

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

6:30 pm – Select Board Meeting – August 4, 2014 at the Old Meeting House.

Select Board present: Chairman Roy Fanjoy, Selectman Donovan and Selectman Johnson.

The first item on the agenda was a non-public session with Robert Pearson. Mr. Pearson opted not to go into a non-public session. He preferred to discuss the matter publicly. Selectman Donovan read a response from Town Counsel regarding Town Moderator Pearson's prior request to meet with Town Counsel. Town Counsel did not see the subject of Moderator Pearson's request as being within the purview of a moderator. Selectman Donovan read a May 2, 2014 response from Town Counsel regarding Town Moderator Pearson's letter claiming Selectman Johnson violated the provisions of the Right-to-Know Law involving an anonymous letter that had been submitted to Police Advisory Committee. After having read letters from the Moderator Pearson and Selectman Johnson, Town Counsel concluded that there were no issues presented with respect to Selectman Johnson. After a brief discussion, Moderator Pearson would still like to meet with Town Counsel. Chairman Fanjoy made a motion to let Moderator Pearson go see Town Counsel accompanied by one member of the Select Board as per Town Policy; seconded by Selectman Johnson and approved.

The next item was a non-public session with Police Chief Robert Dupuis. The Board and the Chief decided to conduct the session at the end of the agenda for this meeting.

The Select Board signed or acknowledged the following for Administrative Assistant Judith Jones:

- Selectman Johnson made a motion to accept the 7/21/14 Select Board minutes as written; seconded by Selectman Donovan and approved.
- Selectman Donovan made a motion to accept the non-public meeting minutes of 7/21/14 as written; seconded by Selectman Johnson and approved.
- Selectman Johnson made a motion to accept the 7/24/14 Select Board work session meeting minutes re: road issues, as written; seconded by Chairman Fanjoy and approved.
- Selectmen signed DRA request for blank PA-28 Inventory of Taxable Property.
- Selectmen initialed change of account # for payment on original PO #23 authorized on 7/21/14.
- Selectmen signed Temporary Junkyard License for COPART effective August 5, 2014 – September 30, 2014.
- Selectmen signed annual leave slip for Mrs. Jones.

The Select Board signed or acknowledged the following for Financial Administrator Wendy Pinkham:

- Signed A/P and P/R manifests.
- Request for leave Mrs. Pinkham.
- Newly established account Cyr Lumber formerly Hamilton Building Supply.
- NHRS notice regarding retired annuitants/elected officials – hours no longer have to be reported.
- Three quotes/bids received for salt ranging in price from \$49.13 to \$75.50. Mrs. Pinkham will review the bids with Road Agent Bean.
- Mrs. Pinkham still working on the D&B Duns issue.

The Select Board signed or acknowledged the following for Police Chief Robert Dupuis:

- 62 calls with highlights read.
- Chief stated identity thefts have increased. He cautioned the public to be aware and to go online and do a credit check to be sure other people don't have credit cards in their names.
- Receipt of notice from the Court on the five trials on the overweight trucks; the judge found all guilty. Rhymes Heating Oil was placed on file for a year-if there is a violation within the year, they will receive a \$250.00 fine. The judge found the Town had not provided enough notice regarding the posting of the weight limit in this particular case. The other four must pay the fine.
- Request for vacation from Officer Shapiro.
- Chief Dupuis contacted alarm company re: FOBS. He asked company to send record of use for last 60 days. The company only records out to 30 days; they had 21 days for the Town. Chief Dupuis stated the Board should go ahead with the service that was on the purchase order.
- Cruiser needed an alternator - \$668.00.
- Selectman Johnson made a motion to accept the \$500.00 grant pursuant to RSA 31:95-b for a PBT, a breathalyzer machine used in the field; seconded by Selectman Donovan and approved.

At this time Selectman Johnson asked Chief Dupuis about police coverage for Old Home Day/Week. Chief Dupuis stated that due to Officer Shapiro's request for vacation, Lt. Mitchell will be working the evening of the dance, August 9th, and the Chief will be working the day shift; the day of the parade, August 16th, Officer Shapiro and Chief Dupuis will be working from 7 am until the parade is over. Selectman Donovan asked if Lt. Mitchell could be stationed at the dance unless he gets called away. Chief Dupuis stated they do patrol the Town and the dance. He would hate to leave the rest of the Town without any patrol until midnight. A question regarding the Town's liability regarding the dance and the BYOB alcohol had been brought to Chairman Fanjoy's attention on Friday, August 1st, which did not allow enough time to plan a detail etc. Chairman Fanjoy contacted the NHMA Legal Inquiry department. He read the NHMA response which they suggested the Town have a police detail and not allow alcohol. Tickets have already been sold. Selectman Donovan suggested signage with "No Alcohol Allowed". Selectman Johnson agreed. Chairman Fanjoy opened up comments from the public relative to this issue. Chief Dupuis stated parking will not be allowed on Battle Street during the dance or the vehicles will be towed. He stated that Lt. Mitchell would patrol the dance as often as he could. Comments were taken from Marty Bender, Lynmarie Cusack-Lehmann, Tara Gunnigle, Sue Roberts and Emmett Bean. Selectman Donovan made a motion for the Town to prohibit drinking at the Old Home Day dance; seconded by Selectman Johnson and approved.

Road Agent Bean advised or discussed with the Select Board the following:

- Work on Pleasant Street getting ready for tar.
- Took care of some washouts on Gerrish Road and Bashan Hollow Road.
- Had a tree down on the PSNH wires on Gerrish Road. Due to PSNH moving to Bedford, wait time for utility crew to arrive was a couple of hours. Chief Dupuis informed the Board that he had told PSNH that when the police have to wait for an extended period of time, they will be charged for a police detail.

Treasurer Mary Smith had nothing to report other than the Town has money.

No other Department Heads were in attendance.

Bob Pearson informed the Board he had asked the Road Agent if he would run the chipper to help clean up around the Veteran's Memorial. Road Agent Bean agreed to Mr. Pearson's request but wanted to make sure it was OK with the Select Board. Road Agent Bean also thanked Mr. Pearson for a great job for all the work that has been done at the Memorial. By consensus, the Board agreed with Mr. Pearson's and Mr. Bean's arrangement for use of the chipper.

Old Business:

- Town Hall painting update – Selectman Johnson stated the Board had not been happy with the one bid that was submitted. The Board will be working on a re-bid to go out now for the work to be done next year in the early spring or late summer. Selectman Johnson will work on that.
- Frank Anzalone Architect contract – Selectman Johnson stated the funds the Board was confused about were actually the funds that were discussed two meetings ago with Frank Anzalone regarding CAD, construction bidding and construction observation. Chairman Fanjoy signed the contract. Mrs. Larson will fax it to Mr. Anzalone in the morning.
- Discuss Ron Finlayson's request re: valuation of Map 1-47 INT 1 to 6, response from Cross Country Assessors with recommendation to leave at \$96,000.00. Selectman Donovan made a motion that the Board leave the valuation at the \$96,000.00 per the recommendation from Cross Country; seconded by Selectman Johnson and approved.
- Town Hall furnace replacement – Chairman Fanjoy informed the public that “younger” of the two Town Hall furnaces “died” – the firebox was cracked. He stated there were a couple of options; new propane furnace, new oil furnace or a wood pellet unit. Selectman Donovan read two quotes from Huckleberry - \$6,900.00 for oil furnace and \$ 8,750.00 for two propane furnaces. Selectman Johnson, who is also a member of the Energy Committee, stated the committee had been working with Jim Knight from Pelletco. He stated that Pelletco would install the wood pellet boiler at no cost to the Town; they retain ownership and make their money by selling the wood pellets, which Selectman Johnson stated would be at 88% of the current cost of oil. Pelletco does require a 10-year agreement to buy the wood pellets from them. All maintenance would be done by Pelletco. The ash would be cleaned out by the Energy Committee members. Selectman Johnson did check two references one in Maine which was brand new and one in Vermont which was a year old. Both references were happy with Pelletco. Selectman Johnson added that NHMA told him the Town could not enter into a 10-year agreement, however, Town Counsel stated the Town could but they would not recommend a 10 year agreement; 5 years would be better. Selectman Donovan stated one of the issues he had was that the Town explicitly voted down a wood pellet furnace at Town Meeting in March of this year and this would be going against the Town vote. Chairman Fanjoy agreed. He also stated that if the plan was to expend from the capital reserve account, he did not believe the Trustees of the Trust Funds would approve. Mrs. Pinkham handed out a document from DRA titled, “When No Means No” which covers the issue of prohibiting expenditures or transferring funds to cover an article or appropriation that failed at Town Meeting. Mrs. Pinkham informed the Board the Town was overspent for oil and had a balance left in propane. At this time comments were taken from Marty Bender, Betsy Janeway, Harold Janeway, Moderator Pearson, Jere Buckley, and Mary Smith who pointed out that if the Board wanted to do the wood pellet furnace, a special Town Meeting would probably have to be held. Selectman Donovan added that would also be a cost to the Town probably \$1,000.00 - \$1,500.00 which could go towards paying for a gas-fired furnace. More comments were made by Road Agent Bean and Greg Roberts. After a brief discussion, Mrs. Pinkham stated that the wood pellet furnace could be put on the 2015 Warrant with more a detailed explanation. Selectman Donovan made a motion to accept Huckleberry's quote for the two propane furnaces for \$8,750.00; seconded by Chairman Fanjoy and approved.
- Incoming Document Management Policy – Selectman Donovan read the policy to the public. Chairman Fanjoy made a motion to accept the Incoming Document Management Policy; seconded by Selectman Donovan and approved.
- Update for Gerrish & Bashan Hollow Roads “No Through Trucking” – Chairman Fanjoy stated the Board could post “No Through Trucking” and weight limits. He stated he had been on those roads and had more problems with cars as opposed to trucks but he did understand the danger of trucks trying to make the turn where the roads intersect. Selectman Johnson suggested posting “No Through Trucks”. That posting would allow pick-up trucks to travel and commercial trucks to make deliveries per the State definition of ‘truck’. Selectman Donovan stated he would like to have the speed limit reduced from 35 mph to 25 mph. Chairman Fanjoy voiced his concern with the “No Through Trucking” because of the ‘next road’ that truck traffic would be diverted to and cause the same problems. Selectman Donovan added that he felt a plan and a study of the traffic flow before closing the roads to trucks would be better. Chief Dupuis informed the Board that if they institute an ordinance for “No Through Trucking”, then the Board also has to set a penalty. Selectman Donovan made a motion to reduce the speed limit on Gerrish and Bashan Hollow Roads to 25 miles per hour; seconded by Selectman Johnson and approved. Road Agent Bean will get the legally required 5 speed limit signs for posting.

New Business:

- Easement deed draft re: dry hydrant/fire pond reviewed by Town Counsel – Selectman Donovan made a motion to accept the easement deed between the Town and Joyce E. Perrault of 1234 Pleasant Street; seconded by Selectman Johnson and approved.

Chairman Fanjoy opened up the meeting for public comments. Susan Rauth of Bashan Hollow Road stated that she and her neighbors had put a petition before the Select Board in October of 2013 to close Gerrish and Bashan Hollow Roads to through trucking and the Board voted to turn down their request at this meeting. She asked the Board if they would consider doing an engineering study which would be a more comprehensive look at the truck traffic in town. Selectman Johnson stated he would contact Central New Hampshire Regional Planning. Further comments were made by Road Agent Bean and Lynmarie Lehmann.

After a brief discussion, Chief Dupuis felt the Board could let the Old Home Day Dance continue as in the past and they, the police, will patrol it as best they can. He stated he would talk to Merrimack County to see about getting a Sheriff to help out. Chairman Fanjoy made a motion to reconsider Selectman Donovan's original motion at the beginning of this meeting and allow BYOB alcohol at the dance based on past practice and that Tara Gunnigle and/or Mrs. Pinkham looking into separate liability insurance and the police patrolling as much as they can; seconded by Selectman Donovan and approved. Planning for Old Home Day 2015 will begin early to be sure of Town's liability and police coverage.

8:22 pm Chairman Fanjoy made a motion to go into non-public session pursuant to RSA 91:A-3 II (a) personnel issues with Police Chief Robert Dupuis; seconded by Selectman Johnson. Roll call: Chairman Fanjoy – yes; Selectman Donovan – yes and Selectman Johnson – yes.

8:30 pm Chairman Fanjoy reconvened the public meeting. The Board voted to seal the minutes of the non-public session.

Chairman Fanjoy opened the meeting up for final public comments – there were none. At this time Selectman Donovan read his letter of resignation from the Select Board effective at midnight August 4, 2014. Selectman Donovan will be changing his domicile and therefore will no longer be legally eligible to serve as a selectman. Selectman Donovan made a motion to accept his resignation; seconded by Selectman Johnson and approved with regrets. Chairman Fanjoy and Selectman Johnson thanked Selectman Donovan for all his work for the Town. Selectman Johnson suggested to Chairman Fanjoy that they get together in non-public session within the next week to discuss the process of replacing Selectman Donovan.

8:32 pm Selectman Johnson made a motion to adjourn; seconded by Selectman Donovan and approved.

Roy E. Fanjoy, Chairman
SB/ tel

Mason W. Donovan

Bruce G. Johnson