

Village of Old Bennington
Trustees' Meeting Minutes
July 2, 2024

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

https://us06web.zoom.us/rec/share/ClnLXw7lz_0QsX88gyb1G6lCXKMd17Nj2r-1k5EE0Y8W8wE9QnB62RtBLWUdo7E.bpCc8PTql99gqoPI

Passcode: 0MHP?M.Z

Officials present: Presiding Officer Anne Slattery; Trustees Than Marcoux, Tom Woodward, Ed Woods, and Susan Wright; Planning Commission Chair Galen Jones; Outgoing Planning Commissioner Nancy Coseo; Treasurer Ron Rabidou; Auditor Kathy Wagenknecht; and Clerk Mary Walsh.

Citizens present to make comments: Christine Costello and Mark Vaughn. No citizens attended on Zoom.

1. Call to order: The meeting was called to order at 7:01 p.m. by AS, who noted that the proceedings were being recorded.
2. Changes or updates to Agenda: AS said the amended Vermont Open Meeting Law became effective on July 1. From now on, only advisory boards will be permitted to meet electronically. (Old Bennington has no advisory boards.) Old Bennington can conduct hybrid meetings that must be recorded and posted in the Minutes section of the website and in two designated locations.

In addition, the amended law requires local governments to file notice of any complaints that they've violated the Open Meeting Law. There's now a form that Citizens can use to make such complaints on the Village website.

Finally, certain members of boards and commissions that are subject to the Open Meeting Law will be required to go to a class on the amended Open Meeting Law beginning in January.

3. Approval of minutes from the June 4, 2024, Trustees' meeting and the June 18, 2024, informational meeting: EW moved to approve both sets of minutes. TW seconded the motion. the two sets of minutes were unanimously approved.
4. Citizen comments not related to Agenda: Christine Costello expressed thanks for the new "No Outlet" sign on Church Lane. She wondered if the Village could add a "No Public Turnaround" sign. EW said traffic signs are the responsibility of the Police Commissioner, and Vermont Trans must also be involved in sign changes. The Trustees are waiting for the results of a traffic study that has been done.

Mark Vaughn said that there needed to be a better plan for controlling "Malfunction Junction," the intersection of Monument Avenue and Church Lane. Drivers coming up the hill from the south don't have a stop sign at the Church Lane intersection, and when they turn left, they tend to cut the corner short. But there are cars driving fast on West Road that don't always signal their intentions, and if they leave West Road to turn right onto Monument Avenue, they risk colliding with one of the cars on Monument Avenue that are turning left and taking the corner too short. In general, there are still aren't enough stop signs at that intersection.

KW said that currently, the flow of traffic into the Village on West Road is being subjected to a "traffic calming design" – the rather sharp S-curve of West Road in front of the Walloomsac Inn. It's supposed to make the drivers slow down. She said that since the intersection was designed that way on purpose, it will probably be very hard to change.

5. Appointment of Zoning Administrative Officer: AS reminded that at the June 4 Trustees' meeting this was discussed in detail, and the Trustees had resolved to offer the candidate the position, with further information to come in a month. Now the Trustees and Planning Commission have that information. The Trustees have been sent the approval letter.
 - a. Employment agreement letter: GJ said the job description for this position is spelled out in statute and summarized in the Vermont

League of Cities and Towns handbook, with several pages on the responsibilities. This candidate will be the informational point person, and the enforcement point person for the Village on zoning-related issues.

- b. Employment status: RR said that since the Village has not had an employee before, he researched the requirements. Much of the information came from the Vermont League of Cities and Towns. The Village needs to make sure it's doing all the proper withholdings and comply with other relevant statutes. The Village will pay the Administrator biweekly, but the Trustees meet only once a month, and since it won't work to pay him once a month, the Village will have to engage a payroll service. RR found one, called Gusto, which will do payroll processing, direct depositing, tax withholding, state unemployment tax and insurance, and provide quarterly reports. That would cost about \$640 a year. (\$40 a month plus \$6/employee.) Gusto also has a time-tracking service that the Village might want to use, but RR said he still needed to confirm the terms. The Administrator will submit his expenses monthly. RR added that this is an appointment for three years, and the Administrator can only be terminated for cause.

EW said the Administrator will be our go-to person for enforcement, which means taking calls from the public. Is the candidate expecting to do that? GJ said he does.

RR said that the process for the Trustees to exercise their oversight authority will be the review and approval of the monthly payroll report from Gusto. He repeated that the job would be a three-year appointment.

EW moved to set up an account with Gusto for \$40 a month plus \$6/person, and potentially another \$5 a month for time tracking. TM seconded the motion, and it was unanimously approved. AS pointed out that the Village has never had an employee before, and RR had to spend many hours researching the legal and practical requirements. She thanked RR for doing the research and GJ for finding such a good candidate.

6. Reports of Commissioners

- a. Planning Commissioner: GJ said the Commission has completed its revisions to the Bylaws, especially those concerning fences, trees, and illumination. There may still have to be additional changes in the future because of the ongoing need to comply with the new Vermont Home Act.

AS said the next step will be for the Trustees to discuss the amended Bylaws in a public hearing. According to the Bennington County Regional Commission, the Trustees can incorporate this hearing into a regular Trustees' meeting. This will occur at the August 6 meeting.

- b. Roads Commissioner: TM said he had been in touch with the previous Roads Commissioner, Jim Warren, and he received a lot of useful information and contact names.
- c. Trees Commissioner: TW said there was little news, other than the need to prune some trees at the Church Lane intersection, which he did himself.

There was a discussion of some large trees that had been removed from near the old Catamount Tavern site, and whether the Planning Commission had approved an application. Even if the trees were dead, there is still a procedure that property owners have to follow for getting them removed. GJ said that in the future the new Administrator can be the initial point of contact, and will refer the property owner to either the Planning Commission or the Tree Commissioner depending on where the dead trees are.

RR recalled that the Village is supposed to contact the Vermont Secretary of State and give current contact information for all Village trustees and officers.

- d. Parks and Sidewalks Commissioner: SW said that some of the needed sidewalk repairs have been made, and she is still waiting to get an exact date from the vendor on the others.

RR said that he had received a letter from the Village's insurer, saying it is denying the claim from a resident who recently tripped on the damaged sidewalk and fell. The insurer said the Village has sovereign immunity, and can't be held liable for the claim unless there has been

willful negligence – that is, if the Village had been told there was a hazard and refused to deal with it.

There was a discussion of whether the markings on the sidewalks, showing where repairs still have to be made, are visible enough.

- e. Police Commissioner: EW said that now that there was a new stop sign at the intersection of Monument Avenue and Church Lane, there had to be a vote to authorize enforcement of the stop sign. EW so moved. AS seconded the motion. The Trustees unanimously approved enforcement of the new stop sign. RR said he would post the revised ordinance on Wednesday.
- f. Treasurer: RR said the Trustees already knew about the previous month's expenses, thanks to the Village's shift to Generally Accepted Accounting Principles, which adds a short lag.

There were discussions of duplicate bills from New England Newspapers, and of a payment to Shaftsbury, which RR said reflected the cost of Bylaw Modernization training, which was money very well spent. The issues have been resolved.

RR said that after a long delay, someone had finally answered his letters about overdue taxes on the Weingarten property. The respondent asked if the interest could be abated, and Ron told him that could only be determined through the Village's abatement process. The respondent then said he'd send a check, but he hasn't done so yet.

As for the Luksus residence, RR said that Tzaims Luksus has been sending emails. It appears that he is now receiving correspondence from Woolmington, Campbell, Bent & Stasny, the law firm that represents both the Village and the Town of Bennington.

RR said that he had also researched the issue of retaining the Zoom videos of previous Trustees' meetings. The Village has been using a Zoom account in Jim Warren's name. Now that he has stepped down as a Trustee, that should be changed. RR said he learned that for \$100 a year, the Village could have two terabytes of cloud storage, accessible via Google Drive by five designated Village officials. That

way, we wouldn't have to have extensive Archive files on the Village website, which is getting too crowded.

AS said that the Village needs a complete set of records. TW moved to purchase two terabytes of cloud storage for a year. AS seconded the motion. The motion was passed unanimously. Discussion followed about:

--Whether the new Open Meeting Law still requires paper records; apparently electronic records can now supersede paper.

--Whether the Village can save money by keeping only audio records instead of video records, which take up more space.

--Whether all the Zoom recordings that Jim Warren saved on his Zoom account will disappear when Jim cancels his account. There was uncertainty about whether Jim's account could simply be put into another name without losing the recordings. More inquiries will be made.

- g. Auditor: KW said there was no news to report.
- 7. Village/Town roads update: AS said the June 18 informational meeting was done, and the next step will be to start planning what to put into the Memorandum of Understanding. There has been little input from residents so far, but people have told her that they do understand why the Village is discussing the transfer of roads to the Town. TM said he had heard the same thing. The June 18 meeting presented the situation clearly. (There are minutes on the Village website.)
- 8. Old business, Scheduling the Board of Abatement meeting: AS said the August Trustees' meeting must be devoted to finishing the revised Bylaws, so the Board of Abatement will have to meet in September.
- 9. New business: None.
- 10. EW moved to adjourn at 8:26. TM seconded the motion. The meeting was unanimously adjourned.

