

**Office of Select Board
945 Battle Street/Rte. 127
Webster, NH 03303**

6:36 pm – Select Board’s Meeting – February 18, 2014 - Tuesday

Select Board present: Chairman Bruce Johnson, Selectman Fanjoy and Selectman Mason Donovan via telephone. The office staff was not in attendance due to the weather.

The Select Board signed the payroll and check manifests.

Lieutenant Philip Mitchell advised the Select Board of the following:

- He advised of the calls for service from the first of the month through today.
- The RAD class was completed last night, with a total of 19 attending the beginning of classes and 16 finishing the program. It went so well that it may be offered again in the fall.
- The Police Department is working on an elderly fraud class to be presented in the spring.
- Selectman Fanjoy made a motion to sign the Purchase Order #3 to Rose’s Garage for labor and replacement of alternator in the amount of \$330; seconded by Selectman Donovan and approved.
- Selectman Donovan made a motion to accept the donation of a gunlock; seconded by Selectman Fanjoy and approved. This was a gift from Santa Cruz Associates to the Police Department.
- A letter addressed to Chairman Johnson was received regarding a police matter. He contacted Lt. Mitchell on Friday, who took care of the issue. Lt. Mitchell noted it was a frustration issue more than anything and that the matter was being addressed.

Fire Chief Rob Wolinski advised the Select Board of the following:

- 26 calls for serve, with several chimney fires lately. He has put a notice in the Grapevine to encourage folks to clean their chimneys.
- IPS came and completed the SCBA compression fill station, now back in service and working well.
- The tanker is back from Valley and in service, with the necessary paperwork completed for the insurance company, noting there is a \$1,000 deductible due for the work
- Bruss Construction has reviewed the plans for safety repairs at the Public Safety Building with their engineers and provided a revised plan for \$102,229.81. This would be for an 18” overhang and dog houses over the doors. Mrs. Jones has left a message with Bob Lake to provide him contact information for Chief Wolinski should he desire to bid on the project.
- NH Municipal Association has reviewed the Fire Association By-laws, inclusive of the Auxiliary, approved at the last Fire Department business meeting pending NHMA review. NHMA approved and advised the FD to move forward. He will provide a copy to the Board for the next meeting.
- Selectman Fanjoy made a motion to approve PO #4 for a used AED defibrillator for \$500 from Becker Training Associates, LLC. Chief Wolinski explained that this was like the unit in the hallway, not the Life Pac 12 that was recently brought to a Select Board’s meeting by Sally Becker, which is much more expensive. Chief Wolinski advised that this unit better suited the Department’s needs. Selectman Donovan then seconded the motion and the motion passed.

Chairman Johnson suggested that a work session might be needed to prepare for Town Meeting. Chief Wolinski inquired about the ability to display some pictures, perhaps a power-point presentation, showing the repairs at the PSB for the 18” overhang with soffits. Selectman Donovan advised that he planned to review the paperwork available at the Office regarding the original contract, plans, etc. for the PSB built by Hutter. He also plans to call former Selectman Dave Batchelder for information. The Board is reviewing any recourse available from the original contractor of the PSB. Chairman Johnson recommended seeking guidance from Town Counsel. Per the new legal policy, Selectman Fanjoy made a motion to allow Selectman Donovan to contact legal services about the PSB if needed; seconded by Chairman Johnson and approved. Chairman Johnson indicated that this research would be shared at the Town Meeting.

The Personnel Policy was discussed. Chairman Johnson wanted to clarify the issue recently discussed with the Police Chief. Revisions were discussed and several revisions recommended. The decision was for Chairman Johnson to seek advice from New Hampshire Municipal Association as to which wording would work best.

Select Board signed the following for Administrative Assistant Judith Jones who was not in attendance:

- Selectman Fanjoy made a motion to accept as written the Select Board’s minutes of 2/03/14; seconded by Chairman Johnson and approved.
- Chairman Johnson made a motion to accept as written the minutes of Select Board’s Public Hearing of 2/11/14; seconded by Selectman Fanjoy and approved.
- Chairman Johnson signed several “Updated Invoice Cloud Documents” for Tax Collector Karen King.
- The annual Deed Waiver for Tax Collector Karen King for Map 10-1-68.
- The January bank reconciliation was signed for Financial Administrator Wendy Pinkham who was not in attendance.

Selectman Donovan contacted NHMA regarding deeded right of ways for roads and was told that there is no default width but that there was what was known as a prescriptive use, with case law to support it. The right of way would include where snow has been pushed, any portion of the road has been used by a bicycle, or any part of the road traveled regularly by a vehicle or pedestrian then becomes the right of way. He indicated that the Select Board can create a deeded right of way on those roads deeded to the Town, which would then be a taking by eminent domain, which could potentially end up in court to defend. Discussion ensued regarding restrictions on certain roads, for what purpose and any lifting of restrictions. Selectman Donovan found that there could be a fine of up to \$1,000 (perhaps on a graduating scale for number of offenses over a certain period of

time) or a “conditional discharge”, which means restitution for damages caused to the road. Selectman Donovan advised that an ordinance would need to be adopted or the Board could amend an existing ordinance. He will prepare a draft for the next meeting for review. Lt. Mitchell referred to a form to be issued with any fines as well as a form for any waiver to use the roads allowed by the Road Agent, i.e. regarding weight limit restrictions, to be used and available perhaps at the Office for review.

Chairman Johnson addressed the issue of further restrictions on Bashan Hollow and Gerrish Road to be implemented after the weight limit is lifted. Lt. Mitchell suggested that recommendations may be needed from the Highway Committee. Chairman Johnson advised that this will be further researched for a resolution at the next meeting.

Selectman Fanjoy reviewed the possible accessory apartment on Tyler Road advising that there was no such use on that property.

Chairman Johnson discussed the bid from Froling for the pellet boiler and entertained a motion to sign the contract so that the grant application to PUC could be submitted. He read the contract to be signed by the Board, which included a cancellation clause. The Board discussed the possibility of changing the warrant from pellet boiler to geothermal or other source of heat and the use of other funding sources. Chairman Johnson advised that the grant offered was for the pellet boiler or geothermal. This application was for the pellet boiler. The next Energy Committee Meeting will be 3/5/14 and they have invited Capital Well to give them a cost for geothermal. Selectman Donovan agreed to sign the contract as long as the word “may” was changed to “will” relative to the cancellation clause. Chairman Johnson made a motion to accept the proposal from Froling Energy for \$43,000 for the wood pellet boiler for the Town Hall, under the cancellation clause read a few minutes ago; seconded by Selectman Fanjoy. All papers to be signed will be left out for Selectman Donovan’s signature. Selectman Donovan made a motion to appoint Energy Committee Chairman Marty Bender as the contact person for the PUC grant; seconded by Selectman Fanjoy and approved.

Road Agent Emmett Bean arrived and noted the issues with the snow from driveways and problems with the cars in the road. He also noted that the overall costs of the recent storms have been expensive. He advised of a recall on the recent plow he purchased, which has had problems. He was provided with a replacement plow, which he has used to plow two storms and is very satisfied. He requested the Board’s approval to keep the new plow made by Everest, at no additional cost, and with the same year warranty of the original plow purchased. There were no objections.

Chairman Johnson suggested the Board discuss Copart soon. Selectman Donovan recommended discussion be after the Zoning Board decision regarding the appeal for reconsideration made by Copart. After discussion it was decided that this issue will be tabled until later.

Chairman Johnson received a request to waive the fee for use of the Town Hall for a birthday party that would also be a fund raiser. After much discussion the decision was for Chairman Johnson to contact the requesting party tomorrow and deny the request.

Chairman Johnson discussed preparations for the Town Meeting i.e. a power point presentation by Committee’s or Board’s, setup; budget increase explanations; materials to be available as handouts; Board procedures; equipment needed; etc. If necessary the Board will hold a work session to complete preparations.

8:29 p.m. Selectman Donovan made a motion to adjourn; seconded by Chairman Johnson and approved.

Bruce G. Johnson, Chairman
BOS/jj

Roy E. Fanjoy

Mason W. Donovan