

TOWN OF BENNINGTON

BOARD OF SELECTMEN

Minutes of the Meeting – December 1, 2020

Selectmen James Cleary, David Foster, and David Hardwick, Sr. were present as well as Town Administrator Kristie LaPlante. The meeting was called to order at 6:00 p.m.

Road Agent Hazen Fisk met with the Selectmen and discussed the following:

- The 2015 Freightliner is back from the mechanic; the power issue reported on November 10th was due to low coolant.
- The new loader has been all set up for winter operations.
- A broken tree on Gillis Hill in the area of Switzer Road may need to be removed with the assistance of a tree crew. Selectman Jim Cleary offered to look at the tree to aid in determining a safe method for removal.
- The pump on the old fire truck has been repaired and is back in service and the Highway crew have been flushing culverts. The Highway Department intends to flush culverts now and then go back to remove materials after.
- Concerns about the potential impact a logging business may have on the shoulder of the roadway in the area of 112 North Bennington Road. The Selectmen agreed that the property owner should secure the driveway entrance at the roadway to reduce erosion. Selectman Jim Cleary volunteered to speak with the property owner. The Selectmen also agreed to install a “Trucks Turning and Entering” sign near the business.
- The Road Agent has posted notice for Transfer Station employees reminding them of the importance of proper disposal of coolant, oil, and automobile batteries.
- Town Office staff have been reporting increased instances of Transfer Station Disposal revenues not matching the value of Disposal slips issued. Hazen has spoken with Transfer Station employees about the importance of reconciling slips with revenues every shift.
- Hazen reported that his Department has been able to successfully coordinate and complete jobs with reduced staffing since the Board’s July 28, 2020 decision to alter staffing within his Department.

Highway Department employee Chris Davies met with the Selectmen and Road Agent (at his request) to continue discussion of their July 28, 2020 decision to change his work schedule. The group discussed the following:

- Chris feels that the Board’s decision to change his schedule, in addition to a week off without pay, is double punitive. The Board reminded Chris that the July infraction was a second instance of insubordination within one year’s time.
- The Board reported to Chris that they have received complaints from Transfer Station customers that Chris has been discussing his rate of pay to “sort cans” and sharing his belief that staffing him at the Transfer Station is not a wise budget decision. Chris denied openly discussing his rate of pay with customers and denied discussion of the impact on the budget.
- The Selectmen reported to Chris that they have reevaluated staffing levels and have voted to make his schedule change permanent. The Board feels that there is no need for three full-time employees when there are 19 miles of road in Bennington.
- Chris reported that he has 12 years of experience working for Highway Departments and asked the Board to reconsider their decision. The Board declined to reconsider.

Office Assistant/Welfare Director Debra Davidson met with the Selectmen at their request. At 6:58 p.m. a motion was made by Selectman Jim Cleary to enter in to Nonpublic Session under RSA 91-A:3-II(a) and seconded by David Hardwick, Sr.; all voted in favor of entering Nonpublic Session. Present during the Nonpublic Session were Davidson, Cleary, Foster, and Hardwick. The Selectmen reviewed Deb's performance for the last 15 months. No decisions were made. Selectman Cleary made a motion to reconvene the Public Session; seconded by Selectman Foster; all voted to reconvene the Public Session at 7:09 p.m.

At 7:10 p.m. a motion was made by Selectman Jim Cleary to enter in to Nonpublic Session under RSA 91-A:3-II(c) and seconded by David Hardwick, Sr.; all voted in favor of entering Nonpublic Session. Also present was Town Administrator Kristie LaPlante. The Board continued their discussion of Highway Department Operations and compensation. After some discussion, the Board unanimously voted to reduce an employee's wages by \$2 per hour effective December 7, 2020. Selectman Cleary made a motion to reconvene the Public Session; seconded by Selectman Foster; all voted to reconvene the Public Session at 7:14 p.m.

The Selectmen reviewed a November 18th communication from NH DOT Traffic Engineer/Administrator William Lambert about the State's decision not to reduce the speed limit on State Route 202 between Antrim Road and Water Street. A traffic study conducted between October 27 and October 30, 2020 showed 18,500 vehicles passed through that segment of roadway and that 85% of vehicles travel between 46 mph and 55 mph, which yields a recommended speed posting of 50 mph. The Selectmen continue to assert that the speed limit is too high, given the number of driveway cuts and businesses in the area. Of equal concern to the Board is that the data suggests at least 15% of vehicles travel in excess of 56 mph.

The Town Administrator reported to the Board that the internet speed at Town Hall makes hosting Zoom meetings with more than two attendees difficult. Based on this discussion, the Selectmen took the following actions:

- At least two members of the Capital Reserve Funding Committee would prefer to meet via videoconference. Because the Town's internet may not adequately support such a meeting, the Board agreed to modify the Capital Reserve Funding process for 2021 to reduce the need for videoconference meetings. Department Heads will be asked to submit their Capital Reserve Funding requests to the Board of Selectmen; if the Board does not agree with the Department Head request and/or a request warrants further feedback from the full Capital Reserve Funding Committee, the Board will communicate with the Committee members in writing or limit the number of participants via videoconference.
- Reviewed and authorized the Town Administrator to enter into a new contract with TDS for phone and internet at Town Hall (which covers the Town Offices and Police Station) and Highway Department (which covers Highway and the Transfer Station). The new contract significantly increases the Town's internet speed and reduced monthly costs.

The Selectmen discussed receiving several complaints about what appears to be a vehicle salvage or towing operation at a South Bennington Road address (Map 7, Lot 44). Town Administrator Kristie LaPlante reported that a Cease and Desist Order was sent to the property owner on November 17th after 30 vehicles were documented on the lot. The property owner has until December 8th to bring the property in to compliance with the Town of Bennington Zoning Ordinance. LaPlante has been monitoring the property and reports that several vehicles have been removed since the property owner received the letter from the Town.

The Town Administrator briefed the Selectmen on the following matters:

- The Board of Tax and Land Appeals has finalized the Eversource values for appeal periods 2014, 2015, and 2016 which results in a significant abatement refund due to Eversource. The Selectmen

authorized the Town Administrator to use up to \$55,000 from Fund Balance to offset the abatement impact on the 2020 Tax Rate.

- Eversource has notified the Town that they inadvertently erred in the value they provided on State forms for 2020 and have since provided corrected values. When the Town's utility appraiser reviewed the new data, they discovered their calculation of the 2020 Utility Value was understated. The combination of these two errors increased the Town's taxable value by \$26,000.
- The Town's IT vendor has confirmed that the DVR and camera units at the Highway Garage were damaged by a lightning strike in July; an insurance claim has been filed.
- The logger for Timber Operation 20-041-05 has paid the Town a negotiated fee for the Timber Trespass.
- A work order has been submitted to Eversource to remove trees on the common boundary of Map 10, Lots 1 and 2 prior to repairing a failing retaining wall.

In addition, the Selectmen acted on the following matters:

- Reviewed and approved the Minutes of the Board's November 10 and November 27, 2020 meetings.
- Reviewed and approved Payroll Registers for November 19 and November 26, and December 3, 2020 check dates as well as the Accounts Payable Register for the November 19, 2020 check date.
- Discussed an Antrim Road property owner's complaints about shoulder height in the area of Starrett Road and directed the Town Administrator to rearrange the Highway Department schedule to ensure it gets remedied as soon as possible.
- Reviewed the Sizemore invoice for replacing coolant in the Town's 2015 Freightliner and discussed equipment safety and maintenance. The Selectmen further discussed a spring time equipment malfunction with the grader that resulted from low transmission fluid. The Selectmen will now require the Highway Department to check fluid levels of equipment daily and complete the equivalent of a thorough DOT pre-trip inspection at least weekly.
- Reviewed correspondence from Linda Bundy/Open Democracy NH thanking the Town's poll workers for a transparent and efficient voting operation.
- The Selectmen reviewed a proposed Corrective Deed for Map 7, Lot 18 and tabled any decisions until their next meeting.
- Reviewed an application for Transfer Station Attendant and requested the Town Administrator move forward with background check requirements.
- Discussed adding a posting location at the Transfer Station for Public Notices.
- Reviewed the Town Administrator's notification to Town employees of Emergency Order #74 (Masks) as well as the Town of Bennington COVID-19 protocol. The Town Administrator reported receiving some complaints from the public about employee non-compliance; the complaints have been forwarded to employee supervisors and supervisors have been asked to remind employees of the new policy.
- The Selectmen signed the MS-1 (Summary of Property Valuation), a Yield Tax Levy for Operation 19-041-07, the Forest Warden Appointment form for Matthew Hall, and the Oath of Office for Debra Davidson to serve as Assistant Town Clerk.

The meeting was adjourned at 7:42 p.m.

Respectfully Submitted,

Kristie LaPlante, Town Administrator