS said he hadn't spoken with him yet about his intentions.

7. Status Update on the Village Plan:

   BS said the BCRC had provided the Planning Commission with a draft Plan in mid-June, and the Commissioners had each reviewed it and come up with edits. There had been a special meeting on July 6 to consolidate the edited drafts into a "Commissioner Draft." There were lots of changes, including some additions to the Plan and some deletions from it. The Commissioner Draft next goes back to the BCRC for their comments. BS said there was a chance that some of the Commissioners' changes wouldn't conform to State requirements for such Plans. They would wait for the BCRC's response. Once that was done, the Planning Commission must decide whether the draft Plan is ready to go to the Trustees for approval.

Then, once the Trustees have received the draft Plan, BS said, there will be opportunities for additional public comment on the draft, which will be made available to all.

MB asked whether BS would be asking for volunteers for the Planning Commission. BS said yes. MB said he would volunteer. So did MZ. BS said the Planning Commission would meet with the volunteers and bring the Trustees a person to approve.

8. Reports of Commissioners:

    a. Presiding Officer: JT said the Army Reserve Band would perform songs for a reading of the Declaration of Independence. He also said the Fountain on the Village Green had been restored and the water was running again. There were questions about whether the pesticides and herbicides being sprayed nearby might be getting into the water. SW said she would look into it.

    b. Roads Commissioner: EW said he was working with two contractors for the plowing and salting of streets and sidewalks this winter. He expected the Town of Bennington to do the roads and Pembroke Landscaping to do the sidewalks. He said he had not yet begun to work with Norm LeBlanc on the general road maintenance plan worked out with the previous Roads Commissioner, Than Marcoux.

    c. Parks and Sidewalks Commissioner: SW said she got together with Norm LeBlanc (Highway Superintendent of the Village of North Bennington), who will partner with the Village on the sidewalk repairs. She said she expected the cost to be less than what was in the current budget. The concrete will be provided by Concrete Impressions.

    d. Tree Commissioner: RP said he had drafted and would circulate a document on handling mature tree maintenance on the right-of-way. The Village still has $10,000 left over in the budget for new trees, and he expected to plant them in October or November, to minimize stress. JZ said he knew the Village had money set aside for new trees, but he wondered about working with a contractor on the many mature trees. RP said there wasn't a line item in the budget for removing mature trees, and the cost could be as much as $5,000 per tree. RR said it was hard to get the money.

JZ asked if RP would like him to approach some tree-care companies. He said maybe Village homeowners could form little groups and share the cost of having dangerous limbs removed. RP said he would work on this directly with JZ.

AL said she had a tree with a broken branch that needed to be cut off and wanted to know if she could just do it herself. RP said he would like to come and look at it first. MS asked what would be done about maintaining all the unhealthy trees on the public traffic island between the Walloomsac Inn and the Old First Church. RP said money was limited, but if some trees on that site had dangerous branches that urgently needed to be removed, that could be done.

WY called for a community effort to deal with "black spot," a fungus that was sickening maple trees. GJ said that a lot of the damage to trees on upper Monument Avenue was being done by heavy salting in winter. He wondered if there was a substitute that would be less harmful. SW said there was a salt alternative, but it was very expensive. Instead of switching to that, she has asked Pembroke to cut back on salt by mixing it with gravel, which gives some traction.

e. Police Commissioner: KR said she was looking into signage and a lot of things that could be done to calm traffic. She said she would like feedback on the specific traffic hot spots and issues that people are concerned about.

9. Report of the Treasurer: RR presented the Warrant, which had seven items totalling $5,414.68. The list is on Page 2 of the Treasurer's report for June, posted under the Board of Trustees tab of the Village website. JT moved for the Board members to sign the Warrant, KW seconded the motion, and the motion passed unanimously.

RR said tax delinquencies in the Village remained unchanged, three houses with two owners. Details are available on Page 4 of the

Treasurer's report for June. RR said that in November the delinquent taxes will be two years overdue, which triggers the legal process leading to a tax sale.

10. Auditor's report: KW said there was nothing to report.

Old business: RR said our audio-visual equipment is so old that no can hear what's being said, the projection screen tips over, and the light is too dim to see the images. He proposed getting a new microphone, a new projector, and a new screen. KR moved to research and acquire better equipment, to make the meetings more accessible. SW seconded the motion. It was unanimously passed. There was also discussion of the best way to build public interest in serving in governance roles. For now, MW will post a call for volunteers, with SB's email address, on the Village website.

11. Adjourn: JT moved to adjourn the meeting at 8:31. KR seconded the motion and the meeting was adjourned.

ADDENDUM

For those interested in the discussion about what is suitable for inclusion in minutes, a summary of the discussion during the July 7 Board meeting follows:

5(a): Robert's Rules of Order protocol: RP put a motion on the floor, which he said was to clarify Village operations. Lots of complex issues have been coming up. The minutes from the July 2 hearing were nine or ten pages long. He offered to answer people's questions offline. But he said that Robert's Rules of Order said specifically that the written minutes should not be an annotated news item about "he-said-she-said." He said there was a Zoom recording of every meeting, required by Vermont's Open Meeting Law. It provides a verbatim record of who said what and the subtleties of their points. Therefore, his motion was to set the requirements for the minutes of this meeting and for the rest of the year: The Clerk would make sure we complied with the Open Meeting Law, and would post, at the top of any minutes, the web address of the Zoom recording. That would show citizens that they could hear the full, verbatim transcript. In addition, the Clerk would name the officials present and state who presided, what the agenda items were, list what new business was discussed, and any material items raised by residents, in writing. The details of specific discussions would be available on the Zoom recordings. The Clerk should not attempt to summarize debates or factual arguments. Residents should refer to the verbatim Zoom recording, in compliance with the spirit and letter of the Open Meeting Law. The Clerk shall send the draft minutes to the Trustees and the Treasurer, all at the same time, within five days of the meeting. If there are corrections to be made, they should be put forward prior to any motion to approve the minutes at the next Board meeting. Should a Trustee spot an error or omission, it must be brought to the attention of the presiding officer within three days, and prior to a formal vote to approve the minutes. RP said the intent of his proposal was to make sure the Board didn't have a problem about "he-said-she-said," and partial or incorrect reporting of what are often complex and detailed arguments. No human, he said, not even a court stenographer, could capture this in the granularity that would be fair to everybody. He asked for a second so that discussion could begin. KR seconded the motion.

JT asked MW if she wanted to say anything. MW said she wanted to talk about minutes from the recent hearing, and she would leave it to KW to talk about the legal aspects of RP's proposal. MW said a lot of people had gone to some trouble to provide evidence at the hearing. They drafted their remarks, came out on a hot evening when there was only one fan in the room, and swore to tell the truth under penalty of perjury, which might have been uncomfortable for some. She said that people really cared about the issues, and if she had had to follow Robert's Rules for the minutes, it would have been a slap in the face to everybody who had offered statements. She said the people who spoke needed to be heard. Why would they bother testifying if there wasn't going to be a written record of what they said? She said that if she had been bound by Robert's Rules for that hearing, the minutes would have consisted if a list of each speaker's name, and a short label for their topic, like "The Application." Why bother? She said that approach would make a farce of the whole thing. She said she would leave it at that and let KW talk about the law.

RP said his motion was in favor of reporting things accurately and fully. He said it was simply impossible to capture the arguments. He said that some people felt that their views were not properly captured in the minutes, including those of the July 2 hearing. He said this could lead to misunderstandings about what was said and the reasons decisions are made.

KW said she thought what RP was proposing was in conflict with what the Vermont League of Cities and Towns' guidance on the Open Meeting Law. It contained no reference whatsoever to Robert's Rules of Order. There was no required format, no requirement that things be written in parliamentary language, and no requirement that any particular discussion be included or excluded. Vermont's legal standard for minutes was whether they gave a truthful account of the business of the meeting. Robert's Rules was about protocol, which KW said was not important. What was important was whether the minutes made the core substance of the meeting available. She also said that relying on Zoom to show what happened was not possible. The Village has had many meetings where Zoom was not available at all. Also, some people in Old Bennington do not have internet, or do not use it. Vermont's Secretary of State has said clerks are required to make minutes "accurate, timely, and publicly available." Robert's Rules is neither suggested nor required.

RP said he would amend his motion to say that the transcript created in the Zoom recording could be used by people who didn't want to watch the video on the Zoom site.

KW said the amendment assumed that a Zoom recording or transcript always existed, but that wasn't so. Sometimes, for whatever reason, no recording or transcript was produced.

EW asked whether there was a second to RP's amended motion. SW said she would second it.

JT said some people don't have internet and can't see Zoom. He said MW was currently complying with Vermont's law, and she was the clerk. He wondered if accuracy could be improved by giving the Trustees a preview of the draft minutes before posting them online, so that any mistakes could be corrected before they were publicly available.

EW said that practice was impossible because every time the Trustees come together to discuss something, it has to be in public.

KR said that to the extent a transcript existed, it would be great to append it to the minutes.

SW asked whether the Board recorded its meetings, and whether the recordings were clear and audible, and whether they could be transcribed. Others told her that the meetings were usually recorded, but there were often inaudible portions.

RR said that anyone listening to the Zoom would find places where they couldn't make out what was being said, because our equipment sometimes failed. And he said that Zoom could be set up to automatically transcribe the audio recording, but he wasn't sure how reliable Zoom's transcriptions would be. He said the Village could test the transcriptions. He also said that what the minutes were supposed to contain was a matter of statute, specifically Vermont 1 DSA Section 312 (b). The statute requires that the minutes give a full understanding of what happened at the meeting, which was more than what Robert's Rules called for. But at the same time, he said that sometimes the minutes seemed to have more "he-said-she-said" than necessary to comply with the statute.

MW said that the recent hearing was different from the typical Board meeting. At the hearing, people came forward, were sworn in, expressed their concerns, and MW said the minutes ought to reflect that. She agreed that hearing's minutes were very long, and she would have preferred that they not be so long, but she didn't think it was up to her to decide which speakers to include and which to leave out. A regular Trustees' meeting had a different purpose, but even then, if citizens went to the trouble of attending and participating, she thought there should be a way of including their participation in the minutes. Otherwise, they might just as well stay home and not get involved, which would be easier.

RP said the purpose of the motion was to ensure that the minutes were accurate and the record of what they said was verbatim reported to the general public, and that the historical record of what was said, proposed, the answers, were accurate and verbatim.

MW said there was no requirement in Vermont statute that minutes be "verbatim."

RP went on, saying that no "editorial judgment" should be used in selecting what to include.

MW said RP was making up the rules. She said there was no requirement in the law that anything be "verbatim," so why was RP saying there was?

RP said that he was saying that the purpose of his motion was to make sure that residents and anyone interested in what transpired at a meeting were able to hear verbatim what was said, and that it not be presented with an alternative history of what happened.

JT said this was why the Board had the failsafe of checking the minutes for any corrections needed before accepting the minutes at the following meeting.

EW said the way the minutes are being done now is the law.

RR said the first version of the minutes to be posted should say "draft." Then people could request revisions before the next Board meeting, and once necessary changes had been made, the Board could vote on whether to accept the minutes. Then the word "draft" could be removed.

KW asked to read language directly from the statute. It said, "Minutes shall cover all topics and motions that arise in the meeting, give a true indication of the business of the meeting, and include at least such minimum information: attendance, motions, proposals, and resolutions made, offered, and considered, dispositions, votes," et cetera. She said there was nothing in the statute that refers to Robert's Rules of Order, no particular required format, no requirement that motions be written in parliamentary language, and no requirement that discussion be omitted or included.

EW said that the way the minutes are done at present had been vetted by the last Board, ad nauseum, and they had arrived at the present practice as a compromise. The Clerk is a volunteer, like all the other officials and the Trustees. He said that if the present motion were adopted, the Board would have to look for a new Clerk. He said he encouraged people seeking more detail than what was in the minutes to listen to the Zoom recording. If they wanted corrections to the minutes, they could request them at the next public meeting. He added that whatever was done in public had to be corrected in public. That was the law.

There was further discussion. BS said he appreciated the detail that he found in the minutes, but they weren't "minutes" in the usual understanding of the word. He thought they aspired to be transcripts, and to the casual observer they appeared to be transcripts, but they weren't. He said it was unfortunate that the positive attempt to provide more information had become a bone of contention, because it warrants to be something that it's not.

MB said at the recent hearing someone had referred to documents that they thought should be in the minutes, but the minutes did not contain any such documents. He said there were potential legal implications, should someone wish to make an appeal. He also said, of the decision made in the closed deliberative session after the July 2 hearing, that he thought people would really appreciate knowing more about the Board's thinking.

GJ said he agreed with BS that what the Village was doing was extraordinary and dangerous. He said he supported RP's motion. He recalled a meeting where the Village Roads Initiative was being discussed, when the minutes said that RR had said something about the value of the Grand List properties, which GJ was sure that RR did not actually say, perhaps because GJ had rudely interrupted him before he could. He said the high level of detail in the minutes invited "all levels of crazy."

WY said that any documents posted on the Village website should have the signatures blurred, so the signatures couldn't be stolen and used fraudulently. As for minutes, she said that if the Village wanted to use Robert's Rules of Order, it would require professional training, because Robert's was hundreds of pages long. It was intended as a way to keep very large meetings manageable.

RP said he was trying to reduce inaccuracies and omissions.

KW said that's why every month the Clerk posts draft minutes and the Board discusses changes before voting on whether to accept them.

TS said he had never felt aggrieved by the way what his statements were conveyed in the minutes. He said that when he couldn't attend a meeting, he could just go to the minutes online and digest what was said in about five minutes. He said that wasn't the case with the Zoom transcripts, because they would be very untidy and would take more than five minutes to read. He recalled that prior to MW becoming the Clerk, the minutes of each meeting were about 100 words long. They told how each vote turned out but didn't convey any of the deliberations that led to those votes. He said he agreed with the spirit of the motion, but he thought people's ire was misplaced.

JT reviewed the current motion, which called for a change in doing the minutes. Renny said he would be willing to revise the motion to say the minutes should avoid "he-said-she-said" recitations. MW said that if the meeting in question was a public hearing, where people offered testimony, it would be impossible to do minutes without "he-said-she-said" summaries of some sort, because that's what hearings consisted of.

RP asked if it might help to withdraw his motion for now, so further discussions could happen later on, producing a better motion. EW said the current motion required a vote. The resolution was defeated, 1-to-4.

JT made a motion that from now on the word "draft" should appear at the top of the minutes when first posted on the website; it would stay there until all necessary changes were discussed and agreed to at the next monthly Trustees' meeting [where the trustees would also vote on whether to accept the corrected minutes]. EW seconded the motion, and the motion was unanimously passed.

RR suggested to RP that he take MW's minutes and try to revise them, to fit RP's vision of how minutes should be.