



November 4<sup>th</sup>, 2024

Members Present: Tom Deck (Chair), Anthony MacLaurin, Nina Mooney, Jim Lewis, Scott Swinarton

Members Absent:

Others Present: Curan VanDerWielen (Interim Village Manager), Sarah McClintock (Village Treasurer), Donald Brodie (Town Clerk)

**Call to Order:** 4:31 PM by Deck.

**1. Changes to Agenda:**

**Motion: To approve the agenda, as posted**

Motion made by MacLaurin. Motion seconded by Lewis.

Motion approved unanimously.

**2. Approval of the draft meeting minutes for the regular meeting held October 7<sup>th</sup>, 2024**

MacLaurin noted that he wished to see a list of action items for the next meeting minutes. Brodie noted that he believed such items should be listed under "Old Business" on the agenda. Deck added that he believed that in the near future a visual reference of all ongoing projects should be prepared so that reference to individual documents was not necessary. VanDerWielen confirmed that the office was working to prepare such a system in November. Brodie added that the system could be modeled on that system used by the Equinox on the Battenkill board.

**Motion: To approve the minutes of the regular meeting of the BoT held Monday, October 7<sup>th</sup>, 2024.**

Motion made by Deck. Motion seconded by Mooney.

Motion approved unanimously.

**3. Monthly Reports**

**a. Road Commissioner**

Lewis stated that Alan Mowry would be absent for the next two weeks due to a necessary surgery. MacLaurin asked who the backup for Mowry would be in any absence of Scott Stannard. VanDerWielen noted that Mowry had a list of individuals he worked with to fill-in for particular items, including snow plowing. Lewis noted that he was unsure who Mowry was looking to work with this Winter.

**b. Tree Warden**

Lewis stated that he had recently been to Elhannon nursery in Hoosick Falls to select trees for new plantings, and noted his being impressed by the nursery and their stock.



Lewis noted that he had picked, by request, two red maples (one Sunset and one Sienna Glen) for spaces next to and across from Manchester Capital, respectively. Lewis also stated that a replacement holiday tree had been selected, a Fraser Fir, to be placed where the existing. The existing tree would be replanted near the Ekwanok. A short conversation about tree maintenance ensued. McClintock asked about pricing. Lewis answered that the price given to him came to a round \$5,000.00.

**c. Village Manager**

VanDerWielen discussed ongoing work to line up insurance monies to resolve damage made to a Norway Maple, the curb, and a streetlight near the Equinox Hotel as a result of a recent car accident. VanDerWielen noted that he would follow up with the Manchester Center police and town manager to finalize that.

VanDerWielen also discussed ongoing corrections and performance with the new Village Bookkeeper, Kylie Allen, relative to accounts payable, financial reporting, payroll, and tax administration. VanDerWielen noted a discussion the previous month about liquor license permitting fee tracking, stating that the appearance of missing fees was a result of several licenses being received in the previous fiscal year, and that several types of fees were not collected by the Village.

VanDerWielen also discussed the need to resolve an issue with ARPA fund reporting with the Department of the Treasury, notably ~\$169,000 in unobligated monies that would expire at the end of the calendar year. VanDerWielen noted that he was currently working with VLCT as to how to resolve this and to identify projects to obligate those monies toward. VanDerWielen also noted that in the unlikely case that those monies could not be obligated by the end of December that VLCT had indicated to him that they could be used to cover payroll expenses for the current year and then rolled to next fiscal year. Deck asked if particular highway projects would qualify. VanDerWielen noted that many of them would and that the possible qualifications were actually quite broad. McClintock asked whether the monies had been received yet and represented just a reporting issue, or if the Village had simply not requisitioned the monies yet. VanDerWielen noted that he still needed to double check, but that he believed it was the latter and simply a reporting issue. A short conversation ensued regarding timeline and potential projects to obligate the monies towards.

**d. Zoning Administrator**

VanDerWielen described the month's zoning activities, including permits and zoning violations. VanDerWielen also described ongoing Planning Commission work on bylaw modernization. MacLaurin noted that the draft document was significantly different from existing and that he felt that the Commission had been rushed to complete this pending deadlines related to grant funding. VanDerWielen noted that multiple public meetings and a Trustee review were still upcoming related to the project.



VanDerWielen also noted that an advertisement to hire a new Zoning Administrator had been posted and that he would continue to work with the Planning Commission in the capacity of Village Manager to find the best possible hire for the role.

**e. Treasurer & Tax Collector**

McClintock first presented the budget status report, noting that 93% of the tax revenue had been collected. She also highlighted that zoning permits and fees revenue was already higher than projected for the fiscal year and discussed ongoing fund accounting cleanup assigned to the Village Bookkeeper.

Deck asked about the status of the VTRANS structures grant for the rock wall project, to which VanDerWielen noted that he was still stitching a few things together but that it would be resolved before the next meeting.

McClintock noted that the highway and heavy equipment accounts had been closed at Bank of Bennington and migrated to Fidelity. McClintock also noted that tax revenues would soon be moved from the general fund to Fidelity, but that she would coordinate with VanDerWielen as to the appropriate amount to transfer.

McClintock also highlighted the existing delinquencies list, noting that she would be working with VanDerWielen to issue delinquency letters and to continue collecting incoming payments.

Deck added that he had discussed the frequency of financial audits with VLCT as to what the Village's policy should be. McClintock noted that Sullivan and Powers had stated that it would be cheaper to do annual reviews with a full audit every handful of years. Deck proposed a full audit to occur every 5 years, but agreed that annual reviews would be a good idea. McClintock noted that she would follow up with Sullivan and Powers.

**f. Clerk**

No updates were noted by the Clerk.

**4. Discussion on the Itinerant Vendors and Section IV of the Village Ordinances**

Brodie noted Dorset's policies on itinerant vendors, noting that they were generally prohibited, with certain events such as the Farmer's Market including vendors but considered an event. Mooney stated that she had been impressed by Manchester Center's ordinance on the subject, especially with regard to the design and facet restrictions of permitted vendors. MacLaurin stated that he wanted to keep the ordinance more simple than Manchester Center, due to the size of the Village and its staff. Mooney added that she believed that the activity might be limited to a particular area and to a specific



number of vendors. MacLaurin agreed with Mooney, noting that he believed something like 3 vendors per year would be reasonable, with others filing as part of special events. MacLaurin added that he believed it should be restricted to food so as to avoid issues of retail sales and that he believed it should be prohibited outright in the historic core. MacLaurin also stated that he believed the permit fees should be raised considerably to be more consistent with rates set by Manchester Center. Mooney noted that she believed vendors should be made to remove their truck overnight. Lewis stated that that had recently come up with a vendor in Manchester Center and that it had been decided that they did not need to move every night.

Deck stated that his position was that vendors needed to be limited within Village, but that he opposed an outright ban. Deck also drew a distinction between special events permits and itinerant vendor permits. A short discussion ensued regarding various examples of this distinction. Deck stated that he also agreed with an increase in the fee amounts (specifically at 20% upwards of Manchester Center's base fee) and that any possible amendment should be sensitive to concerns about traffic.

Swinarton agreed with Deck's points and added that he believed a maximum of 5 vendor permits in a year was appropriate. Swinarton also agreed with Mooney's assertion that vendors should remove trucks overnight and that vendor permits should be limited to areas where they already operate.

Mooney agreed with most of what had already been said, adding that she believed a radius should be added to the placement of any vendor inside of which none others could operate. Mooney proposed adding itinerant vendors to the land use regulations to allow for DRB review. VanDerWielen clarified that the reason it wasn't already was that it was not defined currently as a type of land use but as a type of commercial activity, although it could be done. VanDerWielen recommended retaining it within an ordinance, rather than migrating to zoning review and noted that setting a zone-by-zone designation might offer the Board more flexibility in rendering decisions. MacLaurin added that a close-by time should be added to afforded the Board, suggesting 7am to 9pm.

VanDerWielen suggested setting an operating season instead of setting arbitrary time limits on permit expiry. Deck proposed setting such a season from May 1<sup>st</sup> to November 1<sup>st</sup>.

A short discussion ensued regarding setting area designations for vendors to operate in. Lewis noted that he was concerned about time restrictions, specifically about operations over the Winter. VanDerWielen noted that multiple seasons could be defined. Mooney asked if further public outreach would be undertaken regarding the amendment. Deck suggested that some kind of surveying or public hearing could be helpful to that purpose. Swinarton discussed maintaining certain records relevant to each permit. A short conversation ensued regarding historic examples of itinerant vendors operating in the area.



Brodie stated that he agreed with VanDerWielen's suggestion as to setting a season and that he believed that a cap on the total number of vendors should be set annually. Deck stated that a draft amendment should be prepared and asked whether the next step should be to hold a dedicated public hearing on the amendment. Mooney suggested issuing a moratorium on new itinerant vendor permits until the Board had approved an amendment to the ordinance resolving the issues they had identified.

**Motion: To issue a moratorium on the issuance of new itinerant vendor permits until the Board has satisfactorily addressed the issue identified with the current Itinerant Vendor Ordinance with an amendment to said ordinance.**

Motion made by MacLaurin. Motion seconded by Lewis.

Motion approved unanimously.

A short conversation ensued regarding the process. It was agreed that a draft would be reviewed at the next regular meeting prior to a formal public hearing. Deck noted that further amendments could also be made after the fact.

#### **5. Discussion on the Possible Allocation of Monies for the Beautification of Manchester Village for the Winter Holidays**

Deck introduced the topic of discussion, noting that he wanted to set a date for a possible tree lighting in early December. A short conversation ensued, resulting in a decision that a tree lighting would be set for December 5<sup>th</sup>. McClintock added that the Garden Club would be preparing wreaths for the Village and that another event should be scheduled ahead of time for volunteers to help assemble bows and lights for the wreaths. The color of lights and ornaments were also discussed. It was decided that an allocation of not more than \$1,000.00 from Beautification would be allocated to the decoration of the tree. Deck also added that he would help provide some refreshments for the event and invited volunteers to donate.

**Motion: To allocate not more than \$1,000.00 to the decoration of the Village holiday tree.**

Motion made by Deck. Motion seconded by MacLaurin.

Motion approved unanimously.

Deck discussed further ideas as to activities to be planned for the Christmas tree lighting.



**Other Business:**

A short discussion ensued regarding the future use of the old Bennington County Courthouse, with McClintock adding that an informal group of residents was meeting on a semi-regular basis to design a project to revitalize the property.

**Old Business:**

Brodie noted that he recommended that the Trustees write a letter to the Manchester Center police department asking for future police reports from inside Manchester Village to be sent to the Village on a regular basis. Deck stated that he would draft such a letter.

A short discussion also ensued regarding police ticketing revenue. VanDerWielen noted that he was still performing research regarding the matter.

MacLaurin also noted that sandwich boards had been set outside of the Perfect Piece overnight. VanDerWielen noted that he would follow up with them.

**Motion: to adjourn.**

Motion made by Deck. Motion seconded by MacLaurin.

Motion approved unanimously.

**Adjournment:** 6:14 PM.

The next regular meeting of the Board of Trustees will be held at 4:30 PM on Monday, December 2<sup>nd</sup>, 2024.

Respectfully submitted,

Curan VanDerWielen  
Interim Village Manager