

Village of Old Bennington  
Trustees' Meeting Minutes  
May 6, 2025

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

[https://zoom.us/rec/play/blPW7d5VrEveoxuJAtQ5\\_IzYzRM5E79jUHLpBKAMPo2VPGWo8CHzaJULVnHWuDlnAeqmZxeci6MrEH\\_7.VtGfPPN1d46fZJMB?autoplay=true&startTime=1746572404000](https://zoom.us/rec/play/blPW7d5VrEveoxuJAtQ5_IzYzRM5E79jUHLpBKAMPo2VPGWo8CHzaJULVnHWuDlnAeqmZxeci6MrEH_7.VtGfPPN1d46fZJMB?autoplay=true&startTime=1746572404000)

Officials present: Presiding Officer Anne Slattery; Trustees Than Marcoux, Ed Woods, and Susan Wright; Treasurer Ron Rabidou; Auditor Kathy Wagenknecht; Clerk Mary Walsh; and Zoom operator McKinley Keaffaber.

Officials absent: Tom Woodward.

Citizens present: Brian Scheetz, Christine Costello, Mark Vaughan, Charles Kozlowski, Marta Kozlowski, and Renny Ponvert in person; Megan Schwarzkopf and Thomas Scheetz on Zoom.

1. Call to order: AS called the meeting to order at 7 p.m. Zoom operator MK noted that the proceedings were being recorded.
2. Changes or updates to Agenda: None.
3. Approval of two sets of Minutes:

--For the Trustees' meeting of April 1, 2025: TM moved to approve the minutes. EW seconded the motion, and the minutes were unanimously approved.

--For the Special Village Meeting of April 22, 2025: EW moved to approve the minutes. TM seconded the motion, and the minutes were unanimously approved.

#### 4. Citizen comments not related to Agenda:

--Christine Costello said she would like further information and discussion of the effect on taxation of the roads issue.

--AS said she had received a packet from a resident concerned about garbage cans and propane tanks that are improperly visible from the streets. The resident asked her to refer the issue to BS in his role as Planning Commission chair, which AS has done. AS said the resident was free to bring up the matter in the Annual Meeting, but she couldn't add it to the agenda because the agenda has already been posted.

#### 5. Reports of Commissioners

- a. Roads Commissioner: TM said that VTrans had helped to prepare two requests for proposals for the work on Bank Street. One is for a "shim and overlay" repair, and the other is for the same sort of repair with additional work to improve drainage. VTrans also provided a list of possible paving contractors, which was narrowed down to six. Five of the six have now received the Village's request for proposals. Once the work begins, VTrans will also monitor progress to make sure the work is up to State standards.

AS said no borings of Bank Street have been taken yet. This is expected to happen during replacement of a lead pipe that runs under Bank Street. MSK Engineering will be the contractor for that work with financing from the State.

- b. Parks and Sidewalks Commissioner: SW said that Lori Thatch, who works with a university horticulture program, had cleaned up the garden area in front of the Old First Church.

SW also expressed concern about the signs being posted in the Village, advertising stump-removal services. She said she would follow up with the service provider, since such signs are not permitted.

- c. Tree Commissioner: TW was absent, so there was no report.
- d. Police Commissioner: EW said he had no news to report.

e. Other:

--AS said that the Village has been awarded its municipal-planning grant, in full and as requested, to develop a Village Plan of Development. The State requires all municipalities to regularly develop and update such Plans of Development.

--AS said there have been complaints about the minutes either being too long or containing errors. She said Vermont is unusual in the degree of detail of its open meeting law, and asked RR to report on the existing requirements.

RR said he had researched both the State's requirements and the requirements of Robert's Rules of Order. The State's requirements are more extensive. The State requires the names of those present, a record of all motions made, a record of all votes taken, and a summary of what has been discussed. Currently, our minutes contain more information than what's required.

AS said the minutes need to show what the issues were at each meeting, with summaries of the dialog. When the minutes quote one person and not another it can raise questions about selectivity.

MW said her approach to minutes grew out of her decades of work for major U.S. publications, especially The New York Times, where she was a frequent user of public-meeting minutes. She wrote about state and municipal finance at the time of a highly unusual string of municipal bankruptcies in places like Detroit, Stockton, and the government of Puerto Rico. She found it helpful to get the minutes of the local bodies of government, because by reading them she could get a good sense of why each government had started down the path toward insolvency. She could find out who the key officials were, get their perspectives, learn who their outside advisors were, watch for conflicts of interest, and so on. She said she was not suggesting that Old Bennington was going to go bankrupt, but just that she was very familiar with minutes (and financial statements) and knew what information they could contain in order to be helpful. She said she found written minutes preferable to video archives because the minutes could be skimmed quickly and videos couldn't.

She said that after becoming Clerk, she learned that Old Bennington had a serious problem with deferred maintenance. This problem is common, but Old Bennington was working on a possible solution that she hadn't seen anywhere else: Transferring the duty for road upkeep to the Town of Bennington. (Typically, municipalities with financial problems either borrow money, raise taxes, or do nothing and hope the problems will self-correct.) She said she was very interested Old Bennington's approach because it was unusual and might help the Village avoid further tax increases. She said she had also learned that Old Bennington is represented by some very capable and hard-working volunteers, and she thought it was worthwhile to give residents a fairly detailed view of what they were doing and why. She said she initially thought more information might encourage more citizen participation, but now she wasn't sure that was the case. She said she had the same view of Old Bennington's financial statements: RR put a lot of work into providing very accurate, detailed financial records, but she wasn't sure whether residents looked at them.

There was further discussion, with various officials and residents commenting on whether the minutes were excessive, just right, prone to errors, etc. BS questioned the practice of naming and quoting citizens who spoke up in Trustees' meetings, because they can't see how they're being quoted until their statements are posted online, and any misquotes or errors have to be corrected after the fact. SW said it would be good if people could just rely on the Zoom videos, but they can't because the speakers don't always identify themselves and the audio is sometimes poor. McKinley K. apologized for the audio but said he and David Kiernan were replacing the current system with a better one soon.

AS and RR said summaries of the dialog would be easier to read than detailed accounts of what individual people said. KW said that as a writer herself, she knew that boiling down the details into a short, accurate summary could mean a lot more work.

Marta K. said she was going to go to Old Bennington's archive in the Town Hall and look at minutes from the years before Village documents were stored electronically. She said she was troubled by officials' recent assertions that Old Bennington was undertaxed prior to 2019 and wanted to see if the old paper records would shed any light on that.

EW said the Village had been doing a good job of complying with Vermont's open meeting law, but MW's practice of giving the draft minutes to the trustees to proofread before posting them online was unusual. He said the Trustees needed to give the Clerk the parameters of what was required, the Clerk should post the resulting minutes, and then the Clerk should respond to any calls for corrections.

[Clerk's note: There's a sequencing issue. State law requires the first draft of the minutes to be posted no more than five days after the monthly meeting. But the first opportunity for an open, public discussion of the posted minutes doesn't come up until the next Trustees' meeting, about three weeks later.]

EW added that the situation did not demand urgent action or a vote, but he asked the Clerk and Trustees to think about the nature and content of the minutes.

AS said she had received a number of questions about citizen participation since the April 22 special meeting. She was asked, for instance, why residents weren't allowed to vote by proxy if they couldn't attend in person; whether people who couldn't attend should be allowed to provide written statements for someone else to read; how the parents of young children could vote if they but had to leave the meeting early to put their children to bed; and how to present a showing-of-hands vote accurately on Zoom. MW also said the moderator, Pat Winburn, had recommended that at the Annual Meeting, the residents be seated in separate areas, depending on whether they were registered to vote or not. AS said participation issues needed to be on the agenda at a future meeting so that people knew what to expect. In response to a question, she said the Trustees were confident that the Village's procedures were compliant with the most up-to-date State requirements, because Pat Winburn has received extensive training and he advises the Trustees and other officials on procedure.

f. Auditor: KW said she had no news to report.

g. Treasurer: RR said there were several items of business:

--The month's Warrant: RR reviewed the individual cost items, which can be found posted in the most recent Treasurer's report. AS moved to

approve the Warrant. EW seconded the motion and the Warrant was approved unanimously.

--Signatures: RR said that KW had audited all the monthly financial reports for the just-ended fiscal year, and found several instances where the required signatures of at least three Trustees were missing from electronic-funds-transfer forms. Three signatures have been required by the Village bylaws ever since someone embezzled Village money more than 20 years ago. EW said the Trustees customarily signed the checks and forms after the adjournment of their monthly meetings, but that exposed them to a lot of background noise and distractions, so it might be better to sign the forms before the meetings were adjourned. CK said requiring three signatures on every check or funds-transfer form was a good safeguard when it was instituted, but since then the bank has stopped checking whether all three signatures are there. AS said the possibility of changing the three-signature requirement could be put on the agenda for discussion at the June meeting.

--Snowplowing invoices: RR said the board needed to decide what steps to take with Jerome, our vendor for snowplowing and road salting. Despite multiple requests from TM and RR, Jerome has not yet provided invoices for services in January, February or March. The discrepancy could be worth about \$30,000. Jerome hasn't been paid and will not be until he bills the Village, but the missing invoices are causing an error to be baked into the Village financial records. Our accounting method does not provide for items being carried over from year to year. AS said it would be appropriate to consult counsel and see what language could be used in a letter to Jerome to make the invoices appear. She said this was a step that could be taken without a vote.

--Taxes: CC had requested information on what the Village's taxes would look like in the coming year, in the wake of the "no" vote on the roads transfer initiative. RR said that the administrative tax rate wouldn't change, and the Trustees intended to keep the Village's road tax rate pegged to the Town's road tax rate in the future. EW said that in the future, road-tax revenue should never be used to subsidize Village administrative costs, and vice versa. He said there was precedent for such subsidization in the past, but it was improper and should not be repeated.

--Next Steps on Village Road Maintenance: RR said that in 2019 the Village had recognized that it needed a plan for maintaining the roads. Since then, plans have been drafted and re-drafted, but the Village still needs a new one now because we can no longer assume that our road-repair cost projections will be reasonably accurate. The inflation rate for repair costs has been much higher than expected.

TM said that because of RP's outreach, there was interest in holding discussions with the Village of North Bennington about whether it could help to repair and maintain Old Bennington's roads. AS said it was essential to keep in mind that North Bennington's Village Manager was Stuart Hurd, who was also Bennington's Town Manager [and a veteran of the failed effort to transfer road duties to the Town]. In addition, she said any arrangement with North Bennington would have to be vetted and approved by the Trustees of Old Bennington.

CK asked when Old Bennington's roads had been recategorized to preclude State assistance for maintaining them. No one present knew the answer. CK said this change had caused a tremendous problem all over Vermont, since the many other small, semi-rural communities like Old Bennington were no longer able to pave their roads.

MW said that during the April 22 special meeting it had seemed to her that many residents were unequivocally opposed to the roads transfer, but when she read her notes to prepare the minutes, she realized that many people's were not expressing a flat-out "no." Rather, they were saying they couldn't support the transfer until something else happened, such as the drafting of a memorandum of understanding on, or a fuller explanation of why construction costs were shooting up. She recalled that the transfer had been intended to take effect until July 2026, so it seemed that there was still ample time to work on addressing these residents' concerns. Perhaps another vote could be taken in early 2026. AS said the matter would first have to be brought up with Stuart Hurd, and she doubted that he would want to try it again. EW warned that the sequencing of the steps in any such transfer had to be done very carefully. SW said she didn't think the Village should throw the baby out with the bathwater, and it would be worthwhile to correct the misinformation in circulation about the roads transfer initiative. EW said he didn't see a path forward with the Town of Bennington, but maybe

some other solution would arise. AS said there had to be some other solution because the Village had no money for future road maintenance.

BS questioned that, saying that the Village wasn't planning to repair all roads every year, and with planning it could gradually build up new road-maintenance reserves for future years. RR said that the Village was caught behind the eightball because of its many years of deferred maintenance. Unfortunately, he said, now it had to work on the roads at a time when federal tariff policies were disrupting the global economy and making it impossible to predict how much anything was going to cost. EW said the Village had recently been told that the needed repairs on Bank Street would cost more than \$750,000, and if that's correct, all of our road-repair reserves will be gone. AS said the Village's road plan had to allow for worst-case scenarios.

6. Old business: None. The next ten minutes were devoted to signing checks and other bank forms.
7. Adjourn: EW moved to adjourn the meeting at 8:46 p.m. TM seconded the motion and the meeting was unanimously adjourned.