

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

7:05 P.M. Selectmen's Meeting – May 16, 2011

Present: Selectman Chairman George Cummings, Selectman Hashem and Selectman Bruce Johnson. The meeting was moved to the dining room because of the large number of attendees.

The Board signed the payroll and check manifests.

Chairman Cummings laid out some ground rules for this meeting advising of the following: one conversation at a time; one speaker at a time; all comments to be addressed to the Board; courtesy and civility at all times is requested; time may be limited; general questions will be taken at the end of the meeting and a non-public session will be held at the end of the meeting with no other business expected after that.

The Board signed the following for Administrative Assistant Judith Jones:

- Selectman Hashem made a motion to sign A Deed Waiver for Map 7-53, thereby giving the owners a bit more time to pay the taxes, noting that the property can still be taken by lien by the Tax Collector if need be; seconded by Selectman Johnson and approved;
- The minutes of May 2, 2011 were put on hold until the next meeting;
- Appointment sheets to the Refuse Disposal Committee for Martin Bourque, Alternate until 2013 and Ellen Kontinos-Cilley, Alternate until 2012;
- Appointment sheets to the Joint Loss Management Committee for Colin Colby until 2012; Judy Jones until 2012; Marjorie Blanchette until 2012 and Robert Dupuis until 2012;
- Appointment sheets for the Planning Board for Sue Rauth, Alternate until 2014;
- Chairman Cummings read a letter from Braden St. Jacques requesting the Board sign acknowledgement of community service hours completed in the Town for the National Junior Honor Society. The letter was followed by a round of applause by the attendees. The Board then signed the letter of acknowledgement; and
- The Electronic Tax Rate Authorization for 2011.

The Board signed the following for Financial Administrator Wendy Pinkham:

- Intent to cut for Bruce Bean – Map 7-50 & 51;
- Intent to cut for David Herrick – Map 4-10;
- The April Bank reconciliation;
- A sick leave slip; and
- An annual leave slip.

Police Chief Robert Dupuis advised of the following:

- The semi-monthly report for the Police Department. Patrols have begun on Federal Property again, with reimbursements expected. He noted that some of the Federal property has been closed off, since Bin Laden was brought to justice, because of the higher threat alert. He was not sure how they would bill for that, but would work it out with the Army Corps of Engineers. There were 30 calls for service with the highlights mentioned. Webster assisted the State Police as backup in Salisbury for a burglary alarm;
- A vacation request for May 27<sup>th</sup> for Lieutenant Philip Mitchell;
- Purchase Order #12 to International Association for Property and Evidence, Inc. for the Law Enforcement Skill & Knowledge Course in the amount of \$350. Chief Dupuis explained that the Department falls below the required standards and this would help bring them into compliance for the maintenance of evidence and associated duties. This course needs to be certified every two years, though he found no evidence that the Department was ever certified. He noted that there were other areas lacking certification as well. One example was the need for a Field Training Officer to work with new officers for 14 to 17 weeks, though a more experience officer would require less time. This would require spending full-time with the newly hired officer for this period of time, with records kept. Chairman Cummings inquired as to who created the standards and was advised that the Police Standards and Training do this. Selectman Hashem asked if this training could be shared with other towns, but was advised that it was not practical or advisable;
- He advised that no correspondence had been received from the State regarding a price hike in gas, but that the price had gone from \$2.72 to \$2.90 per gallon because they had exceeded the contract price. The next contract is expected the end of June, but the price is unknown;

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- The Rymes Propane contracted gallons have been exceeded, resulting in an increase from \$1.49 to \$2.43 per gallon. Mrs. Pinkham called Rymes as typically they will work with the Town regarding the increase, but has not heard back from them. A new contract is expected at the end of May.

Fire Chief Colin Colby noted 63 calls to date. They responded to a mutual aid 3<sup>rd</sup> alarm brush fire in Salisbury and have had two evenings of brush fire training at local properties. There have been other requests to burn, but the weather has not cooperated. On May 23<sup>rd</sup> the Department will attend a 2<sup>nd</sup> Alarm Mutual Aid Drill in Boscawen for a brush fire. He advised that Deputy Fire Chief Adam Pouliot and Emmett Bean have been getting quotes for a new fire truck. Deputy Chief Pouliot advised that they are replacing the 20-year old fire truck. Prices have risen since 2004 and new emission changes have been added as of 2010. Some manufacturers have stocked up on the older style engines to be put in new trucks, even after 2010, thereby allowing them to offer new trucks at a lower price with the pre-2010 motors. He is expecting the cost of the new truck to be capped at \$300,000 and has received three quotes to date, one over the limit and two others a bit less, meeting all the requirements specified. He is still waiting for a quote from Valley Fire Equipment in Bradford, expected by the end of the week. Only one company will hold a motor until the end of June and the other will sell on a first-come, first-served basis. When a decision is made on the truck, the price will be locked in. The prices received do not include any trade-in of the old truck, but he has been told that the estimated retail value would be \$30-\$35 thousand. If the truck was used as a trade-in, that value would be estimated at about half of that. He indicated that there were plenty of companies around that would broker the truck at approximately a 10% commission. If all works out, the final cost of the truck should be around the same as the one bought in 2004. He also indicated that the new trucks purchased would have a life expectancy of about 25 years, opposed to the 20 years previously expected. There is about \$308 thousand in the Capital Reserve, with another \$48 Thousand voted at Town Meeting. Any funds from the sale of the old truck would have to go into the general fund, but could be put back in the fund next year by vote of Town Meeting. Deputy Chief Pouliot offered to share the specs with the Board, advising that all the specs have been met by all the companies. He indicated that Webster could lock into a contract to hold one of the motors. There is a discount if the truck is pre-paid, perhaps as much as \$10,000. He recommended that a performance bond that would cost \$1,500 to \$2,000 be put in place should this be done. There was a question as to whether the new truck with an older style motor would meet inspection needs. Deputy Chief Pouliot advised that the trucks were inspected twice a year and assured that it would meet all inspection needs. Selectman Hashem noted that there were often issues with any new models or designs, such as the new emissions after 2010. It would appear that a decision on the purchase of the truck might be made as early as the next meeting.

Deputy Chief Pouliot requested to sign up for the "Fire Inspector Certification Class" through NFPA in Quincy, Massachusetts as he does the fire inspections and would like to get the certification. The cost of the class is \$300 and the books are \$90. The cost includes the testing. He will get the information and obtain a Purchase Order. Selectman Hashem inquired as to whether fees for inspections were enough to cover expenses, which they are, indicating that this is one of the costs of doing business.

Road Agent Emmett Bean has been grading the dirt roads, noting the shoulders are still very soft.

Chairman Cummings referred to a letter received at the last meeting from Mr. Bean regarding the removal of cable and the disposal thereof from the salt shed. He was uncertain as to why the Town would want to contact DES as all that was proposed was to pull the cable back up the hill. Sue Roberts stated that they were told not to touch it until it was reviewed and inspected. Dave Klumb noted that beach cleaning can be done only out of the water and with the use of hand tools only in the protected zone. It was suggested to use a come-along, which is considered a hand tool. Mr. Bean said that if he took it out and he was reported, it could affect his insurance. After discussion, Chairman Cummings said to leave it, but did ask Mr. Klumb to take a look at it.

Treasurer Mary Smith provided her April reconciliation which agreed with Mrs. Pinkham's.

Gary and Betsy Shull advised that they were interested in building on a 15 acre lot on Little Hill Road at the point designated as Class V Seasonal Maintenance only. They met with the Planning Board in hopes of extending that portion of the Class V Road Seasonal by about 22 feet, which the Planning Board did not have the authority to do. Hence they are here to request that the Selectmen do so. Jere Buckley, Planning Board Member, indicated that there was confusion as to exactly why the sign is where it is. Tom Mullins, Planning Board Member, agreed that there was some confusion at the time the agreement was written, as it referred to 401 Little Hill. This property has since been subdivided and no longer abuts the stone wall directly across from the sign. Mr. Mullins has been to review the site, and saw no issue with the proposal to build a single family residence, indicating that it was however up to the Board to issue a building permit. He did however think that it would be an advantage to allow the Road Agent to turn around in the new driveway. Currently the turnaround is on the opposite side of the road where the sign is posted and is awkward at best. Any new driveway would have to meet the Fire Departments needs and regulations. Selectman Hashem inquired about future subdivision of this lot, which Mr. Mullins noted would require Planning Board approval. Chairman Cummings questioned if Mr. Bean would approve and it appeared he

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would. Selectman Hashem questioned how such a condition could be accomplished. Mr. Mullins recommended that an easement be granted to the Town from the Shulls. Selectman Hashem made a motion to allow the driveway as stated to extend at least 10 feet but not more than 30 feet beyond the existing sign, with an easement drawn up and recorded at the registry allowing the Town maintenance vehicles a turnaround, seconded by Selectman Johnson and approved.

Roy Fanjoy inquired of Selectman Hashem as to whether he still had an invoice for reimbursement in for his legal expenses. Selectman Hashem advised that he had requested to be reimbursed for this by the other Selectmen, but was refused, and has since put in a request for reimbursement through expenses, which he felt was valid. Mr. Fanjoy thought he should have been reimbursed from legal expenses through the Town and proceeded to explain his reasoning. The history presented at previous meetings was reiterated regarding Selectman Hashem's appointment to the Planning Board, the statute pertaining to the appointment, how Chairman Cummings was informed of the appointment sheet while at the office of Town Counsel and the final decision. Mr. Fanjoy said that he was just stating his feeling for reimbursement. Mrs. Roberts stated that she and Mr. Bean knew of the statute as Mr. Bean was the alternate for Selectman Hashem and had discussed it with their attorney. Chairman Cummings noted that the records of Board appointments were not always clearly stated, noting the Board will be more careful in the future and suggested that we move on tonight.

Mr. Fanjoy inquired as to why Selectman Hashem had changed his mind about his earlier recommendation that there be no stipend paid to the Selectmen. There was no further discussion on this subject.

Ellen Kontinos-Cilley presented written copies of her research relative to her written request last October whereby she requested that the Selectmen retain the audio tapes of the meetings for a period of up to two years. She acknowledged the e-mail read at an earlier meeting from Town Counsel recommending that the tapes not be kept once the written minutes were approved. She contacted 33 Towns, read the results of how minutes were maintained and talked about the pros and cons expressed to her by those officials she talked with of keeping the audio tapes. She noted that 66 % of the Towns contacted go over and above the requirements. Chairman Cummings, referring to the case law mentioned by Mrs. Kontinos-Cilley, noted that anyone can record or video any meeting. This issue will be put on the next agenda for a decision. Selectman Hashem recommended that research be done of other Town's policies and procedures regarding minutes, which will be done.

Chairman Cummings advised that copies of the Settlement between Gamil Azmy and the Towns of Webster and Warner are now available as it was officially signed by the court last Friday. He explained the process leading up to the settlement which is now enforceable through the court.

Selectman Johnson made a motion to appoint Mark Lorden as Alternate 5 to the Planning Board; seconded by Chairman Cummings. Selectman Hashem inquired as to whether there were recommendations made by Planning Board Chairman Cliff Broker. He spoke to Mr. Broker this evening who spoke in favor of Greg Peck, advising that he had attended meetings and showed an interest. Selectman Hashem then nominated Mr. Peck. There was no second to this motion. The vote was two in favor of Mr. Lorden and one abstained. Selectman Johnson made a motion to appoint Meg LaValley as Alternate 5 to the Zoning Board of Adjustment. Selectman Hashem spoke in favor of Dave Klumb, inquiring as to any input from ZBA Chairman Martin Bender, as he was interested and well qualified and would make an excellent addition. There was no second to this motion. Chairman Cummings then seconded Selectman Johnson's nomination of Meg LaValley. The vote was two in favor and one abstained.

After discussion of the previous quotes for a new hot water heater, the Board decided to seek quotes for a regular propane heater and check on the cost for the installation to be discussed at the next meeting.

The meeting with the Hopkinton Board of Selectmen has been tentatively set for June 20<sup>th</sup> in Hopkinton. Barbara Corliss inquired about any new deeds to the landfill property adding Webster, which have not been done. She indicated that the Committee intends to complete the revised ordinance, which addresses trespassing, at their next meeting the first of the month, indicating they expect to have it ready for signatures after that meeting. There was discussion regarding trespassing issues. Chairman Cummings referred to a court case a number of years ago relative to folks on an OHRV getting hurt, which resulted in a lawsuit against both towns and the operator working at the landfill at the time. The folks were successful and were awarded \$25,000 to \$35,000. Selectman Johnson requested that copies of the revised ordinance be provided to the Board prior to any meeting in Hopkinton. It was noted that any new deeds to be drawn up that would add Webster would be drawn up by and signed by Hopkinton.

The Board reviewed the quote for repairs needed at the Town Hall as presented at the last meeting. Selectman Hashem made the motion to take \$1,133 from the Town Hall Capital Reserve, established in 1991 for this purpose, to make the listed repairs; seconded by Selectman Johnson and approved.

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Selectman Hashem recommended paying a modest fee to someone to prepare the bid specs for the roof at the Town Hall, recommended that they be given a copy of the original specs prepared. It would be best if it were someone not interested in bidding on the job. He recommended that the Board meet with this person, perhaps inviting Bob Lake, walk around and have the Board approve the specs and then that would be what would be sent out for bids, with no changes accepted. Once the bids are received, if they are not according to the specs, they would be disqualified. Chairman Cummings agreed that the Board should meet with the person to go over the details to be sure that it is what the Board wants and nothing is left to chance. Selectman Hashem inquired as to what would be fair compensation for drawing up specs. Butch Thornton indicated it would take about a half a day of work. There was further discussion. Selectman Hashem indicated he wouldn't mind if two folks drew up the specs to which the other Board members agreed. Ms. Corliss again recommended the walk through process with the bidders as was suggested at the last meeting, to which the Board agreed. Mr. Thornton said he was willing to work on the specs, though he didn't see a conflict if the bidder did the specs. There was further discussion on past and current processes used. Mr. Lake was invited to join the process. Chairman Cummings will check with those names recommended to write the specs to see if they are interested and he will call Hamilton Building Supply, as they had been asked to prepare some specs, informing them of the Board's decision.

Information was brought to the attention of the Board regarding the withdrawal of an application to the Zoning Board for a variance for a property on Lake Road, indicating that the work had already commenced. As the Board is the enforcing agents, Chairman Cummings will get copies of the application, the drawing of the plans; will talk to ZBA Chairman Marty Bender, and will drive by the property to review the issue. If necessary, a letter will be sent to the owner of the property.

Gordon Welch inquired about the surplus pistol discussed at earlier meetings, asking what the Board plans to do with it. Chairman Cummings said that they would discuss it at the next meeting. Mr. Welch also requested that the Board recognize folks in the audience as several had held their hands up without being recognized. Chairman Cummings advised that there would be time for the public after the agenda was completed.

Mrs. Jones and Carol Creighton will attend the annual Trustee of Trust Funds Workshop in Concord in June.

Selectman Craig Saltmarsh, from the Town of Boscawen requested a contact name to perambulate the Town Lines. Selectman Johnson offered to be the contact. Former Selectman Klumb indicated that the perambulation with Salisbury was never completed as they could not locate the north boundary between Salisbury, Webster and Boscawen, indicating that it might be located when working with Boscawen. Mrs. Jones noted that no paperwork had ever been completed for the Salisbury perambulation. Mr. Klumb indicated that he could provide notes.

Selectman Johnson advised that the Salisbury Selectmen's minutes indicated that they are talking with Boscawen regarding shared services. As Selectman Johnson indicated he was willing to spend time on this issue, Chairman Cummings recommended that he look into the subject and report back to the Board. Deputy Chief Pouliot gave the example of when Webster and Boscawen purchased a fire truck at the same time resulting in a savings to the towns.

Town Hall security and reimbursements were on the agenda, but will be discussed at a later date.

Mr. Klumb inquired about the two apartments in the Pillsbury Lake District that the Town was following that are in violation, asking about progress. He was advised that a letter was received from the owner of 433 Deer Meadow Road indicating that the apartment was no longer being rented and that the owner was living alone. Mrs. Jones had requested that the assessors review the property, but has not had the cards returned. Mr. Klumb referred to 10 Webster Lane that was advertised as having an in-law apartment and has now been sold. Mrs. Pinkham spoke with the new owner, who did not indicate that an apartment was being used. The Board requested that the assessors go to the property, which could be done this summer, to see if there is in fact an apartment.

Martin Bourque recommended that once the Board develops a bidding process that a policy be written. The Board agreed that it should be a separate policy. He then asked Selectman Johnson as to how the grant writing he indicated he would do was coming along. Selectman Johnson indicated that he has been going to meetings of Boards and committees; was attending a workshop presented by LGC tomorrow and that he would be meeting with Chief Colby by the end of the month. He expects to be starting within the next few weeks, after having a chance to get his feet wet as a Selectman. Mr. Bourque also inquired as to whether the Board read the minutes from other Boards and committees. Mrs. Jones will send all the minutes to the Board to which she has access.

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9:02 P.M. Selectman Hashem made a motion to go into non-public session pursuant to RSA 91-A:3 II (a) to discuss personnel issues; seconded by Selectman Johnson. Roll call: Chairman Cummings – yes; Selectman Hashem – yes; and Selectman Johnson – yes. Police Chief Dupuis was asked to join the Board.

9:24 P.M. Chairman Cummings reconvened the meeting. He advised that the Board discussed personnel issues. He advised that the Board completed an evaluation and voted to seal the minutes. Chairman Cummings will write the minutes of this non-public session.

9:25 P.M. Selectman Hashem made a motion to adjourn the meeting; seconded by Selectman Johnson and approved.

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George C. Cummings, Chairman

George K. Hashem

Bruce G. Johnson

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