

TOWN OF BENNINGTON

BOARD OF SELECTMEN

Minutes of the Meeting – June 16, 2010

Selectmen Joseph Cuddemi, Philip Germain and Steven Osienski were present as well as Administrator Denise French. The meeting was called to order at 5:30 p.m.

Emergency Management Director Steve Campbell and Road Agent Gary Russell met with the Selectmen and notified the Board of a meeting earlier in the day with Emergency Management staff and a FEMA representative to begin the grant application process for mitigating the annual flooding of Bible Hill Road. This kick-off meeting starts the sixty day clock for submission of the grant application.

Joint Loss Management Committee Chair Steve Campbell met with the Selectmen and delivered his Risk Management Report that the Fire Station and Town Hall basement have been cleared of clutter. The upstairs at Town Hall is the only area which still needs to be organized by the Recreation Committee.

John Delay met with the Selectmen to express his frustration with payment of tax lien interest costs. Chairman Germain reviewed details of his 2007 and 2008 tax lien payments and assured Mr. Delay that his interest payments would now be minimal since he is making regular monthly payments.

Planning Board Chair Jeff Rose met with the Selectmen to discuss the Joshi Hospitality Group LLC's proposed condominium project; M13/L14&17. Also attending this portion of the meeting was Code Officer Peter Hopkins. The group unanimously agreed that a Site Plan Review Hearing is absolutely necessary for this property. ZBA Chair Peter Martel, who was in attendance during this discussion, provided a parking schematic from the Joshi file.

Planning Board Chair Jeff Rose and ZBA Chair Peter Martel discussed with the Selectmen their collective belief that legal opinions that are pertinent to both Boards should be shared. The Selectmen voted to create a policy decision that, in a non-meeting format at the discretion of the Chair, legal advice/opinions can be shared amongst the land use Boards. No copy of the written communication is permitted outside of the non-meeting. Temporary copies are to be shredded at the end of the non-meeting session before adjournment. The original land use Board recipient of the legal document shall retain possession of the original document.

By invitation, Robert Wadleigh met with the Board to provide justification on why he should be exempt from paying the April 21, 2010 demolition disposal fee of \$40. Mr. Wadleigh claimed that Fire Department personnel told him he could dispose of his demolition material (that was not permitted to be burned even though he had obtained a permit to burn) at the Transfer Station without cost. Chief Wilson informed the Administrator earlier in the day that he had spoken with both Fire Department personnel who spoke with Mr. Wadleigh and both denied the claim that disposal would be without cost. Chairman Germain suggested to Mr. Wadleigh that he pay the disputed \$40 and if after the Selectmen meet with the identified Fire Department personnel and they substantiate his claim, the Town would fully refund the \$40 demolition disposal fee. Mr. Wadleigh refused the offer. He was notified that his Transfer Station privileges would be suspended until such time as the April 21st disposal fee was paid in full. A written notice of the suspension will follow.

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In other matters the Selectmen took the following action:

- Reviewed and approved the June 9, 2010 Selectmen's Minutes as presented.
- Reviewed and approved two June 16, 2010 Accounts Payable and two Payroll Registers.
- Were disappointed that the Cemetery Trustees could not meet with the Board as had been scheduled.
- Reviewed photos taken earlier in the week of a partially collapsed retaining wall at Sunnyside Cemetery. Although it is obvious that the Town take prompt action the Selectmen deferred the anticipated repair until their meeting with the Cemetery Trustees. The Road Agent agreed to get a second estimate of costs to rehabilitate the retaining wall.
- Heard a report that the raft will be floated Thursday or the following Monday. The ladders were repaired for the second time although not covered by warranty this time.
- After review of the Assessor's recommendations for six 2009 Tax Abatements the Selectmen approved Abatements for M2/L3-13, M7/L70 and M13/L34. Due to a late filing/no filing of 2009 Inventory of Taxable Properties the following requested Abatements were denied: M3/L24, M12/L1-C28 and M21/L13-1.
- Agreed to suggest a late fall weekend date to the Greenfield Selectmen in response to their invitation to perambulate the Bennington/Greenfield town-line.
- Tabled Stephen Stockwell's request to purchase M3L15 from the Town.
- Were pleased to accept Robyn Manley's offer to transplant flowers from her garden to Town properties with follow-up fertilizing of the plants.
- Agreed with Planning Board and ZBA Chairpersons that flowcharts would be beneficial for the public when processing land use applications as well as an internal flowchart for use amongst Town officials. Both Boards will work together to develop the flowcharts.
- Heard the Administrator's report of the June 10th Federal Highway Audit of the Town, Town's engineering firm of Fay, Spofford & Thorndike and the NH Department of Transportation's administering of the Transportation Enhancement Grant Project.
- Reviewed and approved two Employee Time-Off Request Forms.

From 8:40 p.m. until 9:18 p.m. the Selectmen met in Nonpublic Session under 91-A:3II(c) to review applications for the vacant Welfare Director position. Present were Selectmen Joseph Cuddemi, Philip Germain and Steven Osienski as well as Administrator Denise French. Three candidates were identified for interview at the next Board meeting.

The meeting adjourned at 9:20 p.m.

Respectfully submitted by:

Denise French
Town Administrator