

**MINUTES OF THE 2010 WEBSTER TOWN MEETING
MARCH 9, 2010 AND MARCH 13, 2010**

**THE POLLS WERE OPEN FROM 10:00 A.M. TO 7:00 P.M. (March 9, 2010)
TO ACT ON ARTICLE 1**

1. Results of the balloting were as follows:

OFFICE	# YRS. TERM	NAME	# OF VOTES
Selectman	3	George Cummings	412
		Tom Mullins	235
Tax Collector	1	Karen King	367
		Rebecca Lorden	238
Town Clerk	1	Michele St. Jacques	611
Treasurer	1	Mary Welch	587
Cemetery Trustee	3	Aime Silver	591
Library Trustee	3	Marty Bender	593
Moderator	2	Harold Janeway	571
Supervisor of the Checklist	4	Barbara Corliss	584
Supervisor of the Checklist	6	Dorothy Proulx	586
Trustee of Trust Funds	3	Mary Smith	589

649 ballots cast

**BUSINESS MEETING WAS HELD AT THE TOWN HALL ON
SATURDAY, MARCH 13, 2010 AT 10:00 A.M.
TO ACT UPON THE FOLLOWING SUBJECTS**

Moderator Harold Janeway called the Annual Town Meeting to order at 10:03 A.M. on March 13, 2010. He then invited Clarence Jeffrey to lead the Townspeople in the Pledge of Allegiance.

Moderator Janeway asked for a moment of silence in remembrance of Pat Inman, Bob Pearson, Georgia Jeffrey and Cynthia Anderson; stating they were all long-term residents of Webster and contributed greatly to our community.

The Selectmen presented "Maddy" Roberts with a New Hampshire clock and flowers for her service to the Town. She retired December 31, 2009 after serving as Tax Collector for 35 years.

Results of Tuesday's Election (above) were read by Moderator Janeway.

Moderator Janeway reviewed the procedure for the new Town Meeting attendees. The budget will be summarized by the Selectmen, each warrant article will be read by the Moderator; moved and seconded; explained by the Selectmen; open for discussion/questions and then amended or voted on. Residents wishing to speak should

raise their hand, be recognized by the Moderator and state their name for the record. They should be brief, clear and speak to the specific issue.

Moderator Janeway requested a motion be made to dispense of the second reading of the warrant articles. The Moderator called for a voice vote.

PASSED BY VOICE VOTE

Moderator Janeway thanked those attending residents serving on a Town Board or Commission with a round of applause from all.

Chairman Mullins stated the only change since the Budget Hearing sponsored by the Grange was to Article 16 regarding the withdrawal of the Town from the Concord Regional Solid Waste/Resource Recovery Cooperative. The lawyer was successful in negotiating an exit deal and Selectman Mullins will speak to that later in the meeting.

If all articles presented were passed, the total money raised by taxes would be \$1,001,121 an increase of \$150,000 over last year. This amounts to an increase of 14% over last year but spending less money than proposed last year because of decreased revenue to the Town.

John Little made a motion to vote on all articles at once except Article 16. Motion moved and seconded. The Moderator called for a voice vote.

MOTION NOT PASSED.

Article 2: To see if the Town will vote to raise and appropriate the sum of One Hundred Thousand Dollars (\$100,000) for the final phase of a proposed three-phase project for Pearson Hill Road. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the work is completed, or by December 31, 2011, whichever is sooner.

The Selectmen recommend this article.

Moved and seconded. Discussion from Chairman Mullins explaining this is the third part of the project started two years ago. It is important to keep up with the maintenance of the roads to avoid costly reconstruction of roads in the future.

Question from the floor whether there was stimulus money available for this project. The Selectmen said No.

The Moderator called for a voice vote.

PASSED BY VOICE VOTE.

Article 3: To see if the Town will vote to raise and appropriate the sum of Forty Thousand Dollars (\$40,000) for the purpose of sealing roads. This sum is to come from Unreserved Fund Balance (surplus) and no amount will be raised from taxation.

Moved and seconded. Selectman Klumb encouraged voters to approve this “small patch on a big problem” using surplus from last year’s taxes. The Road Agent chooses which roads to seal. Road Agent Emmett Bean explained this will only cover 2.2 miles of sealing. Question from Pam Mack as to the total balance of the surplus funds. Selectman Klumb explained that the State of New Hampshire wants the Town to hold between 5% – 10% of surplus. The unreserved fund balance from 2009 is \$84,000. Generally, the unreserved fund is used to offset the taxes when the tax rate is set in the Fall.

The Moderator called for a voice vote.

PASSED BY VOICE VOTE

Article 4: To see if the Town will vote to raise and appropriate a sum not to exceed Twenty-seven Thousand Dollars (\$27,000) for the purchase of a 2010 Police Cruiser and to authorize the withdrawal of this amount from the Police Cruiser Capital Reserve Fund established for this purpose at the 1983 Annual Town Meeting.

Moved and seconded. Question from the floor on what will happen to the current cruiser. Selectman Klumb responded it would be an additional cruiser with the final decision left to the Police Chief to sell or keep the old cruiser. The thought is to keep the cruiser because of the low trade-in value and the money put into repairs last year.

The Moderator called for a voice vote.

PASSED BY VOICE VOTE

Article 5. To see if the Town will vote to raise and appropriate the sum of Four Hundred Thirty-nine Thousand Seven Hundred and Fifty-eight Dollars (\$439,758) for General Government:

Executive	\$ 10,295
Election, Registration & Vital Statistics	17,862
Financial Administration	131,951
Revaluation of Property	22,300
Legal Expenses	31,150
Personnel Administration	37,980
Planning & Zoning	18,800
General Government Buildings	56,720
Cemeteries	11,700
Insurance	100,900
Outside Services (Forester)	100

Moved and seconded. Selectman Klumb explained this was the cost of running the Town including insurance. Discussion on employees' medical coverage and financial administration.

The Moderator called for a voice vote.

PASSED BY VOICE VOTE.

Article 6: To see if the Town will vote to raise and appropriate the sum of One Hundred Eighty-five Thousand and Eighteen Dollars (\$185,018) for the Police Department:

Police	\$ 183,018
Police Special Detail	2,000

Moved and seconded. Selectman Klumb explained the Police budget was recommended by consultant Don Gross, and supported by the current Police Chief.

The Moderator called for a voice vote.

PASSED BY VOICE VOTE.

Bruce Johnson made a motion to restrict reconsideration of Article 6. Moved and seconded.

The Moderator called for a voice vote to restrict reconsideration of Article 6.

PASSED BY VOICE VOTE.

John Little made a motion vote on the remaining articles as one vote except article 16. Motion denied by the Moderator.

Article 7: To see if the Town will vote to raise and appropriate the sum of Ninety-four Thousand and Eight Dollars (\$94,008) for the Fire Department:

Ambulance	\$ 22,537
Fire & Medical	68,271.
Emergency Management	3,200

Moved and seconded. No discussion.
The Moderator called for a voice vote.

PASSED BY VOICE VOTE.

Bruce Johnson made a motion to restrict reconsideration of Article 7. Moved and seconded.

The Moderator called for a voice vote to restrict reconsideration of Article 7.

PASSED BY VOICE VOTE.

Article 8: To see if the Town will vote to raise and appropriate the sum of Six Thousand One Hundred Dollars (\$6,100) for the following:

Building Inspection/Septic Review	\$ 6,000
Other Public Safety	100

Moved and seconded. Selectman Klumb explained this is an “in and out”. If the Town does not take in building application fees, we do not spend it. This allows the Town to cover the processing of those building applications received.

The Moderator called for a voice vote.

PASSED BY VOICE VOTE.

Article 9: To see if the Town will vote to raise and appropriate the sum of Three Hundred Eighty Thousand Two Hundred Twenty-four Dollars (\$380,224) for Highways, Streets and Sanitation:

Highways and Streets	\$ 165,000
Highway Block Grant	65,224
Hopkinton-Webster Landfill	
Transfer Station	150,000

Moved and seconded. Road Agent Bean was recognized with a round of applause for his hard work in maintaining our roads.

The Moderator called for a voice vote.

PASSED BY VOICE VOTE.

Article 10: To see if the Town will vote to raise and appropriate the sum of Fifty-four Thousand Four Hundred Fifty-six Dollars (\$54,456) for the following:

Health Department	\$ 275
Health Agencies	3,452
Welfare Department	6,200
Community Action Program	4,182
Parks & Recreation	6,525
Penacook Community Center	500
CASA – Court Appointed Special Advocates for Children	250
Library	32,472
Patriotic Purposes – Old Home Day	100
Conservation Commission	500

Moved and seconded. Selectman Hashem explained the only increase was in the Parks & Recreation line item and that was for a new riding lawn mower and flagpole replacement.

Pamela Mack made a motion to use \$40,000 of the unreserved surplus to reduce this article. The Moderator denied the motion.

The Moderator called for a voice vote.

PASSED BY VOICE VOTE.

Selectman Hashem explained that unreserved funds are reviewed at that time the tax rate is set and any excess funds are considered at that time for any reduction in the tax rate. The public is welcome to attend the meeting at the Department of Revenue when the tax rate is set.

Article 11: To see if the Town will vote to raise and appropriate the sum of One Hundred Seventy-six Thousand Dollars (\$176,000) to be added to the following previously established Capital Reserve Funds.

Office Equipment	\$ 2,000
Air Packs	7,000
Bridge Improvements	40,000
Fire Dept. – Dry Hydrant	2,000
Reappraisal	5,000
Town Hall Improvements	20,000
Police Cruiser	13,500
Fire Truck	48,000
Hwy. Land/Bldg. Fund	15,000
Fire Department – Bunker Gear	5,000
Public Safety Building	5,000
Webster/Hopkinton Transfer Station Equipment Fund	10,000
Cemetery Improvements Fund	1,000
Police Equipment	2,500

The Selectmen recommend this article.

Moved and seconded. Selectman Hashem explained the purpose and importance of Capital Reserve Funds. It would be irresponsible to ignore planning for major expenses.

The Moderator called for a voice vote.

PASSED BY VOICE VOTE.

Article 12: To see if the Town will vote to create an Expendable Trust Fund under the provisions of RSA 31:19-a, to be known as the Fire Department Equipment Expendable Trust Fund, for the purpose of covering unexpected equipment expenses and to raise and appropriate the sum of Five Thousand Dollars (\$5,000) for this fund and to appoint the Board of Selectmen and the Fire Chief as Agents to Expend.

The Selectmen recommend this article.

Moved and seconded. Chairman Mullins gave the example of when the pumps need to be rebuilt on the fire trucks. It is a costly expense and funds should be set aside each year to prepare for repairs.

The Moderator called for a voice vote.

PASSED BY VOICE VOTE.

Article 13: To see if the Town will vote to raise and appropriate the sum of Thirteen Thousand Two Hundred Dollars (\$13,200) to be added to the previously established Expendable Trust Funds:

Forest Fire Expendable Trust Fund	\$ 1,000
Welfare Expendable Trust Fund	6,000
Police Vehicle Maintenance Expendable Trust Fund	1,200
Highway Expendable Trust Fund	5,000

The Selectmen recommend this article.

Moved and seconded. Selectman Klumb explained that last year the Town voted to spend \$5,000 for the Police Vehicle Maintenance Expendable Trust Fund. Only \$1,200 was spent in 2009. Therefore, the Town will be asked to replace only monies drawn from this trust fund. Selectman Hashem commented that if no money is used, no money will be requested.

The Moderator called for a voice vote.

PASSED BY VOICE VOTE.

Article 14: To see if the Town will vote to raise and appropriate the sum of Sixty-five Thousand Two Hundred Sixty Dollars (\$65,260) for repayment of Long Term Debt and TAN interest.

Principal – Long Term Bond	\$ 40,000
Interest – Long Term Bond	23,260
TAN – Interest	2,000

Moved and seconded. No discussion.
The Moderator called for a voice vote.

PASSED BY VOICE VOTE.

Article 15: To see if the Town will vote to raise and appropriate the sum of Ten Thousand Dollars (\$10,000) to help offset the cost of the bond for "Funds to Repair Dam" passed at the Pillsbury Lake Water District Special Meeting held August 5, 2006.

The Selectmen recommend this article.

Moved and seconded. No discussion.
The Moderator called for a voice vote.

PASSED BY VOICE VOTE.

Roger Becker made a motion to restrict reconsideration of Articles 8-15. Moved and seconded.

The Moderator called for a voice vote to restrict reconsideration of Articles 8-15.

PASSED BY VOICE VOTE.

Article 16: To see if the Town will vote to authorize the Select Board to withdraw from the Concord Regional Solid Waste/Resource Recovery Cooperative and to enter into negotiations and agree to such terms and take all actions necessary to accomplish that withdrawal; cease the use of the Concord Regional Solid Waste/Resource Recovery Cooperative and its facilities for disposal of the Town's solid waste as of May 1, 2010; direct the Select Board to appropriate no further funds for payment to the Concord Regional Solid Waste/Resource Recovery Cooperative, and direct the Select Board to remove any appropriation therefore from the annual budget; and authorize the Select Board to negotiate and enter into a new contract for the removal and disposal of solid waste from the Hopkinton/Webster transfer station with a vendor other than the Concord Regional Solid Waste/Resource Recovery Cooperative. (Majority vote required).

The Board of Selectmen recommends this article.

Moved and seconded. Chairman Mullins offered an amendment to the article, on the advice of the Towns' attorney. Selectman Klumb read the portion to be appended to the article after "Majority vote required". *A copy of terms for withdrawal currently under consideration by the parties has been made available and distributed at this Town Meeting. The Board of Selectman is specifically authorized to enter into and execute an agreement under such terms (with such changes from the said terms as the Board of Selectmen shall approve, such approval to be conclusively evidenced by the Board of Selectmen's execution thereof).* Moved and seconded.

Chairman Mullins read the following document:

TERMS FOR THE WITHDRAWAL OF THE TOWNS OF HOPKINTON AND WEBSTER FROM
THE CONCORD REGIONAL SOLID WASTE/RESOURCE RECOVERY COOPERATIVE

The Towns of Hopkinton and Webster, New Hampshire (collectively, "the Towns") and the Negotiating Committee of the Joint Board ("the Cooperative Committee") of the Concord Regional Solid Waste/Resource Recovery Cooperative ("the Cooperative"), in order to accomplish the Towns' exercise of their respective rights to withdraw from the Cooperative, do hereby mutually agree to the terms set forth below, to be memorialized in a writing signed by the Towns and the Cooperative.

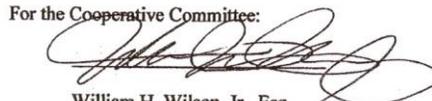
1. As of March 31, 2010 ("the Withdrawal Date") the Towns will no longer be member Municipalities of the Cooperative; and shall no longer have any of the rights or obligations of Cooperative member Municipalities under the Third Amended and Restated Agreement for Formation of Concord Regional Solid Waste/Resource Recovery Cooperative dated as of January 22, 2009 (the "Cooperative Agreement") except as otherwise expressly provided by this Agreement, including numbered paragraph 2.
2. From the Withdrawal Date through April 30, 2010 (the "the Service Termination Date") the Towns shall have the right to dispose of their Acceptable Waste at the "WTE Facility" (as defined in the Cooperative Agreement), subject to and in accordance with the rules for delivery of such waste applicable to member Municipalities, and shall pay such tipping fee for such disposal as if their membership in the Cooperative had continued through the Service Termination Date. After the Service Termination Date, the Cooperative shall render a statement to the Towns for the amount due for any solid waste delivered to the WTE Facility and for any amount due and unpaid for waste previous delivered by or on behalf of the Towns to the WTE Facility in accordance with its customary billing practices. Review and payment of the statement for such delivered waste shall be in accordance with the terms of the Cooperative Agreement. After the Service Termination Date, the Towns shall be entirely responsible for the disposal of their solid waste, including any recycling materials.
3. Effective on the Withdrawal Date, the Cooperative, shall agree to hold harmless and indemnify the Towns for all past, current and/or future obligations and liabilities of the Cooperative or any of its members, including but not limited to all obligations and liabilities arising from or attributable to the disposal or delivery of any solid waste, recycling materials, or other matter to any facility owned, operated, or used by the Cooperative and/or any contract or agreement executed by the Cooperative, whether such obligations and liabilities arise under existing laws or regulations or unanticipated future laws or regulations.
4. The Cooperative shall make a single payment on the Service Termination Date to the Towns equaling \$50,000 representing a full and complete netting of any and all amounts due to or liabilities incurred by the Towns or the Cooperative as a result of the membership of the Towns in the Cooperative and the exercise by the Towns of their rights to withdraw pursuant to the Cooperative Agreement, other than as due from the Towns pursuant to paragraph 2. For avoidance of doubt, this \$50,000 payment is independent from the Cooperative's duty to indemnify and hold the Towns harmless which is a separate obligation of the Cooperative owed to the Towns pursuant to this Agreement.
5. The Towns shall permanently and irrevocably relinquish, as of the Withdrawal Date, all right to exercise the rights and privileges of a member Municipality in all Cooperative meetings, committees, deliberations or votes. As of the Service Termination Date, the Towns shall permanently and irrevocably relinquish, all rights to participate in or seek to participate in all Cooperative facilities, rights, and obligations, including but not limited to the right to dispose of any solid waste or recycling materials at the WTE Facility or any other Cooperative facility or to assert any right or entitlement to any funds possessed by the Cooperative or to any legal or beneficial interest in any Cooperative property or to seek to rejoin the Cooperative.
6. Effective on the Withdrawal Date, the Towns shall permanently and irrevocably relinquish and shall release and discharge the Cooperative from, any and all demands, obligations, claims or causes of action in law or in equity that the Towns have against the Cooperative arising out of or in any way related to the membership of the Towns in the Cooperative, including but not limited to any claim or cause of action for monetary recovery or to set aside any action by the Cooperative under the Cooperative Agreement, any previous Cooperative Agreement or the Constitution or laws of the State of New Hampshire. . Notwithstanding the foregoing, the Towns shall have the rights and obligations set forth in paragraph 2 solely with respect to solid waste delivered to the WTE Facility from the

Withdrawal Date through the Service Termination date and with respect to any payment due for the delivery of such waste after the Withdrawal Date.

The undersigned hereby agree to the foregoing Terms for the Withdrawal of the Towns of Hopkinton and Webster from the Concord Regional Solid Waste/Resource Recovery Cooperative for purposes, of obtaining the assent of the legislative bodies of the Towns and the Operating Committee and Joint Board of the Cooperative, respectively, and agree to use all good faith efforts to obtain the assent of the legislative bodies of the Towns and the Operating Committee and Joint Board of the Cooperative, respectively; on or before March 22, 2010, to accomplish the withdrawal of the Towns from the Cooperative on the terms set forth in this term sheet. The parties understand that the final terms and conditions for withdrawal are conditioned upon such approvals and, if approved, shall be memorialized in a final agreement of withdrawal to be duly authorized, delivered and executed by each of the Towns and the Cooperative on or before March 31, 2010.

For the Towns:

 N. Jonathan Peress, Esq.

For the Cooperative Committee:

 William H. Wilson, Jr., Esq.


 Neal Cass


 William G. Herman, CPM

3521840.1

Chairman Mullins explained that 27 towns got together to create the Concord Regional Solid Waste/Resource Recovery Cooperative to build a waste-to-energy plant in Penacook. In 2009 the Coop created a restatement without coming back to the towns for input. They granted themselves certain rights with one being to tax the towns without our consent. As an alternative to the Coop, Webster and Hopkinton have arranged a ten-year contract to dispose of the trash and project a savings of one million dollars in tipping fees. Selectman Hashem reiterated that by pulling out of the Coop the towns are held harmless of any future liability from the ash pit in Franklin.

Nancy Clark asked where the trash would go if we signed into the new contract. Selectman Mullins replied it would go to the Androscoggin Valley Regional Refuse Disposal District. They are permitted for 50 years and the contract has a guaranteed renewal.

Jane Difley asked how this would effect the Town's recycling. Selectman Mullins replied it would be unaffected.

The Moderator called for a voice vote on the amendment to Article 16.

AMENDMENT PASSED BY VOICE VOTE.

The Moderator called for a voice vote on the amended article.

AMENDED ARTICLE PASSED BY MAJORITY VOICE VOTE.

The Moderator recognized Tom Mullins for this dedicated work on this complicated issue.

Brenda Silver made the motion to restrict reconsideration for Articles 1-5. Moved and seconded.

The Moderator called for a voice vote to restrict reconsideration on Articles 1-5.

PASSED BY VOICE VOTE.

Article 17: To see if the Town will vote to enter into an agreement with the Town of Hopkinton for Webster's share of the engineering, design and installation of a community well on East Penacook Road and the construction and engineering required to connect the homes in the areas to the well. The passage of this article is contingent upon an affirmative vote of the 2010 Town of Hopkinton's Warrant Article 3.

Moved and seconded. Selectman Klumb explained the old dump in Hopkinton has been leaking and contaminating wells in some of the surrounding properties. The two Towns have been supplying the neighbors with potable water. The NH DES has issued its third warning for the Towns to come up with a long-term solution to supply the homes with potable water from their faucet. Multiple solutions have been considered. The cheapest is to drill a well in the upstream area of the landfill for the homes to share. The Town of Hopkinton will put in a road and drill test wells with a request for funds next year. Webster is responsible for 20% of the cost or approximately \$80,000.

The Moderator called for a voice vote.

PASSED BY VOICE VOTE.

Article 18: To see if the Town will vote to discontinue the Edna Frost Civic Project Trust Fund created on April 3, 2001 from donations made in her memory and expended on June 9, 2003 at which time, after urging of the Daniel Webster Grange and consulting with her spouse Donald Frost, it was decided to withdraw the sum with interest to date of withdrawal, leaving a zero balance. This is a housekeeping Article only.

Moved and seconded. No discussion.

The Moderator called for a voice vote.

PASSED BY VOICE VOTE.

Article 19: To see if the Town will vote to adopt the provisions of RSA 41:14-a, Acquisition or Sale of Land, Buildings, or Both, which shall remain in effect until specifically rescinded.

Moved and seconded. No discussion.

The Moderator called for a voice vote.

PASSED BY VOICE VOTE.

Article 20: To see if the Town will vote to re-affirm the previously adopted provisions of RSA 72:27-a, Exemption for Solar Energy Systems in the amount of \$1,000 to be deducted annually from the assessed value of the residential real estate. This is a housekeeping Article only.

Moved and seconded. No discussion.

The Moderator called for a voice vote.

PASSED BY VOICE VOTE.

Article 21: To see if the Town will vote to appoint the Board of Selectmen and the Cemetery Commissioners as agents to expend from the existing Cemetery Improvement Capital Reserve Fund established at the 1996 Town Meeting.

Moved and seconded. No discussion.
The Moderator called for a voice vote.

PASSED BY VOICE VOTE.

Article 22: To see if the Town will vote to ratify the provisions of RSA 41:11-a, which shall remain in effect until specifically rescinded, whereby the Selectmen shall have the authority to manage all real property owned by the Town and to regulate its use.

Moved and seconded. No discussion.
The Moderator called for a voice vote.

PASSED BY VOICE VOTE.

The Moderator thanked Chairman Mullins for his efforts and his volunteering of time. All elected officials were asked to come forward to be sworn in. The meeting adjourned at 11:34 am.

Respectfully submitted,

Michele St. Jacques, Town Clerk