

TOWN OF BENNINGTON

BOARD OF SELECTMEN

Minutes of the Meeting – May 11, 2016

Selectmen James Cleary, Jeffrey Rose and Steven Osienski were present as well as Administrator Denise French. The meeting was called to order at 5:40 p.m.

The meeting opened at the Transfer Station/Highway Department facilities for a review of the Departments' buildings to identify areas of need. Road Agent Gary Russell expressed his frustration with the day's operation of the Transfer Station. A patron disposed of materials and refused to pay the associated cost; the Selectmen will issue an order barring them from future admittance until their financial obligation is satisfied. An unrelated potential theft of materials from the Transfer Station is also being investigated.

On behalf of the Sportsmen Club, David Parker met with the Selectmen to request an alcohol waiver for the Club's upcoming Game Dinner; the waiver was granted.

David Colbert, TDS Field Service Manager, met with the Selectmen and Gary Russell to discuss responsibility for payment of \$1,568 for time and labor incurred by North East Earth Mechanics, Inc. to relocate the TDS' underground communication line at the intersection of Antrim Road and Eaton Avenue due to mismarked lines through the Dig Safe process. The Selectmen determined that the Town was not responsible; in the Board's opinion the conflict is between Stantec, North East Earth Mechanics and TDS.

The Selectmen took action on the following matters:

- Reviewed and approved the Selectmen's May 4, 2016 Minutes; also reviewed was the Energy Committee's May 4, 2016 Minutes.
- Reviewed and approved the May 11, 2016 Payroll and Accounts Payable Registers.
- Heard the Administrator's report of her meeting with the Cemetery Trustees; the following matters were discussed:
 - Delivered a letter on behalf of the Selectmen expressing appreciation for the Trustees' gracious approval, without interruption, for necessary construction-related activities for drainage and traffic improvements at the intersection of Bible Hill Road, Eaton Avenue and Antrim Road.
 - Trustees' clarification of their Draft April 12, 2016 Minutes. The Cemetery Trustees do not fault the downtown construction project as the reason why the pillars at the Sunnyside Cemetery gate have been moved and the gate no longer opens and closes; nor is it the reason why the fence-line has moved.
 - Grant donations received from the NH Charitable Trust must be noticed on the Selectmen's Agenda and accepted by the Board during their public meeting with the action captured in their Minutes. The Selectmen will transfer the accepted Grant donation to the Trustees of Trust Funds for deposit into a specially earmarked Sunnyside Grant Funds account. This will correct the current procedure where the Grant donation is delivered directly to the Trustees of Trust Fund.

Board of Selectmen Minutes – May 11, 2016

- Sale of cemetery lots. The Trustees will prepare the Deed for signature by the Board of Selectmen. It was mutually agreed that past errors in processing Cemetery Deeds had occurred and that a Memorandum of Understanding will document the validity of the flawed Deeds. The Selectmen and Cemetery Trustees will both sign the Memorandum.
- A 2017 Warrant Article will be prepared requesting voter approval to allocate a portion of cemetery lot sale proceeds to be divided between the Town's general fund for the sale of the cemetery lot and the remainder to the Cemetery Maintenance Trust Fund. Until such time as the Warrant Article is approved by voters, all income derived from the sale of cemetery lots will be deposited entirely in the general fund.
- The Selectmen are somewhat frustrated that, although an existing clause for Cemetery Rules and Regulations states that adoption/amendments will be approved by the Cemetery Trustees with approval of the Board of Selectmen, the Board has not been involved. A recent example is the increased price for the purchase of a cemetery lot. This is a Selectmen decision; by statute the Town owns the earth being sold.
- Discussed an inquiry from the Town of Greenfield relative to their conceptual issuance of a Building Permit on Class VI Muzzey Road which is accessed by Dodge Road in Bennington. The following information was gleaned:
 - The potential building site is a seven-acre parcel.
 - Bennington has no authority to authorize issuance of the Building Permit.
 - The building will be sited beyond minimal setbacks.
 - The proposed driveway would be near the Class V Dodge Road in Bennington.
 - The Bennington Highway Department's turnaround for road maintenance will have to be improved.
 - The Selectmen will require a written waiver of responsibility prior to agreeing to provide emergency services to the Greenfield property whose only access is from Bennington.
- Discussed a request from Monadnock Paper Mills that they be allowed to construct two crosswalks from their business facility to their parking lot across the street on Antrim Road. The Selectmen tabled a decision until more information is a hand.
- Heard a report from Selectman Rose that, on behalf of the Board, he authorized a \$7,500 payment to Kent's Towing; a reduction of \$1,250 from the original invoice. The Town has filed a Consumer Complaint Form with the Attorney General's Consumer Protection and Antitrust Bureau regarding the excessive bill the Town was forced to pay to avoid a lawsuit.
- Signed two Cemetery Deeds.

The meeting adjourned at 8:11 p.m.

Respectfully submitted by,

Denise French
Administrator