

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

(Note: corrected to accurately state the stretch of Village sidewalk that's cited for repairs in the FY 2027 budget.)

The meeting was held at The Barn and on Zoom. To watch the Zoom recording, click this link:

<https://zoom.us/rec/share/k7LWGOE7x32OqEDeQXlmyCEZw6uJSdVW37oQIQXRrVxYdcQNXXojgS6MMiND30OX.8yJLuxlrJOGJwQc->

Passcode: ffx=G637

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

Officials absent: Trustee Tom Woodward.

Village residents who spoke: Andrew Buchsbaum, Suzanne Buchsbaum, Nancy Coseo, Nino Mendolia and Colleen Kelley, Renny Ponvert, and Brian Scheetz.

1. EW called the Trustees' meeting to order at 7:00 and said discussion of the proposed walking trail would be postponed until the June meeting because of crowded agendas in April and May.
2. Approval of the minutes from the March 3 meeting: TM moved to approve the minutes, JT seconded the motion, and the minutes were unanimously approved.
3. Changes or updates to the regular agenda:
  - Nominating Committee update: EW said the Nominating Committee had been made official and he wanted to hear about their work. There will be two open Trustee seats to be filled by a floor vote at the Annual Meeting.

SB said she and the other Committee members, Galen Jones, Liz Warner, and AB, had been meeting and reaching out to people by phone and email. They do not have candidates yet. The Committee's purpose is not to select people so much as to help spark interest and get people excited.

There was a discussion of whether the Nominating Committee should also be looking for candidates for the Planning Commission and the Zoning Board of Adjustment. BS, chair of the Planning Commission, said that group was on a different schedule from the Board of Trustees and didn't have to fill any positions at the Annual Meeting. No one was present from the Zoning Board to discuss its needs. EW reminded the Nominating Committee to be on the lookout for a new Zoom operator, since MK would be moving away shortly.

--Term Limits: The possibility arose during discussion of the Nominating Committee's report. EW said the Village should consider term limits only at the suggestion or recommendation of the residents. Establishing term limits would require an amendment of the Bylaws. BS said the Village has had some very capable long-serving officials in the past, and he questioned the benefit of holding such people to a predetermined number of terms. There was a consensus that possible term limits would be further discussed at the June meeting, with the topic properly warned in that month's Agenda.

--Plan of Economic Development update: BS said the drafting, by staffers of the Bennington County Regional Commission, was proceeding on schedule. He said that 90 to 95 percent of the Plan will be either boilerplate or statistics, but for the remainder there would have to be some policy judgments. For example, the Plan must contain a parcel map, and on the current parcel map (in the expired Plan), the Walloomsac Inn is shown as a residence. But since there are plans to make it an Inn, that change must be addressed now. If the new Plan of Economic Development is issued again with a parcel map showing everything as either "residential" or "conditional use," and the Walloomsac Inn wants a zoning change, it will be nearly impossible to get one.

BS suggested the Trustees and Planning Commission jointly discuss whether to change the Village's zoning framework, after warning such a meeting. Village officials shouldn't make assumptions. JT said he thought this was very important. He didn't think the Walloomsac Inn owners would be comfortable keeping a "non-conforming use" permit permanently.

NC asked why not. BS said that with the "non-conforming use" designation, any small change the owners might make to the property risked making it non-compliant. EW said he thought the Village had established the "non-conforming use" status to avoid opening the floodgates to anything anybody might want to do. JT said he thought the Village's designation as a national historic site would keep a lot of inappropriate developments from being allowed. SB asked if the Trustees were suggesting that the Walloomsac Inn projected had "opened the floodgates" to all sorts of development. JT said no. RR said the Walloomsac Inn was currently the only project in the Village that met the conditions laid out in the recently enacted "Interim Bylaw": It was a property that functioned in a

different role in the past, and now it was very dilapidated. Other properties in the Village don't have those characteristics, so no floodgates have been opened. RR said that once the new Plan of Economic Development was in force, the Village would no longer need the "Interim Bylaw" and could revert to its normal Zoning procedures.

BS said that another area in need of policy judgment for the new Plan of Economic Development was the presence of Accessory Dwelling Units (ADUs), or short-term rentals, in the Village. He said the Planning Commission had already done some work on this in the past, and the BCRC had warned him that a lot of people have been talking about ADUs. The new Plan of Economic Development should at least mention ADUs and state the policy determination. The Village cannot afford to be silent on this issue.

--Protection of empty properties against looting: RP reported another looting incident at 18 Walloomsac Road, the day before the meeting. At about 7 p.m., a neighbor saw a man approach the empty house on a bike, with a sack over his shoulder. The neighbor started screaming at the man, who got onto his bike and rode away. RP said he thought the Village ought to look into putting up safety fencing, cameras, or some other method to prevent looting.

EW said he didn't think the Village should be required to provide security to a house that the owner had left standing empty. BS said the Village didn't have any right to touch the property until after the tax sale (now scheduled for April 24). RR said the Village wouldn't necessarily have such rights even after the tax sale. He said that if there were no acceptable bids on the house, the Village and Town would bid the amounts of their respective tax receivables. That would give them an insurable interest in the house, and in that case, they could take protective measures. EW said it was important to remember the Village's resources and responsibilities: The Village has a Police Commissioner, but the Commissioner is not a law-enforcement officer himself. The Village doesn't have its own police force. Policing here is done by the Town's police force. If you see a burglary, you should either call the Town police directly, or call JT, the Police Commissioner, and he'll deal with the Town's police force. (In the past, the owner of 18 Walloomsac, Tzaims Luksus, has stated unequivocally that he doesn't want the police on his property.)

KW asked if she was correct in thinking that Tzaims Luksus would retain ownership of the house's contents after the tax sale. RR said that was correct: For one year Tzaims will still control both the house and the contents, while he works on curing his tax delinquency. [Clerk's note: the one-year lag is not a policy of the Village. It is due to an unusual provision of the Vermont state law governing tax sales.] During that year, whoever has made the winning bid on the property will have the right to insure it, but cannot take possession.

--Planning for the Village Annual Meeting: The meeting will take place on May 12. NC has offered to provide light refreshments, so that residents will be more likely to stay after the meeting and chat with their neighbors.

RR said a resident had asked him why we don't use paper ballots at the Annual Meeting, so he looked into it. He found that the Bylaws don't specify how the Village votes, and the Town of Bennington doesn't include voting in its Annual Meeting. But RR said that according to the Vermont Secretary of State, the Village should have been using paper ballots all along. EW confirmed that. MW recalled that when the Village voted by a show of hands on the Roads Initiative, it was extremely difficult to count the votes, because people were moving around, talking, and not keeping their hands up long enough. They did the show of hands twice for that referendum, and she and the Moderator each counted different numbers of hands both times.

BS said he didn't think paper ballots could be prepared in advance, because some candidates are nominated during the Annual Meeting, and if the Trustees asked the Nominating Committee to put names onto ballots, the Village could run into voting-access rules.

RR said the Village holds what is called a "floor meeting," and he didn't think the voting-access rules were a problem in that type of meeting. In a floor meeting, anyone who's registered to vote can come to the meeting and vote on any question that's been properly warned; there don't have to be paper ballots, but residents can request paper ballots. He recalled that the Village had had an election by paper ballot once when Donna Berry was the Village clerk.

KW said she recalled that Donna Berry had used blank pieces of paper, not pre-printed ballots. It's the use of pre-printed ballots that raises compliance issues.

Nino Mendolia recalled an Annual Meeting 20 years ago, when the Village conducted a secret ballot using paper ballots. For every item being voted on, the attendees were given a blank piece of paper of a different color. Residents filled them out, and an officer counted the color-coded ballots.

EW said that would solve the problem of not being able to count hands accurately when people are milling around. NM said it had satisfied people's desire for a secret ballot, too. EW and JT said they would bring pens and pencils.

--Land-use training: NC said the BCRC is offering two classes on land-use planning, open to any Village officials. With the Village now at work on its Plan of Economic Development, the training would help new officials understand the process and what was expected of them. She said there was also a lot of information available to officials who register on the Vermont League of Cities and Towns' website.

#### 4. Reports of Commissioners:

- a. Roads Commissioner: TM said he had been working on the roads budget, and people may have seen him and Norm LeBlanc of North Bennington driving around with

service providers, looking at work sites and getting quotes. The quotes have been in line with expectations.

Also, NL recently asked if the Village wanted any potholes filled, because he had some material, and they filled the worst ones. TM said NL is very experienced and understands about meeting budgets and working with boards. If the Village continues to coordinate with him, we will save money on road maintenance.

Also, TM said NL agrees with the priorities listed in MSK Engineering's 2019 roads assessment. NL looked at Fairview Street and said that if the Village spent just \$3,000 on it now, it could save \$50,000 on maintenance within five years. You can save a lot if you set priorities and do the most important things first.

In response to a question, TM said he would not be running for another term as Roads Commissioner, but he has made a road-maintenance spreadsheet that others will be able to follow and update over time. He also plans to introduce his successor to the people who will be their most essential contacts in this position.

- b. Trees Commissioner: TW was absent, but he gave EW a detailed report to read, describing his recent inspection of the trees on the Walloomsac Inn's property. There were five "street trees" and numerous "fugitive trees" that had just appeared at random. The trees are unhealthy and they constitute a material risk to public safety, including the safety of vehicles and neighboring buildings. The trees should be removed in the interest of public safety, and in the interest of establishing a healthy, sustainable, and visually appropriate tree canopy over time. Separately, there are some designated wetlands at the West end of the property, and these are under state jurisdiction, through the Vermont Wetlands Rules.

EW said he wanted to know if the owner of the Walloomsac Inn was aware of TW's findings, and how he intended to get the tree work done. BS said he wanted to know what residents were required to do about the stumps when they have trees removed. RP said he'd like to know what TW said to the Walloomsac Inn owners about whether they would be required to replant the trees that are removed.

- c. Parks and Sidewalks Commissioner: SW said arrangements were being made to reinstall the bench on the Village Green that was broken during the repairs to the Old First Church steeple. Also, about \$60,000 has been raised so far to pay for a new memorial to replace the one what was hit by a car and demolished many years ago. There might even be a way to make the water fountain work again. JT added that the 250<sup>th</sup> Anniversary Committee would also like to install bronze plaques commemorating the role of the Green Mountain Boys.

SW said DM and CK had reported severe damage done to the marble sidewalk in front of their house during snow removal this past winter. In the past, DM and CK

removed the snow themselves, but when Pembroke got the snow-removal contract, it said its equipment was much lighter and less likely to cause damage than the previous contractor's. They agreed, but when the snow melted, they could see all sorts of new cracks. Also, the snowplow blade is wider than the sidewalk, and it scraped their lawn and garden beds. CK said she had already shown the damage to Pembroke, which has worked on their property for years and has won their trust. Pembroke seems amenable to not using their equipment on marble sidewalks any more, but they haven't said yet what they'll do to repair the damage.

There was a discussion of how fragile marble sidewalks are, and whether Pembroke could take more precautions with the sidewalk in front of Old First Church. There was agreement that aside from this issue, Pembroke has been doing a good job with snow removal.

- d. Police Commissioner: JT said he is still eager to get feedback on the sign designs that have been posted on the Village website. He said the Village is arranging now to buy a movable speed monitor, and when that is done, they'll see how much money remains for signs and other measures. EW said the current budget set aside \$5,000 for traffic monitoring. RR said arrangements could be made to carry over any unspent portion of that to the next fiscal year.

## 5. Report of the Treasurer:

--Tax sale update, 18 Walloomsac Road: RR said the auction date has been set, April 24, at 10 a.m. A Town attorney will officiate. The total amount due to both the Village and Town is just over \$41,000. That will be the minimum required bid. If no one bids that much, then the Village and Town will bid it and become the owners, proportionally to their receivables.

RR said the Village has had to do some groundskeeping on 18 Walloomsac Road, because trees were falling down and wild vegetation was encroaching on Walloomsac Road. Village officials had thought that such expenditures created a lien on the property, so that the Village could recover the outlays when the property was sold. But it turns out that the liens weren't created. The Village must amend the Bylaws to say that such expenditures do create liens. Otherwise this could happen again in the future.

--Discussion of pre-printed tax abatement forms: MW drafted some forms for property owners to fill out if they wanted to apply for tax abatement. Her proposed forms contained an explanation of the difference between a tax abatement and a tax-assessment challenge, in hopes of keeping residents from going down the wrong track. In dealing with the owner of 18 Walloomsac Road, MW became aware that he was unaware of the difference, and as a result he had been going around in circles for a couple of years, applying repeatedly for something that, by State law, he was not qualified to receive. MW thought it was important for all property owners to understand that there is no such

thing as permanent tax forgiveness in Vermont. The State doesn't want municipalities to permit one resident to stop paying property taxes, because the tax break for that one person becomes a tax increase for all the other local property owners.

MW proposed posting her drafted materials on the Village website. In the ensuing discussion, it was agreed that MW should instead post a statement on the web that if anyone wanted to apply for a tax abatement, they could get an information packet and application from the Village Clerk. The information packet would include an explanation of how a tax abatement differs from an assessment challenge, the steps for applying for one or the other, and a list of the limited circumstances that allow a property owner to receive a tax abatement from the Village. Tax abatements aren't intended to be permanent. MW hopes that making this available will prevent further misunderstandings in the future.

--Discussion of municipal accounting methods (cash, accrual, and modified accrual): RR said EW had asked why the Village didn't use the accrual basis of accounting, which is much more common among municipalities. RR wanted to explain: The accrual basis of accounting makes sense for larger municipalities that have capital assets, issue bonds, and whose credit is rated by agencies like Moody's and Standard & Poor. That's why, when the Village was independently audited a couple of years ago, the auditor recommended changing to the accrual basis of accounting – it's more widely used. But for a very small municipality like Old Bennington, which doesn't interact with the public markets, accrual accounting doesn't make much sense. RR said he checked with the Vermont League of Cities and Towns, and they agreed.

RR said he wanted the Village to use the modified accrual method of accounting. The main difference would be in the timing of our reported expenses. To use Pembroke as an example, when Pembroke plows the snow in March, the Village incurs the expense in March – but Pembroke doesn't send out its bill until the end of March, and the Village then pays it in April. This causes constant lags.

RR proposed that the Village return to the accounting method that it used in the past, in which the Village would report accruing the expense and paying it in the same month. This would be more straightforward and easier for Village residents to understand, and Village residents are the primary users of the Village's financial statements. Old Bennington doesn't issue debt, so there's no reason to tailor our financial reporting to the expectations of municipal bond buyers.

In response to a question, RR said this change would have no effect on the Village's fiscal year, which starts on April 1 and is out of synch with the Town's fiscal year. The Village may change our fiscal year will be a labor-intensive process, so we'll leave that to another time.

--Tax collections update: There have been no payments of delinquent taxes over the past month. The Village has legal authority to begin foreclosure proceedings on properties

once the delinquencies have lasted for two years. The passage of time may therefore prompt some delinquent taxpayers to make payments.

--Fiscal 2027 budget planning: RR said the Village did a good job when it made budget estimates last year; our actual spending has been close to what was projected. One exception is expenditures for road construction. The Village came in far under budget, thanks to RP connecting with NL, and TM working closely with NL and the State Agency of Transportation all year. The savings will allow the Village to catch up on all of the other road maintenance and repairs identified by MSK Engineering in its 2019 road assessment. This will take two years. We're going to start taking care of our roads instead of running them down and then fixing them afterward.

For the coming fiscal year, RR said he would estimate \$200,000 property tax receipts, based on the Town's fiscal 2027 road rate. This represents a routine increase.

Outlays worth noting include the cost of drafting the Plan of Economic Development, which is a requirement of all municipalities in Vermont. (Ours has expired.) The Village has spent \$12,000 on consulting by the BCRC to draft the new one, and we're going to get another \$17,000 bill before it's done. But the Village has also qualified to receive a State grant for the Plan, so that in the end, the Village will have paid just \$2,900 to get its new Plan written.

SW said she got a quote for sidewalk repairs on the stretch of Monument Avenue between Walloomsac Road and Bank Street, of \$30,000. That should be included in the budget.

EW asked if the Trustees should vote on allowing RR to present his completed budget at the Annual Meeting. JT so moved. SW seconded the motion. RR's budget was unanimously approved for presentation at the Annual Meeting.

--Monthly report, approval of Warrants and check signing: RR said there were just three checks to be signed this month, 1) legal fees for work on the coming tax sale and zoning work on the Walloomsac Inn, 2) two years of rent due to the Old First Church for use of the meeting room, and 3) Pembroke's snow removal. TM moved to approve the Warrants. JT seconded the motion. The Warrants were unanimously approved.

6. Auditor: KW said there was no news to report.
7. Old business: EW said he wanted to put an update on plans for the 250<sup>th</sup> anniversary of the Battle of Bennington onto the agenda for a future meeting. Plans include the mock Catamount Tavern and the possible walking train from the Monument. There are also efforts to restore the fountain on the Village Green.

8. Adjournment: JT moved to adjourn the meeting at 9:28. TM seconded the motion and the meeting was unanimously adjourned.