UPDATE TO THE MINUTES OF THE TRUSTEES MEETING

OF MARCH 4, 2025:

The Trustees are scheduling a special meeting of the residents of Old Bennington, for the purpose of sharing road update information, and for residents to cast their votes on the subject. Date and time: April 22, 2025 at 7 p.m.

Planned location: Old First Church Barn

The regular minutes follow:

Village of Old Bennington

Trustees’ Meeting Minutes

March 4, 2024

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

<https://zoom.us/rec/share/UWGGgxu_tG4x3kmVsUFoMoYObfgK1lcfuT1Pq_A6h-76Yx4taCqwDuuTFJdZbqdN.W_YG3FlDOM2L6kgk>

Passcode: ZUw5g.?K

Officials present: Presiding Officer Anne Slattery; Trustees Than Marcoux, Ed Woods, and Tom Woodward; Treasurer Ron Rabidou; Clerk Mary Walsh; and Zoom operator McKinley Keaffaber.

Officials absent: Trustee Susan Wright, Auditor Kathy Wagenknecht.

Village residents in attendance: Renny Ponvert, Brian Scheetz, Christine Costello, and Mark Vaughn in person; Megan Schwarzkopf, Lucy Baldwin, Casey Southerland and Betsy Woods on Zoom.

Special Guest: State Representative Will Greer.

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: AS said that after the Agenda was posted she learned that all Vermont municipalities are required to come up with a local policy for handling ethics complaints. She asked EW if he could take the lead on this since the Town already has such a policy. EW agreed and said he would also look into whether the Village might need some interim policy while a final one was being prepared. There were no further changes to the Agenda.
3. Approval of minutes from the Feb. 4, 2025, meeting: EW moved to approve the minutes. TW seconded the motion and the minutes were unanimously approved.
4. Citizen comments not related to Agenda: CC and MV said the use of their driveway on Church Lane as a turnaround was still happening multiple times daily, even outside the tourist season. They said it was an invasion of privacy, an unsafe nuisance, and a potential liability if a driver struggling to turn around should hit a pedestrian or cause property damage. They said they appreciated that the Village replaced the old “no outlet” sign with a bigger and brighter one, but some drivers either don’t see it or don’t understand what it means. It’s also hard for drivers to see the black chain across the cemetery entrance. CC and MV have asked the Cemetery Association to replace it with a more visible white one, but the Association meets only once a year, and they are waiting for an answer. They asked the Village to seriously consider building a proper turnaround at the end of Church Lane, knowing it would involve expense and the cooperation of the Cemetery Association.

EW said he thought Village residents should be given the chance to vote on whether this was the right solution. He asked TM and TW to discuss options (as Road Commissioner and Tree Commissioner), and prepare for a vote at the annual meeting on May 8. AS said the current problems would only multiply during the 250th anniversary of the Battle of Bennington and suggested also speaking with the Town Police Department. She reminded the Trustees that there would be a special Village meeting in April when the matter could be presented to residents. EW said lots of private-property and land-use issues would have to be sorted out with the Church and Cemetery boards, and with the Town, which owns the land under the Church. There was consensus that work would begin on reviewing the options.

1. Reports of Commissioners
   1. Roads Commissioner: TM reminded the Trustees that the Village has agreed to follow VTrans’ standards for road and bridge repairs. Now the agreement is expiring and needs to be adopted again before April 1, to make sure Old Bennington qualifies for any future grants and disaster assistance. EW moved to adopt the road and bridge standards set forth by VTrans. AS seconded the motion and it was unanimously approved.

TM said he had spoken with VTrans about the yellow center lines on Village streets, citing the Bennington County Regional Commission’s research showing that drivers tend to speed less when there are no yellow lines. VTrans told TM that the Village doesn’t have to have yellow lines, but it has to be consistent: Either yellow lines on all streets or no yellow lines on any streets. There was consensus that TM confirm with VTrans that there be no yellow center lines on Village streets. (West Road will still have a yellow center line, because it’s a State road.)

[Clerk’s note: The BCRC research on traffic calming is available here: <http://www.bcrcvt.org/uploads/1/1/1/8/111899771/traffic_calming_guide_2024_03_19.pdf> ]

TM also confirmed with VTrans that the Village was free to replace the faded yellow paint on a hazardous part of the sidewalk at the corner of Elm Street and Monument Avenue. There was consensus that the Village should ask the contractor who paints our crosswalks to add this yellow paint.

At this point, AS asked to change the Agenda order, to give WG the chance to give a status report on the effort to transfer road-maintenance duties to the Town of Bennington. For background, she said the Village and Town have been working on this together for more than a year. One step of the process is to have the State Legislature repeal a 1959 Act that has given responsibility for road maintenance to the Village. WG has been helping the Village navigate this legislative process. She thanked him for his valuable help.

WG said a bill (H404) has now been introduced to repeal the 1959 Act. The sponsors are WG, Timothy Corcoran II, and Mary Morrissey. It can be read on the general assembly’s website.

[Clerk’s note: The text of the bill is here: <https://legislature.vermont.gov/Documents/2026/Docs/BILLS/H-0404/H-0404%20As%20Introduced.pdf>

And the bill’s status can be tracked here:

<https://legislature.vermont.gov/bill/status/2026/H.404> ]

The bill is very simple and mandates only that one sentence be removed from the Acts and Resolves that serve in lieu of a charter for Old Bennington. It doesn’t give the State a role in deciding how road maintenance will work. That will still be up to the Village and Town. The bill has now been sent to the House Committee on Government Operations and Military Affairs. Members of the Committee want Old Bennington to demonstrate, in a nonbinding vote, that the residents of the Village approve of transferring responsibility for road maintenance to the Town. Once they have seen the results of the vote, they will move H404 forward, then send it to the State Senate.

WG asked that his email address be added to the Minutes, so residents can connect with him regarding H404. It is [wgreer@leg.state.vt.us](mailto:wgreer@leg.state.vt.us).

AS said the nonbinding vote could happen in a special meeting on April 1, one half hour before the regular Trustees’ meeting. The residents will be given proper warnings and an explanation of what they’re voting on.

WG asked if the nonbinding vote would be done by secret ballot. AS said it was the Village’s standing practice to conduct votes by a show of hands. WG said he would tell the Committee to expect that.

CC asked whether a “yes” vote would mean the Town could override the Village’s wishes on yellow center lines. EW said the Town would have that authority, but the Village would still have a Roads Commissioner who could work as the equal of his or her counterpart on the Town’s Select Board.

RP asked if the Town could challenge the Village’s practices regarding the use of street rights-of-way. For instance, he wondered how it would be resolved if the Town wanted to widen Monument Avenue. EW said the Village’s practices are spelled out in our Planning documents, which are not included in the roads transfer.

TW pointed out that the Town had recently built an entire road across MW’s land without going through the Village’s Planning process. AS said that in the future, the Village and Town would have to reach an understanding to provide guidance on such issues, but it hasn’t been drafted yet. For now, the priority is the nonbinding vote.

BS pointed out that the 1959 Act was the only thing giving the Village possession of the roads. He expressed concern that as soon as the Legislature repealed it, the roads would be in the Town’s possession. WG said H404 states: “This Act shall take effect on passage,” but he said that referred only to the Village’s legal ability to transfer the roads to the Town, not the terms of the arrangement.

AS said the timing of the process was complex. The Village and the Town are on different fiscal years, so it’s hard to tie the two jurisdictions’ taxes together. The Town is authorizing its FY 2026 budget on the day of this meeting (March 4), and that budget does not include money for work on the Village’s roads. Town Manager Stu Hurd has expressed concern that if the State repeals the 1959 Act and the Town gets responsibility for the roads right away, the Town may not have the resources to deal with our roads in that fiscal year.

EW said the Village and Town will have to straighten out their different fiscal years, perhaps by accounting for a 14-month “year” at some point. If H404 just authorizes the transfer without setting any terms, then we’ll have time to make everything align. He said he would recuse himself from the Town’s Select Board vote because he’ll be voting as a Village trustee.

There are other complexities, however. The Town just had an election and the new members of the Select Board have to be briefed on this issue in order to give the informed consent, as required by the House Committee to move H404. And the Legislature adjourns at the end of May.

AS recalled that when Jim Warren was Roads Commissioner he had managed to get a State grant of up to $200,000 to repair Bank Street, but it is contingent on completing the work by the end of 2025. The Village had hoped the Town could do the work more economically, but the Town isn’t available to do it in that time frame. There was consensus that the Village should find a way to not lose the $200,000 State grant.

TM said he had just been given a revised estimate for the Bank Street work: $754,000. That’s more than twice the amount of the previous estimate, which the Village got in 2023. TM said he had expected the “worst case scenario” estimate to be $550,000.

There was continued discussion of the schedule complexities, of whether the Village was taking steps in the best order, and of how to cope with the $750,000 estimate for the Bank Street repairs. RR said one solution might be for the Village to do just an “overlay” of Bank Street. That would be less definitive than a complete rebuilding, but it would be preferrable to walking away from the $200,000 State grant.

* 1. Trees Commissioner: TW said that he, others, and some Town officials had done site visits of some places where lead water pipes must be replaced. They wanted to make sure no street trees would be damaged. Happily, they saw only one place that looked risky, and any damage there would be to hedge plants, not mature shade trees.

TW also said he had continued his research on desalination processes to reverse harm done to trees by salting the roads in the winter. The maintenance of street trees is the responsibility of the property owner. “We’re talking about irreversible damage to a lot of trees,” he said. He said he would present his findings at a future meeting.

* 1. Parks and Sidewalks Commissioner: SW was absent and there was no news to report.
  2. Police Commissioner: EW had no news to report.
  3. Other: AS said the Bennington Museum had presented its application for a permit to do extensive renovations, both indoors and outdoors. The Village currently has only one permit fee schedule, for residential properties. Applying it to the Museum’s project would give rise to a permitting fee of $7,500. The Planning Commission asked the Trustees to consider waiving the fee because of the Museum’s nonprofit status.

EW pointed out that the Village’s published fee schedule had no nonprofit clause. He made a motion to have the Trustees consider a flat, $25 permit fee for the Museum because of its status as a nonprofit.

RR said he had two questions: 1) did the Board have the authority to waive the regular fee schedule, and 2) should the Board do this.

AS said that in preparation for this Agenda item, she and RR had both researched relevant laws and precedents. RR couldn’t find anything giving the Trustees the authority to waive a permitting fee. AS said the Village’s attorney, Merrill Bent, had cited as precedent the case of a Vermont municipality that amended its bylaws to make a subdivision lawful. RR said he appreciated MB’s legal research but he wasn’t satisfied that that case addressed both of his questions. Even if it gave the Trustees the authority to waive the fee (by revising the Village bylaws to add a new fee schedule for nonprofits), RR said it wasn’t responsive to his second question, of whether the Trustees should waive the fee.

RR said the Trustees had a duty to manage public money in a fiscally responsible manner. The $7,500 fee represented almost 5 percent of the Village’s revenue, whereas it was just three-tenths of one percent of the Museum’s project budget. He said last year the Village had raised taxes by 28 percent, and even so the Trustees were still struggling for ways to finance necessary road repairs. In light of those facts, RR said he didn’t think it was appropriate for the Board to forgo $7,500 in order to subsidize a well-established nonprofit: “We’re a Village. We’re not a charitable organization.”

TW said that he had managed multimillion-dollar projects for other nonprofits, and “Never once has that fee been waived.” TM said he thought the Village’s bylaws precluded such a waiver. BS said Museum officials had presented the Museum’s building plans to the Planning Commission and had given him the impression that they expected to pay the $7,500 fee.

EW said he wanted to call a vote on the motion. AS and EW voted in favor. TM and TW voted against. AS said the motion had failed because to pass it needed a majority of the votes.

* 1. Treasurer’s report: RR reviewed the month’s Warrants, saying some of the delinquent taxes had now been paid. TW moved to approve the Warrants, EW seconded the motion, and the Warrants were unanimously approved.

RR said there were still some line items to be filled in on the budget for FY 2026. The biggest was road construction, and he was unwilling to fill in the new $750,000 estimate because it was beyond the Village’s means. TM said he had found a document saying an overlay for Bank Street would cost less than a full reconstruction and he would request a more specific estimate. There was further discussion of the long postponement of the Bank Street repairs, the need to use the $200,000 grant from the State before it expires at year-end, and whether any other options for Bank Street existed, like partial road repairs.

After the budget line items were filled in, AS said there was still a lot of work to do before the April 1 vote, and she would send out a timeline.

* 1. Auditor: KW was absent and there was no report.

1. Old Business: AS said discussion of a possible rental registry would have to wait until the next meeting because of the current schedule overload. In response to a question, AS said the Town’s vote on a rental registry would not apply to the Village. She also said the Village needed to ask attorney MB to review the short-term rental document the Planning Commission had prepared, but hadn’t done so yet.
2. New business: None.
3. Adjourn: TM moved to adjourn at 8:52. TW seconded the motion and the meeting was unanimously adjourned.