

TOWN OF WEBSTER
Office of Selectmen
945 Battle Street/Rte. 127
Webster, NH 03303

7:00 P.M. Selectmen's Meeting – April 18, 2011 – Revised May 2, 2011

Present: Selectman Chairman George Cummings and Selectman Bruce Johnson. Selectman George Hashem attended the latter part of the meeting.

The Board signed the payroll and check manifests.

Selectman Johnson requested that it be announced that the meetings are being recorded. Chairman Cummings then made that announcement.

The Board signed the following for Administrative Assistant Judith Jones:

- Selectman Johnson made a motion to accept the minutes of the April 4, 2011 as written; seconded by Chairman Cummings and approved;
- A sick leave slip for Mrs. Jones; and
- Approved a Solar Energy Exemption Application for Caryl Buckley – Map 4-6.

The Board signed the following for Financial Administrator Wendy Pinkham:

- A Manual Accounts Payable Check Warrant from 4/4/11 for the Library Quarterly payment;
- Purchase Order #7 for the Town Hall to Ray Kimball for maintenance materials and labor in the amount of \$469.75;
- Purchase Order #8 for the Police Department to The Mountain Club on Loon for the Annual Police Chief's Meeting in the amount of \$440.30;
- Purchase Order #9 for Financial Administration to Advantage Laser Products, Inc. for printer cartridges in the amount of \$368;
- Purchase Order #10 for the Cemetery and Fire Department to Flag-Works over America 2010 for flags for the cemeteries in the amount of \$352.19;
- Purchase Order #11 for the Fire Department to Zoll Medical Corporation for labor and S/H regarding the defibrillator in the amount of \$510;
- Bank reconciliation from the Treasurer and Financial Administrator;
- A request for annual leave time for Mrs. Pinkham; and
- A Timber Tax Bill with the accompanying Warrant.

As a request from the Tax Collector was received after the checks were run, Mrs. Pinkham advised that it may be necessary to do a check run out of sequence for this purpose.

Road Agent Emmett Bean has done some cold patching and has graded Mutton and Allen Road and will continue grading the dirt roads as weather permits.

Chairman Cummings discussed the rocks dividing the Town Hall and the Doucette's property, noting that there has been a lot of erosion and some other brush materials have now been placed in that area. He inquired as to whether Mr. Bean would review the situation, which he will. Chairman Cummings recently visited the salt shed, noting scrap metal around the area. Mr. Bean had advised the Board of the metal at an earlier meeting with the intent of hauling it away for recycling, but it has been too snow covered. Chairman Cummings inquired about a large amount of cable, to which Mr. Bean advised that it is not worth hauling it anywhere. Chairman Cummings recommended that the cable at least be moved away from the river, which Mr. Bean will do.

Selectman Johnson attended the first Agricultural Meeting. Members are Robert Drown, Jr., Susan Roman and Guy Larochelle with Guy LaRochelle voted in as Chairman. He noted that they are working on surveying needs, educating people, and are pulling together some events. The Committee requested that the Board increase the number of full-members from three to seven and the number of alternates to five with the following recommendations: full-members: Marty Bender, Sue Roberts, Kim Fortune and Leah Fallon and alternates Aime Silver, with others to be determined soon. He noted that the next Commission meeting will be May 4, 2011 and invited anyone interested to attend. After discussion on the increase in membership, it was decided that Mrs. Jones will check the Warrant Article that established the Commission to see how it was worded and if need be, check with the Local Government Center for guidance.

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G. C. Cummings

B. G. Johnson

Fire Chief Colin Colby advised that there have been 55 calls to date. Last Tuesday he attended the NH Fire Wardens Meeting where there was a presentation. Several firefighters attended a training session in Hopkinton, put on by the Hopkinton Rescue, featuring the new rescue jack, with the stabilization device in aiding removing patients and roofs from automobiles. This was an opportunity for a hands-on training and to work alongside the Hopkinton Rescue as they are automatically toned out for Webster accidents. Sunday was the Mutual Aid Drill hosted by Webster Fire Department. Due to actual incidents going on at the same time, there were ten less trucks than expected. The drill went well despite the challenges. Chief Colby thanked the auxiliary for providing food and the Fortunes for providing the location.

Police Chief Robert Dupuis presented or advised the Board of the following:

- Presented his semi-monthly report which showed 34 calls for service, pointing out the highlights. He noted that there were no calls for service in Salisbury;
- He will respond to the letter of inquiry regarding fireworks, pursuant to RSA 160:C 6, advising that there is no ordinance in place. He recommended that the Fire Chief issue permits for fireworks display, though no decisions were made. There was a lot of general discussion on fireworks, noting that they are set off at many different times during the year throughout the Town; permits; costs; etc. Chief Colby asked Chief Dupuis if he would fine those in violation, which he would as long as Chief Colby was willing to go to court. Before any action is taken, Chief Dupuis will find out what other surrounding communities have in place for an ordinance;
- He was advised that the requested Purchase Order for the Annual Police Chief's Meeting was signed earlier;
- He noted that in the minutes of March 21, 2011 it was erroneously stated that Lieutenant Phil Mitchell resigned from the Joint Loss Management Committee, which was incorrect. It should have stated that he was not reappointed; and
- As previously discussed, the Chief took the surplus firearms to Marshalls, Rileys and Skips and received an undisclosed estimate of value. Mrs. Pinkham advised that after doing further research it was not possible to put any money from any sale into the Pistol Permit Fund as any funds received will have to go into the General Fund. Tom Mullins reminded the Board that there was a recent Warrant Article whereby the Board determines if items are surplus and mandating that any funds received go into the General Fund to defray taxes. This would exclude any trading of goods as well. Mr. Mullins suggested that the weapons be taken to Jason Devine from Amoskeg Auctions in Manchester, which Chief Dupuis will look into.

Referring to Planning Board appointments Chairman Cummings made a motion to reappoint Rich Doucette for a 3-year term; seconded by Selectman Johnson and approved. Chairman Cummings discussed the Selectman's position on the PB. He then nominated Selectman Johnson to serve as the Selectman's Member on the PB; seconded by Selectman Johnson and approved. Chairman Cummings then nominated himself as the alternate Selectman to the PB; seconded by Selectman Johnson and approved. Mr. Mullins asked if Chairman Cummings was aware of the Statute, to which he replied he was very aware. The Board is also aware that there are other appointments to other Boards still to be considered and will be done at a later date.

Chairman Cummings received an e-mail from Barbara Corliss regarding the Town of Hopkinton's procedures relative to appointments of members to Committees and Boards. He especially recommended that Webster follow their procedures regarding the terms, which run from May 1st to April 30th, which would be much more reasonable than Webster's current expiration of March 31st. He noted that this timeframe was a very busy time with Town Meeting and often a change of Selectman. He also noted that Hopkinton even interviews those interested in serving. There was other discussion regarding the procedures, etc. Though Webster now has a "Volunteer Interest Form", Chairman Cummings recommended more information be requested on this form, i.e. education, background, etc. Regarding those interest forms received this year, saying that he may call and talk with some of those folks. Barbara Corliss recommended that the volunteer interest form be more visible on the Website. Emmett Bean suggested that all volunteers should have to get a Criminal Records Check as do the firefighters, who do this at their own expense. It was noted that Criminal Records Check is done for all employees of the Town.

Mrs. Corliss requested additional alternates be appointed to the "Refuse Disposal Committee", noting that she had been elected Chairman of the Committee. Selectman Johnson made a motion to appoint Martin Bourque as Alternate 2 until 2013 and Ellen Kontinos-Cilley as Alternate 3 until 2012; seconded by Chairman Cummings and approved.

Selectman Johnson inquired about Sue Rauth's term as Alternate on the Planning Board as there is a PB meeting on Thursday and to date she has not been reappointed. Mr. Mullins advised that the Statute says that the person sitting in a position on any board remains until a successor has been appointed.

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Mrs. Corliss noted that the correct name for the Landfill Committee is the "Refuse Disposal Committee". Mrs. Jones then advised that she spoke with Hopkinton Town Administrator Neal Cass and that he will talk with Hopkinton's Board of Selectmen at their next meeting in regards to having the Town of Webster's name put on the two original deeds for the refuse disposal property and will report back to us.

Chairman Cummings advised that the Board had asked for more time to review the roof bids received and have since also checked on references. He took copies of the bids to Selectman Hashem for his review and any input he may have. Two bids were received: Rodney Sargent for \$27,500 and R.T. Lake for \$34,944. Chairman Cummings recommended that the Board accept the low bid; thereby making that motion; seconded by Selectman Johnson and approved. Chairman Cummings will notify Mr. Sargent of there decision.

New business was discussed as follows:

- Selectman Hashem will cover a court case scheduled in Franklin District Court on Thursday, May 5, 2011 at 1:00 pm;
- Chairman Cummings will be at the Town Attorney's Office with the Warner Selectman at 8:00 am on Wednesday, April 20th regarding ongoing litigation;
- Regarding an inquiry as to whether there is any modification for Impact Fees for seniors, Mr. Mullins advised that there is the possibility of a waiver in the Zoning Ordinance under Article XI, Section E 1;
- It has been recommended that a new hot water heater be purchased for the hall as the current one is not functioning properly. Mrs. Jones will talk to Contoocook Well regarding any modifications that might be needed because of the water filtration system. It was recommended that an on demand water heater be considered;
- The central vacuum system is not working. Yestramski Electrical has looked at it and will advise if parts are available for the current system or if a new one would be in our best interest;
- The Board approved of the Office Staff working on policies as has been recommended by the Auditors. The Local Government Center has advised that we need a Light Duty Policy as well; and
- The Board scheduled a meeting on April 25, 2011 at 5:00 PM to do an annual evaluation, which will be a non-public session to discuss personnel issues, as well as a work session if needed. He noted that there will be other evaluations scheduled for employees, possibly on their anniversary dates;

Mrs. Cilley inquired as to how a Selectman who was just elected would do an evaluation. Chairman Cummings noted that usually the other two would handle that, with the third there to observe. He also noted that there should not be any surprises during an evaluation as the personnel being reviewed should have prior knowledge to any problem areas and any issues should be in the personnel folder. It was clarified that those having evaluations would be paid employees of the Town, not volunteer, elected or appointed positions.

Chief Dupuis advised that Lieutenant Mitchell's father passed away last Saturday in Florida. Services are expected to be local. Chief Dupuis inquired about bereavement leave and would like a copy of same.

Chairman Cummings signed off on approval for a building permit for Map 5-54.

8:22 P.M. After deciding that both non-public sessions on the agenda could be handled in one session as Chief Dupuis would be asked to join the Board, Chairman Cummings made a motion to go into non-public session pursuant to RSA 91-A:3 II (e) RSA 91-A:3 II (a); the first to discuss pending litigation and the second to discuss personnel issues; seconded by Selectman Johnson. Roll call: Chairman Cummings – yes and Selectman Johnson – yes. Chief Dupuis was asked to join.

8:54 P.M. Chairman Cummings reconvened the meeting advising that the Board met in non-public session to discuss personnel matters and pending litigation and voted to seal the minutes. Chairman Cummings will write the minutes for this portion of the meeting.

Selectman Hashem joined the meeting at this time. He inquired as to the vote taken earlier concerning the Planning Board. Chairman Cummings advised that they voted to appoint the first-year Selectman as had been the case for at least the last 25 years. Selectman Hashem advised that it had not been done consistently. Chairman Cummings noted two exceptions; last year was an exception, noting that it had never however been more than a one-year term, saying that the only other time when a person served two years consecutively, at which time Selectman Hashem noted it was three years. Chairman Cummings advised that Lynn Lehmann did serve two terms and a portion of another term. Selectman Hashem then asked Chairman Cummings if he had asked Town Attorney what the law was, asking if he had done his due diligence work to see if this could be done, to which he answered yes he had. When asked what Town Counsel had said, Chairman Cummings indicated that he had said that it "looked good to him". Selectman Hashem inquired as to whether he had that in writing, to which Chairman Cummings stated no. Selectman Hashem advised that he would give Town Counsel a call tomorrow to see how it "looked good to him". He also reserved his right to remain on the Planning Board, referring to

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the case law to which he indicated that Town Counsel had not disagreed with, though he did not have the case law name at hand, noting that something seemed to have changed. Selectman Hashem again stated that he reserved his right to stay on the Planning Board, noting he was protesting the vote, believing that it is illegal and if it is illegal he stated that he would reserve the right to get his own attorney. He advised that he was putting the Board on notice of his intentions. He also noted that if Chairman Cummings was not doing this on the advice of Town Counsel, he felt that it was reckless and that the Town should not indemnify the Board. He did note that if there were legal grounds then he was fine with the decision. Chairman Cummings said that he was sure that Selectman Hashem would do what was best for the Town. Selectman Hashem noted that in the five years he has been on the Board, he has considered every vote he has taken to be in the best interest of the Town.

8:58 P.M. Selectman Johnson made a motion to adjourn the meeting; seconded by Chairman Cummings and approved.

George C. Cummings, Chairman

George K. Hashem

Bruce G. Johnson

BOS/jj

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G. C. Cummings

B. G. Johnson