

TOWN OF BENNINGTON

BOARD OF SELECTMEN

Minutes of the Meeting – September 2, 2009

Selectmen James Trow, Joseph Cuddemi and Philip Germain were present as well as Administrator Denise French. Also attending the meeting was Chris Clough and Monadnock Ledger-Transcript reporter Joshua Bond. The meeting was called to order at 6:05 p.m.

Assistant to the Administrator Kristie LaPlante met with the Board to provide further detailed information on the process to apply for grant funding of a second phase of sidewalk construction. The following areas being considered for grant application were initially included in Phase I of the TEP project but were eliminated due to fiscal constraints: Francestown Road to Eaton Avenue, right side of Main Street to Eaton Avenue and left side of Main Street along Antrim Road to the last house on the left. The Selectmen unanimously voted to move forward with a September 9th public hearing at Pierce School to receive public input for the proposed project. Letters to the abutters, as well as posters and advertising in the newspaper and town website will be undertaken within the next day or two.

With regard to the TE Project the following was discussed:

- The Selectmen voted to eliminate the proposed sidewalk to the former St. Patrick Rectory on Greenfield Road. The Board also voted to seek quotes for a new front entryway at Town Hall; the replacement of the steps to coincide with rehabilitation of the parking lot.
- Heard a report from Police Chief Steve Campbell that traffic control is going well.
- Received August 19th and August 26th Construction Meeting Minutes.
- Received the whole Project Schedule.
- Received copy of Tom Jameson's warning about directing the Contractor.
- Chairman Germain volunteered to research Liberty Elm Trees.

Fire Chief Allan Wilson met with the Selectmen and discussed the following:

- Integrity and safety of Fire Department equipment.
- A wall will be constructed within the existing office area to provide a secure environment for Fire Chief duties and responsibilities.
- Approved installation of a new push-button lock mechanism at the Fire Station with funds from the Fire Department budget.
- Agreed to discontinue rent of facilities at the Fire Station.
- Delivered a copy of the May 5, 2009 Standard Operating Guidelines for the Bennington Fire Department. The Chief stated that by virtue of their signed meeting attendance records he would track the membership to be sure everyone had received their copy of the SOGs.
- Delivered, and reviewed with the Board, the September Fire Department meeting Minutes.
- Kristie LaPlante and Peter Hopkins will be conducting Life Safety reviews of public buildings.
- Mike Hoiriis is getting information from Peterborough Fire Department for the boat; currently the vessel is unregistered and uninsured. Information to register and insure the trailer is also forthcoming.

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- In keeping with the previously established hiring process, the Chief will introduce Firefighters Scott Plourde and Benjamin Bartlett to the Selectmen.
- Reviewed a recent car fire incident where an Antrim Fire Department member drove the Bennington fire truck to the incident assuming that Bennington personnel requesting the assistance were capable of operating the truck's pumping mechanisms.

Rich Cahoon met with the Selectmen and discussed a perceived directive received from a Department Head that could interfere with an employee's right to free speech and expression. The Selectmen informed Mr. Cahoon that the Board's request made through the Department Head was for voluntary action to remove the stickers during the crisis at hand and not a directive. Further, Mr. Cahoon was assured he could speak or display his message of support without fear of discipline. It was suggested to the Selectmen that the Personnel Policy reflect free speech rights of the employees.

Barry White met with the Selectmen and discussed the following:

- Delivered a copy of his resignation as a ZBA member citing a conflict while sitting on both the Planning Board and the Zoning Board of Adjustment. Mr. White will continue to serve as the Planning Board liaison to the ZBA.
- The affirmative March Town Meeting vote on the Non-Binding referendum to study regionalization of emergency services. It was agreed that Barry White would meet with Police and Fire officials to develop an Agenda for a future public hearing to receive citizen input.
- Possible merger of the Catholic Cemetery and the Town's Evergreen Cemetery since the Church is selling its Bennington buildings. Selectman Cuddemi volunteered to informally inquire about the matter.

Peter Cordatos, accompanied by Mrs. Tuttle, came in to continue discussion of his Acre Street property and his perceived view that the Town has a responsibility to repair his property and NHDES' position that the Town removes trees from the utility easement. All parties were made aware by Peter Cordatos that he would be utilizing his tape recorder during his visit. Chairman Germain informed Mr. Cordatos that, since he engaged an attorney, the Town's insurance carrier has recommended that the Town protect itself with legal counsel; all communications will now be between Mr. Cordatos' attorney and Town Counsel. The Selectmen tabled the August 31, 2009 letter from Messieurs Bernard Lucey and Stephen Roberts pending resolution of the legal issue.

From 8:10 p.m. until 8:20 p.m. the Selectmen met in Nonpublic Session under RSA 91-A:3II (c). No decisions were made.

In other matters the Selectmen acted as indicated:

- Reviewed and approved Minutes from their August 19, 2009 meeting.
- Reviewed and approved the August 26, 2009 and September 2, 2009 Accounts Payable and Payroll Registers.
- Received the updated August 31st Internal Operating Budget.
- Received support from the Town of Antrim that "Yield to Oncoming Traffic" signs should be installed at each end of the shared bridge at North Bennington Road/Depot Street.

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- Agreed to meet September 30th with an official from the Cooperative Single Stream Recycling Project.
- Received a courtesy copy of the Planning Board's August 24th communication to Naomi Zyck confirming that she has met the conditions established by the Planning Board for operation of a daycare business at her 15 Pierce Hill Road property.
- Received a courtesy copy of the Planning Board's August 25th communication to Mason & Bertha Harris regarding their excavation escrow account for reclamation expenses.
- Due to the scheduled Public Hearing for Phase II of the TE Project it was agreed to reschedule the September 9th meeting with Comcast for renewal of the Cable TV Franchise Agreement.
- Received a letter from the Fire Department reviewing the August 22nd Fire Muster which was well attended and enjoyed by all thanks to the efforts of the Fire Department, Fire Auxiliary, Recreation Department and the Sportsmen Club.
- Reviewed August Police Statistics.
- Heard a report that September 16th has been designated for the Public Hearing to formally accept the revised Flood Maps.
- Approved purchase of a computer desk table for the Administrative Office which will replace a metal table.
- Discussed the Main Street excavation by a private contractor and related flagging incidents reported to Town officials. The excavation is independent of the TE Project and approved by the Water/Sewer Commissioners for the purpose of improving municipal utilities for property on Greenfield Road – at the owner's expense. The Selectmen will review the Water/Sewer Regulations as they pertain to new services or extensions.
- The Selectmen reviewed a previously approved Building Permit for M12/L40 and were frustrated to realize that the indicated front setback on the face of the Building Permit is less than the Zoning Ordinance provision. The matter will be reviewed with the Code Officer and the property owner.
- Reviewed and approved a Building Permit for M19/L2-9. The Administrator will arrange for a Land Use Change Tax for this property.

The meeting adjourned at 9:33 p.m.

Respectfully submitted by:

Denise French
Town Administrator