

TOWN OF BENNINGTON

BOARD OF SELECTMEN

Minutes of the Meeting – September 23, 2009

Selectmen James Trow, Joseph Cuddemi and Philip Germain were present as well as Administrator Denise French. Also attending the meeting was Shelagh Clough and Monadnock Ledger-Transcript reporter Joshua Bond. The meeting was called to order at 5:50 p.m.

At 5:51 p.m. the Selectmen met in Nonpublic Session under RSA 91-A:3II (a) with Kristie LaPlante. The Nonpublic Session recessed at 6:02 p.m. Chairman Germain gave Mrs. LaPlante a copy of the investigative report received from the Employment Practices Group to read and return during the Selectmen's meeting.

The Selectmen met with Bryan Christiansen, Senior Manager of Government and Community Relations for Comcast. The Town's Franchise Agreement with Comcast expired on April 8, 2009. Prior to the meeting the Selectmen reviewed the recently executed franchise agreement between Comcast and the Town of Peterborough and used it as a baseline for discussing Bennington's renewal. At the conclusion of the meeting the Selectmen asked for a five-year renewal Agreement which includes a senior citizen discount and video/music for the Administrative Office.

At 6:58 p.m. the Selectmen and Kristie LaPlante reconvened their Nonpublic Session to discuss the content of the Employment Practices Group's report. The Nonpublic Session adjourned at 7:15 p.m. No decisions were made.

From 7:25 p.m. until 8:10 p.m. the Selectmen met in Nonpublic Session under RSA 91-A:3II (a) with Fire Chief Allan Wilson and Chester Heinzman. The Selectmen voted to re-instate Chester Heinzman as Deputy Fire Chief. Chairman Germain gave Mr. Heinzman a copy of the investigative report received from the Employment Practices Group to read and return during the Selectmen's meeting.

The Selectmen and the Fire Chief discussed the following:

- The replacement rescue vehicle should be delivered in another week. Chief Wilson delivered the \$113,110 invoice from Valley Transportation, Inc for payment.
- Chief Wilson delivered the last outstanding W-4 from Firefighter Cahoon.
- The Fire Officers are reviewing the mutual aid run-cards.
- The Assistant Fire Chief position will remain vacant for the time being. The Selectmen asked that the Chief meet with the Board prior to appointing the next Assistant Chief.

The Selectmen acted as indicated in the following matters:

- Reviewed and approved the September 16, 2009 Board of Selectmen Minutes (four sessions).
- Reviewed and approved the September 23, 2009 Accounts Payable and Payroll Registers.
- Tabled discussion on the Rymes Propane Facility for lack of time.
- Requested the Administrator remind those employees with unused vacation time on the books to use the vacation time prior to December 31<sup>st</sup>.

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- Heard the following report on Water/Sewer items of interest:
  - The owner of M11/L8 was given an October 31, 2009 deadline to repair a water leak.
  - A follow-up sound test for M10/L5 revealed no leaks.
  - In response to a complaint received from the owner of M7/L79 the Administrator will invite the Commissioners in to discuss the discontinuance of a sewer abatement which has been based on metered water not processed through the sewer system.
- Confirmed the Board's intent to request 2010 Department Budgets at the 2009 Default Budget amount.
- Heard a report that Bennington School Board Representative Arthur Knight recommends the normal procedure of completing the Facilities Usage Request Form for reserving the Multi-Purpose Room at Pierce School for Election Day functions.
- Confirmed the Board's desire to contract with McGurty Maintenance after hearing that positive references have been received and the Certificate of Liability Insurance is forthcoming.
- Agreed to meet October 17<sup>th</sup> at 9:00 a.m. with the Code Officer to revisit M7/L48, M7/L111 and M17/L30 for compliance with the junk yard statutes.
- Heard a report that the picket fence removed from M10/L4 for TEP sidewalk construction likely will have to be replaced. The Road Agent will be asked to provide photos and an estimate of cost for the replacement.
- Heard a report that the backhoe/loader needs approximately \$500 in repairs. Its breakdown necessitated hiring a private contractor for the Main Street residential water line relocation.
- Heard a report that it could cost \$10,000 - \$20,000 to identify and treat mosquito infestations. In response to Jon Manley's suggestion that the Town request testing for EEE and/or the West Nile virus, the Selectmen will consider putting forth a Non-Binding Referendum to the voters in March seeking citizen opinion.
- Authorized the Administrator to enter into an agreement with LGC for the purchase of short-term disability insurance at the employees' expense.
- Heard a report that LGC and Primex insurance officials are teaming up with Joint Loss Management Committee Chair Steve Campbell, Vice Chair Melissa Searles, Gary Langlois, Kristie LaPlante and Alternate Gary Russell to adequately administer the Town's Loss Prevention Management Program. An additional Committee member is being sought. The Selectmen executed the associated Appointment Forms.
- Agreed with the recommendation of the Code Officer to extend the Building Permit for M3/L14 for an additional 180 days.
- Heard a report that the Town's oil furnaces have all been serviced, without further need for repairs being required.
- Reviewed and approved an Employee Time-off Request form, an Intent to Cut for M21/L4 and an Intent to Cut for the owner of M22/L2, M23/L29 and L31.
- Heard a report from Karen and Ben Bartlett that construction equipment had damaged their pavement. The Administrator and Construction Inspector Anil Minstry will view the property and document Mr. and Mrs. Bartlett's concerns with TDS Telecom.

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With regard to the TE Project the following was discussed:

- Received Change Order #1 from NHDOT Project Manager Tom Jameson for archeological services in determining the historical value of the buried structure (cistern) and equipment and labor to expose what was underneath. After exposure, the contractor removed the wall and backfilled the structure. The Administrator will seek compensation for Highway Department employees' wages incurred while working on the cistern with TDS and Van Dyke Construction, Inc.
- Reviewed September 16, 2009 Construction Meeting Minutes.
- Received information from the Cultural Resource Department that granite steps at Town Hall would be ideal. Chairman Germain reported that, to comply with ADA standards, the landing needs to be 6' wide x 5' deep with risers at 7 ¼". He volunteered to seek estimates for the replacement stairs. The Selectmen voted not to undertake formal design of the entryway at this time.
- Agreed to remove the Town Hall entry stairs as soon as possible so as not to impede the construction in front of Town Hall.
- Heard a report that Van Dyke Construction has a landscape contract and agreed to inquire from them if the Town can request Liberty Elm Trees as the preferred species of trees for planting in the project area.
- NHDOT will not waiver on the October 1, 2009 paving deadline; their plan is to pave in June, 2010.
- Received a revised Project Schedule from Van Dyke Construction.
- Signed (two) Revised Right of Entry Agreements for M7/L15 and M10/L5.

From 9:18 p.m. until 9:46 p.m. the Selectmen met in Nonpublic Session under RSA 91-A:3II (a) with Administrator Denise French. No decisions were made.

The meeting adjourned at 9:53 p.m.

Respectfully submitted by:

Denise French  
Town Administrator