

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

7:05 P.M. Selectmen's Meeting – May 31, 2011 (Tuesday)

Present: Selectman Chairman George Cummings, Selectman Hashem and Selectman Bruce Johnson.

The Board signed the payroll and check manifests.

The Board signed the following for Administrative Assistant Judith Jones:

- Selectman Johnson made a motion to accept the minutes of May 2, 2011 as written; seconded by Selectman Hashem and approved;
- Selectman Johnson made a motion to accept the non-public minutes of May 2, 2011 as written, which are sealed; seconded by Selectman Hashem and approved;
- The Selectmen Minutes of May 16, 2011 were amended on page 1 under Police Chief Robert Dupuis which read "A vacation request for May 27th for himself;" will now read "A vacation request for May 27th for Lieutenant Philip Mitchell". This change was handwritten on the original minutes and initialed by the Board. Selectman Hashem made a motion to accept the May 16, 2011 with the aforementioned amendment; seconded by Selectman Johnson and approved;
- Selectman Hashem made a motion to accept the non-public minutes of May 16, 2011 as written, which are sealed; seconded by Selectman Johnson and approved;
- Selectman Johnson made a motion to accept the minutes of the May 24, 2011 work session as written; seconded by Selectman Hashem and approved;
- A sick leave slip for Mrs. Jones;
- Appointment sheet to the Zoning Board of Adjustment for Meg LaValley, Alternate until 2014;
- Appointment sheet to the Planning Board for Mark Lorden, Alternate until 2014;
- Permit for Travel Trailer for Carol Rich – Map 7-29-1; and
- Permit for Travel Trailer for Geoffrey Carson – Map 11-15.

The Board signed the following for Financial Administrator Wendy Pinkham:

- Timber Tax Warrant including four Timber Tax bills;
- Purchase Order #14 for the Building Inspection to NFPA – Certification Department for the Certified Fire Inspector 1 program in the amount of \$390;
- Monthly budgets through March 31, 2011 were provided; and
- A request for the Treasurer to withdraw Impact Fee funds from the Municipal Office line through May 31, 2011 with accumulated interest for approximately \$4,350 to be put in the Town's General Fund to cover part of the increased Administrative Support hours voted upon at Town Meeting in March.

Regarding the Timber cuts, Selectman Hashem inquired as to what ever happened to having a forester check up on them to see that everyone is being honest. Emmett Bean said that the State Forester checks on many of the cuts and would report any irregularities. When questioned how often and how many should be reviewed, Selectman Hashem recommended that a forester start looking at the cuts at some randomly picked increment. No decisions were made.

Selectman Hashem asked Chief Robert Dupuis how he determines who gets the on-call time, how much and when. Chief Dupuis advised that there is no pay or compensation for on-call time other than being allowed to take the cruiser home in case of a call. He noted that under the Garcia vs San Antonia case law, on-call time must be compensated if the officer is restricted during the on-call hours. There was discussion regarding compensation paid in the past, which Chief Dupuis was unaware. No decisions were made.

Police Chief Dupuis advised of the following:

- A midnight patrol from 11:00 PM to 7:00 AM was recently done, surprising some folks. His plan is to do this periodically throughout the summer;
- There were 25 calls for service on the semi-monthly report;
- While on patrol on the weekends, he monitors the surrounding towns in Troop D. He assisted the State Police Saturday regarding a shots fired complaint in Andover as he was the closest. While investigating, he found folks shooting automatic weapons. Considering that he only has a single shot weapon, he proposed that the Board purchase his personal AR 15 for \$1, as there is a policy against using personal weapons, and allowing him to repurchase it back for \$1 when he leaves the Department. He would have the weapon certified and proposed a written agreement be drawn up as he has had with other De

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partments. There was discussion on who might do the certification. Chief Dupuis will get that done and draft a written agreement for the Board's review.

Chief Dupuis referred to previous discussion on the disposal of the surplus Department weapons, suggested that the weapons be sold to a gun dealer. After his review and re-reading of the article regarding Town surplus he was still not clear that items could not be traded, though that may have been the intent. Chairman Cummings noted that any trade-in of items would benefit the individual department's budget. Chief Dupuis was just interested in getting something for the Town, indicating that he would get the best price possible and return the funds to the Town. Tom Mullins, indicating that several have expressed interest in the gun, suggested that the guns be brought to an auction, saying he could guarantee that the Town would only stand to gain. Otherwise, he felt that folks were being shut out that were interested and the Town would receive the best benefit. Selectman Hashem inquired as to any written quote from the dealers, which was not available. He also said that there should be no strings attached when the guns are sold. John Clark said he believed that the Chief's proposal was the most reasonable and the safest. Selectmen Hashem indicated that anyone interested in purchasing the guns would have to go through a gun check, so did not feel that safety was an issue, and was most interested in getting the best return. Selectman Johnson recommended that the Board go with the Chief's recommendation. Selectman Hashem stated that the Board safeguards the assets, no matter which Department is involved. There was discussion on the possible retail value. The decision was for Chief Dupuis to get the prices from a licensed firearms dealer, in writing if possible, and bring it to the next meeting. There was further discussion on the best process. Selectman Johnson indicated that he wanted to review the article from 2009 as he was not convinced that surplus had to be sold for revenue.

Fire Chief Colin Colby noted 67 calls to date. The Department had a good mutual aid brush fire training last week. This coming Saturday at 10:00 AM, the Department will participate in a parade in Penacook for the fallen police and firefighters. On Thursday, there is a meeting with a representative from Greenwood, distributor of E1 Fire Equipment. Selectman Hashem made a motion to authorize, based on the recommendation of Deputy Fire Chief Adam Pouliot, an amount not to exceed \$300,000 for the purchase of a fire truck from the existing Fire Truck Capital Reserve established for this purpose in 1997; seconded by Selectman Johnson and approved.

Road Agent Emmett Bean said they have been cold patching and replacing signs.

Mary Smith inquired about improvements to Route 127. Therese Larson said that the State was currently replacing culverts and catch basins and had told her that they plan to raise the road up to two feet where necessary starting at the Salisbury town line headed south. Chief Dupuis inquired as to when they would start and will get the contact information so he can call the State.

Mr. Mullins, referring to the May 2, 2011 Meeting, stated that Chairman Cummings had said that the Board had not met to reverse the decision on the Planning Board appointment, which indicated that a decision had been made unilaterally, then quoted from the LGC handbook on that topic relative to the Selectmen meeting and the public's right-to-know under RSA 91-A. He also referred to emergency meeting procedures. He then referred to the fact that there was no public notice, no minutes, no documentation and no compliance with Statutes and a disregard of the law and proper procedure; thereby indicating that it was a waste of Town funds and said that it puts the Town at risk. Chairman Cummings again explained the action he took while at Attorney Mayer's office on May 4th regarding a call he received relative to the appointment term of Selectman Hashem to the Planning Board until 2012 and the action that followed. He indicated that correspondence from Selectman Hashem's Attorney indicated that due to circumstances, immediate action was necessary and indicated that there was no time for posting of a meeting. Mr. Mullins did not agree, again referring to the types of notice allowed and the need for a proper meeting, notice and minutes. Chairman Cummings indicated that it was a done deal. Selectman Johnson questioned what there would have been to meet about, referring to the appointment sheets. Mr. Mullins questioned why the Board rescinded their earlier appointment of Selectman Johnson to the Planning Board. Selectman Johnson responded that it was just for clarification. Mr. Mullins indicated that it could not be done both ways, indicating that it was "either a decision or it is not a decision." Chairman Cummings felt that it was not worth pursuing as it was apparent that Selectman Hashem wanted to continue to serve on the Planning Board. Mr. Mullins had concerns about procedures and having them ignored.

After discussion on past and present information regarding hot water heaters for the Town Hall, Selectman Hashem made a motion to purchase an on-demand hot water heater, not to exceed \$2,150 from the existing Town Hall Fund established for this purpose in 1991; seconded by Selectman Johnson and approved.

The Board will meet in Hopkinton on June 20th at 5:30 PM regarding the landfill. Barbara Corliss gave an update on the "Refuse Disposal Ordinance" revisions, encouraging the Board to attend the next Refuse Disposal Committee Meeting on Thursday in Hopkinton, which promises to be an educational meeting. She noted that her objective as a member was to see what Webster was paying for and to be sure that the costs are fair, realizing their board is advisory only.

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Regarding shared services between municipalities Chairman Cummings advised that Salisbury meets tomorrow night. Selectman Johnson said that Salisbury is talking with Boscawen and was interested in meeting with Webster, though he advised them that our agendas are currently pretty full and suggested to them that Webster go to one of their meetings. He also advised that he could attend tomorrow night's meeting, which he will do and report back to the Board. He also suggested that the Board request that Department Heads start thinking about their ideas for sharing services and made that request of those Department Heads present. Mrs. Pinkham advised that we are in with the school district regarding heating fuel purchases and will talk to them about the possibility of propane.

Selectman Johnson recently attended a workshop where security of the buildings and the storage of records were discussed. The vault room lock has been changed a number of times, twice in the recent past. The outside building locks have not been changed and the keys are not readily available. Jere Buckley inquired about off-site backup. He was advised that there are three back-up tapes that are swapped out weekly and kept in the vault room in a fire-proof box as well as back-up with Mainstay Technology. Chief Dupuis discussed the current panic alarms used at the Town Hall, noting that they had been tested and that the number of panic buttons on-site had been increased. He recommended some kind of motion alarm security. Mrs. Pinkham advised that such an expense could come from the Impact Fee for the Municipal Office as it would be an upgrade to the facility. Discussion ensued on security and the types available. Ms. Corliss recommended looking into cards for the doors similar to those used at hotels. Chief Dupuis will look into some alternatives, noting it was just good business to be secure.

David Klumb advised that he had not yet checked on the cable near the river by the Salt Shed.

Regarding a policy on keeping the audio tapes of the meetings for a period of time, Chairman Cummings advised that he was inclined to do this. The Board was given copies of the policy in place for the towns of Warner, Hopkinton and Salisbury. The Board requested that Mrs. Jones write up a draft policy to be sent to the Board for their review. She will also contact Virtual Town Hall regarding putting them on the website. Jaye Bowe offered to help, as did Dot Proulx, for alternative ways of putting the audio minutes on-line.

Selectman Johnson has not heard from Boscawen regarding perambulation of the town lines, though Boscawen has been advised that he is Webster's contact.

Chairman Cummings will get contact numbers and other information regarding Downey's on Lake Road so he may do further review on possible improvements being done without the necessary approval.

Joe DiPrima, from Cozy Pond Camping Resort, advised that he needs written approval from the Town saying they have no problem with them offering Bingo at the campground. He needs this in order to apply for a Bingo License from the State. He advised that it would be very low key with any proceeds going back to the players. Chairman Cummings noted that if it was offered only to the campers it would not have any impact. Mr. DiPrima noted that this last weekend was their grand opening and the sites were full. He stated that he could detect no noise coming from the sites while he was out getting the mail, to which abutter Gordon Welch agreed. Discussion followed regarding limiting Bingo to campers only or possibly opening it to the public. Mr. Mullins suggested that this would be a question for the Zoning Board. Chairman Cummings did not agree as long as it was limited to the campers only that were there anyway. Selectman Hashem agreed, wondering how it would differ from horseshoes or any other camp activity. Mr. DiPrima had no problem with limiting it to campers only. When questioned about the time Bingo would be offered, he noted that quiet time at the campground is 11:00 PM to 8:00 AM, saying the games would probably be around 9:00 PM. He said that he had to submit a report to the State on a monthly basis once he gets his license. Selectman Hashem made a motion to limit Bingo to campers only; seconded by Selectman Johnson and approved. Chairman Cummings advised that he could go to the ZBA at some point if he wanted to expand the use. A letter will be written from the Board restricting Bingo to the campers only. This will be e-mailed to the Board for their approval and Chairman Cummings will sign on behalf of the Board.

Mr. Welch questioned whether the Town follows the same RSA's that the State does, advising that the State cannot dispose of anything that needs to go out to bid or goes to the White Farm to be sold, with all money turned into the general fund. Mr. Mullins explained that his concern regarding the sale of the guns was that everyone who wanted to bid be able to, thus maximizing the amount of return to the Town. He recommended that this be done by going through a licensed gun dealer through an auction process, thus avoiding the problem of someone not having a chance to purchase the guns. Chairman Cummings noted that there seem to be two interests; one is to purchase the gun(s) and present it to the former Chief, the other is to obtain the Chief's gun for other purposes. Mr. Mullins indicated that it did not matter where it went; the point was to maximize the return to the Town. Mr. Welch indicated that he was only interested that the gun(s) get the maximum profit for the Town as it belongs to the taxpayers. He then noted that the State cannot trade items. Selectman Hashem stated that purchases are netted out, that things are shown as gross expenditure or income and not buried

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under a trade-in. Chief Dupuis indicated that many Police Departments trade in cruisers to reduce the cost when purchasing a new cruiser. He and Selectman Hashem indicated that they were interested in looking into this practice. Chief Dupuis said that he was against an auction scenario, even with the promise made by Mr. Mullins of more revenue. If that were the plan, he said that he would prefer to just keep them. Some agreed with him.

Ellen Kontinos-Cilley inquired as to whether the State Police could approve the gun the Chief owns for certification, referring to the earlier discussion on the purchase of the Chief's private weapon. The Chief indicated that it would be way too long to wait even if it could be done.

An Intent to Cut was brought in for the Board's signature for Louis Gangi – Map 7-7, which they did.

Chairman Cummings advised that the Board met last Tuesday for a work session, which was very productive, regarding developing specs for the Town Hall roof. He sent the revised draft of specs to the Board and the two consultants for review. He suggested that next Monday might be a good time to follow-up and perhaps add some things such as insurance. No decisions were made to schedule this. Selectman Hashem again strongly recommended a coordinator be appointed for accountability if the job was split up between the roof, insulation and some carpentry work. Chairman Cummings advised that Butch Thornton could have some input on this at a later time. Mrs. Jones will follow-up with Energy Insulation, as they were to come back to review the Library needs, to see where we are with a proposal. Chairman Cummings indicated that he plans on going into the Library area before the work begins as well.

9:05 P.M. Selectman Hashem made a motion to adjourn the meeting; seconded by Selectman Johnson and approved.

George C. Cummings, Chairman

George K. Hashem

Bruce G. Johnson

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