

TOWN OF BENNINGTON

BOARD OF SELECTMEN

Minutes of the Meeting – September 16, 2009

Selectmen James Trow, Joseph Cuddemi and Philip Germain were present as well as Administrator Denise French. Also attending the meeting were Chris Clough and Peter Martel. The meeting was called to order at 5:40 p.m.

At the Selectmen's invitation, Howard and Leona Mabry met with the Board and Road Agent Gary Russell to discuss the intrusion of their fence into the Route 31 right-of-way, unbeknownst to the property owners. The present placement of the Cross Street fence results in the sidewalk's width varying from 3' to the optimum 5'. For consideration of Mr. and Mrs. Mabry's willingness to assist the Town with relocating their fence 1 ½' to 2' back from its present location, the Selectmen agreed that the Highway Department will remove the fence prior to the sidewalk construction as well as replacing the fence at the conclusion of the sidewalk construction, all at the Town of Bennington's expense. The Selectmen signed a letter of understanding to this affect.

The Road Agent agreed to draft a scope of work for the soon to be advertised Snow Removal Services which will include snow removal from the newly constructed sidewalks.

From 6:18 p.m. until 6:32 p.m. the Selectmen met in Nonpublic Session under RSA 91-A:3II (a). No decisions were made.

The following Transportation Enhancement Project items were discussed with the Road Agent:

- Now that the School Street sidewalk has been constructed abutting the Schnare fence there is concern about backfilling the fence area.
- NHDOT has approved a 24' opening at the former Greenfield Road Rectory and a 24' opening on Main Street across from the Library.
- Consideration of eliminating the flashing light pole as well as NHDOT possibly removing the flashing red light at Greenfield Road/Main Street/South Bennington Road intersection.
- The Selectmen reversed their prior decision regarding the Main Street/Greenfield Road corner by agreeing to the installation of the corner sidewalk as was originally designed.
- Concern that the newly constructed sidewalks might not all be at the minimum four inch depth as designated in the construction plans.
- Approved the first payment to Van Dyke Construction, Inc. in the amount of \$102,667.

In other TEP matters the Selectmen acted as indicated:

- Heard a report that the Town has almost met its obligation to deliver supplied gravel for the project.
- Chairman Germain volunteered to acquire ADA industry standards for the size of landing at the Town Hall front entry doors as will be required for handicapped accessibility. Chairman Germain will also obtain estimates for granite steps.

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- A NHDOT Historian will visit the Common to view what is assumed to be a cistern. Existing placement of the structure is holding up TDS' installation of an in-ground equipment cabinet.
- Heard a report that NHDOT has cautioned the Town to be alert to time-sensitive dates when seeking reimbursement of ARRA funds.
- Tabled consideration of Liberty Elm Trees until more information is at hand.
- Reviewed September 9, 2009 Construction Meeting Minutes.

After duly notifying the public, the Selectmen conducted a 7:00 p.m. Public Hearing for revisions to the Floodplain Development Ordinance and acceptance of the revised Flood Insurance Rate Maps. The following resolution was unanimously voted by the Board of Selectmen and certified by the Town Clerk:

RESOLUTION TO ADOPT REVISED FLOOD INSURANCE RATE MAPS (FIRM)

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Pursuant to RSA 674:57, by resolution of the Bennington, New Hampshire Board of Selectmen, all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Hillsborough, NH" dated September 25, 2009, together with the associated Flood Insurance Rate Maps dated September 25, 2009, are declared to be part of the Bennington Zoning Ordinance and are hereby incorporated by reference.

From 7:15 p.m. until 7:40 p.m. the Selectmen met in Nonpublic Session under RSA 91-A:3II (a) to review the written non-public report received from the Employment Practices Group who undertook an investigation of a formal personnel complaint. No decisions were made.

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

- The Chief will continue his pursuit of Form W-4 from Firefighter Cahoon.
- The Selectmen and the Chief discussed a report received of a firefighter's excessive speed for the travel conditions through the downtown construction zone.
- Boat and trailer information is forthcoming for insurance and registration purposes.
- The Department's computer has been fixed but the internet has not worked. The Administrator will call Comcast in an effort to restore internet service to the fire station.
- Chairman Germain gave the Fire Chief his copy of the investigative report received from the Employment Practices Group to read and return during the Selectmen's meeting.

From 8:21 p.m. until 8:45 p.m. the Selectmen and the Fire Chief met in Nonpublic Session under RSA 91-A:3II (a) to jointly discuss the Employment Practices Group's report. The Selectmen and the Fire Chief agreed that a written action letter would be written and available for Monday, September 21, 2009.

In other matters the Selectmen acted as indicated:

- Reviewed and approved September 9, 2009 Board of Selectmen Minutes and Phase II Public Hearing Minutes.
- Reviewed and approved September 16, 2009 Accounts Payable (2) and Payroll Registers.

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- Expressed their appreciation for Kristie LaPlante’s time and effort in submitting the 2009-2010 Transportation Enhancement Application.
- Heard a report that building and electrical repairs at Newhall Youth Field have been authorized by LGC. The Town will receive reimbursement from LGC for the repairs; reimbursement for contents will be by mutual agreement between the Town and LGC.
- Upon further review of the four Cleaning Proposals, the Selectmen unanimously voted to engage McGurty Maintenance at a cost of \$130 per week for cleaning the Town Hall, Fire Station and the VFW – contingent on receiving positive references and a Certificate of Liability Insurance.
- Tabled their decision on replacing town building access keys.
- Heard a report that a warrant article could be put forth to the voters to establish a Recreation Revolving Fund which would allow money received from fees and charges for recreation services and facilities to accumulate from year to year, and would not be considered to be part of the Town’s general fund.
- Reviewed the Rymes Propane Facility status as of their May 20th meeting with Thomas Rymes and the facility’s status at September 16th. Chairman Germain volunteered to draft a follow-up letter to Mr. Rymes.
- Discussed with Chris Clough taxation, Work Force Housing, Capital Improvement Program and Impact Fees.
- Spoke with Peter Martel about the joint creation of a “First Lego League” sponsored by Wapack Youth Robotics, Creating Positive Change, 4-H and the Bennington Recreation Committee. Creating Positive Change donates office space, 4-H provided the start-up Grant and the Town of Bennington will provide meeting space with wireless internet access. Mr. Martel will secure a Certificate of Liability Insurance.
- ZBA Alternate Chris Clough was appointed a member of the ZBA to fill the vacancy of John Tyler.
- After the trees have shed their leaves the Selectmen and Code Officer will visit M7/L48, M7/L111 and M17/L30 to check their continued efforts for cleaning up junk at their properties. The Selectmen will also tour the community with an eye towards town-wide compliance with the Junk Yard Statutes.
- Reviewed and approved were:
 - Petition & Pole License
 - Authorization to Reprogram Police Radios
 - Employee Time-off Request form.

The meeting adjourned at 10:06 p.m.

Respectfully submitted by:

Denise French
Town Administrator