

Village of Old Bennington
Annual Meeting Minutes
May 14, 2024

Officials Present: Presiding Officer Anne Slattery; Trustees Steven Anisman, Jim Warren, Ed Woods, Susan Wright; Planning Commission Chair Nancy Coseo; Treasurer Ron Rabidou; Auditor Kathy Wagenknecht; Clerk Mary Walsh; Moderator Pat Winburn.

1. Call to Order: PW called the meeting to order at 7:01.
2. Reading of the Warning by Clerk MW.
3. Introductions: New residents Joe and Kate Musso, Darcy Otto.
4. Reports of Officers and Commissioners:
 - a. Roads: JW said Fairview Road has finally been repaved. The Village has been saving money for this for several years. The Village has 3.3 miles of roads, and the maintenance of them is a burden. There are negotiations in progress to possibly have the Town assume that burden. There were no citizen questions or comments on roads.
 - b. Police: EW said it had been a bumpy year. The Village previously had a dedicated police officer from the Town, but after he retired it was hard to get a replacement. Last year at this time the Village contracted for a dedicated patrol, but the arrangement was not cost-effective and it was discontinued. Many municipalities now have police shortages. Even if the Village could hire an officer from out of state, it would take a whole year of training before that officer could go on the street. The State of Vermont has also created a problem for police cost-effectiveness by changing the way it allocates the money collected from traffic fines: First, the State made it easier for drivers to avoid paying their fines, and second, when people do pay their traffic fines, the State reallocated the money collected differently, so that less is being transferred back to the Village. Taxpayers of the Village are also taxpayers of the Town and we will continue to get a share of the Town's police patrols, but not a dedicated officer.

Citizen questions and comments: Q: Was there a burglary at Tzaims Luksus's property? A: We heard there was a breach and the police came and inspected the property but found no evidence. The homeowner's local representatives are in

touch. "No Trespassing" signs have been posted. Q: Are the Trustees satisfied with our current policing arrangement? A: We preferred the previous arrangement but it's no longer possible. The police shortage isn't an Old Bennington problem. It's an issue all over the State. Q: How can we slow down the traffic on Bank Street? A: We'll have a full discussion of this later in the meeting, but we believe road management will be easier if we achieve a new partnership with the Town. Q: Can we have a stop sign instead of a yield sign in front of Old First Church, where there are constant near-accidents? A: That's on our docket for discussion. Everyone is aware of the problem. Q: Can we have a "No Through Trucks" sign on Catamount, where delivery trucks come through on their way to the Country Club? A: That would make sense, but we'd need to coordinate with the Town, which manages the Emergency Plan. Q: Are street signs the Village's business or the Town's? A: Yield signs, stop signs and speed limit signs are up to the Village.

- c. Trees: The Village has been working to clarify who is responsible for maintaining and replacing which trees. In general, there's a distinction between the trees within 25 feet of the center lines of the streets, which are the Tree Commissioner's responsibility, and the trees that are more than 25 feet away from the center lines, which are the Planning Commission's responsibility. The Village should be looking for ways to make this clear to residents, because they don't know whom to contact when they have questions.

Citizen questions and comments: C: Last year the Village voted on a dedicated fund for tree replacements, but now it's been restricted to high-traffic, high-visibility sites. EW said he would take responsibility for that.

- d. Sidewalks and Parks: SW said she has been urging Pembroke to do a better job picking up debris. They will be spraying the swales with glyphosphate, which is the only herbicide that keeps weeds from growing in the swales. The Village has also been trying to eliminate tripping hazards in the sidewalks, some of which were caused by the lead-pipe replacement work. SW is sitting on several steering committees for the 250th anniversary of the Battle of Bennington, and there is a need for volunteers and donors. The biggest item would be the reconstruction of the Old Meeting House monument, which was destroyed when a car hit it in the 1960s.

Citizen questions and comments: Q: Is there an alternative to glyphosphate? A: We're currently using the least harmful herbicide that's effective. Q: Is there a plan for repairing the damaged cobblestones in a number of areas? A: Yes, there's a plan, but it all comes down to our budget. Maybe if we're in partnership with the Town they'll be able to help with cobblestone maintenance.

- e. Auditor: KW said the Treasurer's deposits, checks and fiscal reports have all been reviewed, and RR has done a fine job. Everything is accurately reported. As we've worked on the question of financing road maintenance over the past year, we considered issuing bonds. We learned that to issue bonds we would have to have an independent auditor examine our books and give a formal opinion on our methods and processes. We hired an outside audit firm to review fiscal 2023, which started on April 1, 2022, and ended on March 31, 2023. We just got the audit report, which said we were in compliance with governmental accounting principles, except for three minor issues: First, our deposits at the Bank of Bennington needed additional insurance because they're over the F.D.I.C.'s insurance limit, and that's now been fixed. Second, the revenue transfers that the Village gets from the State have numerical codes, and the coding system changed during FY 2023, but our books didn't immediately capture all of the changes; now that's been corrected. Third, the Village has always accounted for cash outlays in the month after they're paid, because we waited to record them until the Trustees had voted to approve them in their monthly meetings. "Generally Accepted Accounting Principles" call for the Village to report them in the month that they're Trustee-approved and paid, rather than posting them in the month that they were incurred. RR has made the necessary adjustments in our books and we're now fully compliant.

Citizen questions and comments: Q: Has the Village already paid for the outside audit, and what good is it? A: The Village has already paid a portion of the audit's cost and will pay the rest in FY 2025. The Village has never had an independent audit until now. The trustees thought it would be prudent to document to the outside world that our books were accurate, trustworthy, and compliant with G.A.A.P. There will be many uses for this documentation in the future.

- f. Planning Commission: NC is not seeking another term and said that Chris Ponessi was just appointed by the Trustees to the Planning Commission. Galen Jones's term is expiring and he was just reappointed by the Trustees. The Planning Commission will elect a new Chair and Vice-Chair at the upcoming meeting. The Commission's administrative assistant, Deborah Towslee, recently resigned and the Commission will begin screening candidates for her replacement. There are no new zoning applications for work on the Walloomsac Inn; the owners have been asked to remove what's left of the temporary fence.

Citizen questions and comments: Q: What's the status for shielding the solar installation on Bank Street? A: The contractor committed to install screening at the Trustees' Special Meeting in November 2023. They'll be working with a local landscaper, starting in June. We understand that the plantings will be small at first and it will take time for them to grow and somewhat help screen the installation. Q: What's going on with the fencing around the Monument? A: The State has to make

major repairs of the stonework and intends to keep the Monument open and safe while the work goes on. The fencing will make people stay on a covered walkway when approaching the Monument, where they'll be protected from falling debris. This work will be expensive and take a long time. Our contact person from the State is Jamie Duggan. Q: The State is planning to put fluorescent orange "Entrance" signs on the covered walkway. Can we ask them to post signs that aren't so ugly? A: We can certainly ask for design changes. Q: How will the State's new Home Act affect our Village? A: We've been updating the Village bylaws to make sure they comply with the Home Act's requirements. We'll review the proposed revisions at the June Planning Commission meeting. There are proposed changes in the bylaws for fences, illumination, trees and tree removal. The Home Act reflects the State's goal of increased housing.

- g. Treasurer: Our budget for revenues was on target, but there were big variations on individual line items. The biggest was the decline in traffic fines. On the other hand, we received more interest income than projected because rates went up and we had larger account balances. For expenses, we had big outlays for the work on Fairview Street, but it still came in under budget. And our outlays for plowing and salting were far less than budgeted because we had a mild winter. Because our expenses were lower than projected, our end-of-year general-fund balance is about \$83,000 greater than anticipated. That will serve us well for the road work ahead. There's nothing budgeted for road work in FY 2025; that's because we've postponed the work on Bank Street until FY 2026. We finally received a grant from the State for repairing Bank Street. It must be spent before the end of Calendar Year 2025. We've increased the budget for the Planning Commission because it has many projects going on, and it needs to consider matching funds to secure state grants for work due in 2024/2025.

Citizen questions and comments: Q: Where does the money budgeted for the Planning Commission actually go? A. It pays for administrative assistance and municipal guidance from the Bennington County Regional Commission or some other outside consulting expert. The Planning Commission has to revise the Village Bylaws, draft an Enhanced Energy Plan, and draft other legal documents. It's unrealistic to think a volunteer board can take this on without expert assistance. We've also budgeted \$15,000 in FY 2025 for "Legal," which is for the legal fees we expect to incur as we plan and negotiate the road-maintenance partnership with the Town.

RR next addressed the anticipated highway tax-rate increase of 28%. The trustees have carefully analyzed the best way to pay for road maintenance. In the process, we looked at what the Town spends for road work. We know there's no reason to think we can do road maintenance for a lower cost than the Town can. But we also

discovered that for the last 20 years we paid road taxes at a lower rate than the Town's rate. Over the past 20 years, the Village collected \$800,000 less for road work than we'd have collected if we'd been using the same road-tax rate as the Town. We've known for several years that we ought to be using the same road-tax rate as the Town, and we've tried to make that change. But because of the timing of our fiscal year, we never know at budget time what road-tax rate the Town will be using. We keep falling behind and we need to address that.

There was a discussion of why the Town's road tax rate has been rising so much, and whether the Trustees are aware that many residents are retirees on fixed incomes. RR said the Town's tax rate increase reflected the big rise in construction costs. There was ample discussion of whether the Village had really used a tax rate that was too low for the last 20 years. Renny Ponvert made a motion to reduce the road tax rate increase from 28 percent to 10 pc. Marta Kozlowski seconded the motion. There was further discussion. SA said the Trustees had been grappling with the question of road maintenance for many years, and it was an exceedingly complicated equation because of changing factors like the timing and availability of state grants as then paid. The Trustees have previously conferred with the State and the Town, they have conducted surveys by outside engineers, and they have struggled for years to come up with the most cost-effective plan. Then every year at the annual meeting, one or more residents say they think it's too expensive and we should spend less. This behavior is what has put the Village into dire straits, and it has to stop. EW said that if RP's motion were passed, the Village would be paying less in taxes than if we lived in the Town, and that would be irresponsible because we can't fix our streets at a lower cost than the Town. KW said she had discovered the discrepancy between Bennington's and Old Bennington's tax rates in 2019, and Old Bennington matched the Town's tax rate that year. [Post meeting note: we voted to match the Town rate in a two-step process, half in 2019, half in 2020.] Then Covid disrupted the annual meeting for 2020, and the continuation of the matching rates ceased. SW said she had been a Trustee for eight years and the Board had struggled with this issue for the whole time. No one should be surprised, or say they didn't know about this problem. It's clearly laid out in the minutes, on the Village website, month after month and year after year.

At the end of the discussion the citizens voted on the motion to limit the road-tax increase to 10 percent. The motion was rejected by all, with one "yes" vote.

The citizens then voted in favor of the budget that RR had presented, with the 28% increase in the road tax rate. All voted in favor of the 28% increase, except for one "no" vote.

AS then moved that the citizens authorize the Trustees to borrow in case of an emergency.

There was a discussion about the likelihood of an emergency. RR discussed a potential example: he said the borrowing authorization might be necessary because the Village had finally managed to get a \$200,000 State grant for road work, and it would lose the money if it didn't draw the grant by Dec. 31, 2025. The Village can't draw the grant until it has already completed a paid for the full cost of the road work. (The State grant works as a reimbursement.) If everybody doesn't pay their taxes in time to get the road work done, the Trustees could use the emergency borrowing authority to complete it and not miss the State deadline and lose the \$200,000 grant. They would then repay the loan when they received the taxes.

Tom Woodward seconded AS's motion, and the motion passed.

5. Election of officers for FY 2025.

There were motions and seconds to elect MW as Clerk, RR as Treasurer, KW as Auditor, and Pat Winburn as Moderator of next year's Annual Meeting. All of the motions carried unanimously.

EW nominated Than Marcoux to be a Village Trustee. AS seconded the motion. DM was unanimously elected.

AS nominated Tom Woodward to be a Village Trustee. PW seconded the motion. TW was unanimously elected.

6. Other Business: There was none.

7. Adjourn. SA moved to adjourn the meeting. Colleen Kelley seconded the motion. The meeting was adjourned at 8:55.