

TOWN OF WEBSTER
Office of Selectmen
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Webster, NH 03303
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Webster Board of Selectmen's Meeting – September 21, 2009

7:00 P.M. Roll Call – Present: Chairman Thomas Mullins, Selectman David Klumb and Selectman George Hashem.

The Board signed the payroll check and vendor manifests.

Selectman Klumb made a motion to accept the minutes of September 8, 2009, as written; it was seconded by Selectman Hashem and approved. Selectman Hashem made a motion to accept the minutes for September 18, 2009, as written; it was seconded by Selectman Klumb and approved.

The Board signed the following:

- MS-1
- Intent-to-Cut
- Letter for Town Clerk acknowledging that she is the Municipal Agent for the State Department of Motor Vehicles

Financial Administrator Wendy Pinkham distributed the MS-4 for review. Anticipated revenue numbers have been revised. This form is used to help set the tax rate. Ms. Pinkham will complete, sign and send to DRA.

Lieutenant Mitchell presented the semi-monthly police report. A purchase order in the amount of \$1500.00 to replace the transmission in the 2005 Crown Victoria for Police Department was presented. Selectman Hashem made a motion to approve the purchase order; the motion was seconded by Selectman Klumb and approved. Selectman Klumb made a motion to remove an amount not to exceed \$1,500.00 from the Police Vehicle Maintenance Expendable Trust Fund to pay for the transmission. The motion was seconded by Selectman Hashem and approved. The Lieutenant reported that the Police Department has received three (3) donations: \$100.00 gift card to Staples from Bruce Johnson, \$100.00 gas card for Cumberland Farms from an anonymous donor, and \$50.00 gas card for Cumberland Farms from Dave Barrett. Selectman Hashem made a motion to accept all three (3) gifts. The motion was seconded by Selectman Klumb and approved.

Chief Pouliot was not in attendance, but had submitted a copy of his Forest Fire Warden Evaluation and the 2010 Forest Fire Warden/Deputy Reappointment Form which was signed by the Board to be returned to the State.

Road Agent Emmett Bean reported that the first phase of the paving on Pearson Hill Road was completed last Thursday and the last coat should be finished on Wednesday.

Brenda Silver reported that there was no news from the Cemetery Commission.

The Board gratefully acknowledged the many years of service from both Alan Hofmann and Pat Inman who have recently resigned from the Planning Board and Zoning Board respectively. Thank you notes will be sent.

The following residents had requested to speak before the Board:

Dave Batchelder stated that in years past the Town had voted to build up the Police Department with a goal of 24/7 coverage. At last Town Meeting, however, residents seem to have lost faith and/or were watching their pocketbooks. He noted that Selectman Klumb had warned residents at Town Meeting that any cuts would hurt and now they have. Being an ex-Selectman, Mr. Batchelder reviewed the budget in the hope of finding some potential savings. He does not agree with the suggestion of taking money from the legal line. Even though the Campground is scheduled to be auctioned, the bankruptcy judge could reinstate the lawsuit at any time or at auction a buyer can ask the Court for a "Quiet Title".

Mr. Batchelder did not see any available money in the Highway Department; if we have four (4) snowfalls in November and December and one (1) ice storm we would be broke. He also spoke against the suggestion to close the Town Hall offices. Right-to-Know laws require minutes to be written and posted, MS-4 forms have to be prepared and sent to the State to set the tax rate, next year's budget has to be drawn up, etc.

After his review, Mr. Batchelder felt that there is no available money to be spread around. He did state that he felt there would be savings to be realized if the Board negotiated cooperation between Towns.

Mr. Batchelder also stated that the Selectmen have the authority to accept gifts but not to expend them. He didn't understand how the Board could have agreed to accept and use the gas cards presented to the Police Department. Chairman Mullins explained that we could not spend any money that was donated, but we were accepting the gift of the gas not money.

Bruce Johnson asked Chairman Mullins if he had the response to his question as to what the Town's mandatory responsibilities are. Chairman Mullins read a response from Town Counsel. Attorney Mayer stated that municipalities are not required to provide police services; they are required to provide welfare assistance, maintenance of Class V highways, municipal officers e.g. selectmen, tax collector, treasurer and town clerk. In contrast the positions of Police Chief and of Police Officers are discretionary. There is no statute that requires them.

Mr. Johnson again presented the petition regarding Police Department staffing with an additional 91 names.

Mr. Johnson questioned the amounts of \$5,696.84 in Town Hall repairs line and \$9,724.96 in legal /Town Counsel line. The Board acknowledged that the repair line item is one that has been flagged as having potential savings but that Campground suits are still on-going. Mr. Johnson asked if money was moved out of the legal totals and was needed later on could it be taken from the Legal Expendable Trust. It was explained by Chairman Mullins that the Trust can only be used when the legal fund is exhausted or for something new or unplanned.

Mr. Johnson also questioned what happened to the money remaining from Officer Killary's benefit package.

Chairman Mullins explained that the Board had reviewed the balances in the budget, line by line to identify potential areas of available money and also to identify money that will be needed prior to December 31. Officer Killary's benefit money is one area identified as available. This review process will be discussed further as the meeting proceeds, but it is apparent that there will be more areas where funding is required than there are savings. Two (2) particular areas of need are the Highway Department and the Fire Department both of which we are required to fund. Mr. Johnson disagreed that funding the Fire Department is required.

Mr. Johnson stated that in his opinion the "needs" should be what the people have requested the Board to do. Selectman Klumb stated that, first, needs are those which we are statutorily required to provide

Chairman Mullins said we cannot create money out of nothing – if the money is not there we can't do it – this is what we will be doing tonight, seeing if there is any money available, and closing the Town Hall is not a viable option. Mr. Johnson strongly disagreed.

Dee Blake asked and was granted permission to use the field next to the school on October 24 for an Oktoberfest being held by the Church to include carnival type rides and entertainment. A certificate of insurance will be provided naming the Town as an insured.

Ms. Blake reported that she had discovered at the School Board meeting that the schools will be returning \$1,300,000.00 which will help to reduce tax bills in the five (5) participating towns.

She asked if the Board was planning to work on the budget tonight. Chairman Mullins responded that they will be reporting on their review of the budget. Ms. Blake asked if anyone had requested a payment schedule for their taxes. Nothing has been reported to the Board. She also disagreed with Chairman Mullins about his opinion on the legal expendable trust. Chairman Mullins responded that his information had come from Town Counsel

Mark Lorden who had requested to speak was not in attendance.

George Cummings suggested that in his opinion, as someone who was in charge of Welfare for a long time, there is some extra money in the Welfare line.

Mr. Cummings read a prepared statement that was in response to Chairman Mullins' statement of September 8. Mr. Cummings presented that the intent of the Town Meeting vote was to cause an across the board reduction in the budget not a vote to reduce the Public Safety budget. He also stated that most experienced managers would have taken the same action as Chief Milano did when laying off the less senior officer. Mr. Cummings statement also alleged that Chairman Mullins citing of RSA 105:2-a was misrepresented.

In response, Chairman Mullins stated that neither he nor the Board had ever meant to question the Chief's authority to lay off the other officer but that the Chief's assertion that he was bound by Town policy to keep the Lieutenant was not correct. Since he had been

previously questioned on this matter, Chairman Mullins sought legal advice from Town Counsel. Attorney Mayer stated that there is no reference in the policy to using seniority as the basis for a layoff.

In reference to Mr. Cummings' interpretation of the phrase cited from the RSA's "economical use of all department equipment, Chairman Mullins responded that he believed that in case law equipment included people. He would research the matter and report back. Resident Sue McGinnis, a lawyer, stated that if the Supreme Court had interpreted equipment to include people it would be accurate to cite that statute.

The Board presented their findings after reviewing the budget to identify any possible savings and potential areas of need. When looking ahead, it is hard to quantify some areas. For instance, the Fire Department requirements depend on how many fires occur and the Highway Department depends on how many snow and/or ice storms we have. Therefore, some historical data was used to try to come up with a conservative number.

Chairman Mullins bottom line for potential savings was \$22,600.00; however, the total for needs was \$36,700.00. This would mean a shortfall of about \$14,000.00.

Selectman Klumb came up with \$64,000.00 in needed funding. After he identified potential savings, this would result in a shortage of about \$12,000.00.

Some of the areas Selectman Hashem targeted as having potential savings were auditors, retirement, website, Town Hall maintenance and welfare. He came up with \$28,000.00 in savings. However, his review showed potential needs in the amount of \$60,000.00 with a shortage of about \$30,000.00. One area of need that Selectman Hashem identified using a higher number than Chairman Mullins and Selectman Klumb was in the Highway Department. After the "road tour" on last Friday it was discovered that a number of washouts had occurred due to the heavy rains; this caused Selectman Hashem to project needed funds for the Highway Department in the amount of \$42,000.00.

Chairman Mullins summed up that at the end of the day, we have no extra money; the best of the projections show us being \$12,000.00 short – and this is being conservative. We will have to be lucky – or we're in trouble.

In response to Chairman Mullins' statement that we have no obligation to provide a Police Department, Lieutenant Mitchell stated that he thought once the Town had voted for a full-time Police Chief and Officer that then the Town was required to have them. Chairman Mullins said he does believe we need a Police Department; his response had been to correct a statement that there was an RSA requiring a Police Department.

Lieutenant Mitchell also asked why, if a letter was sent to all Department Heads concerning the revised budget saying it could not be overspent, how is it that the Highway Department and the Fire Department can be short? It's like the Police Department doesn't even matter; it seems the Police Department is always the first to go. They should each be equally important.

Chairman Mullins responded that we don't have enough money to reapportion it now; we will have to wait and see. It will be right down to the wire.

Selectman Klumb agreed with Lieutenant Mitchell that all departments are equally important; but that the problem is that we don't have enough money.

Chairman Mullins stated that one of the differences between the Police Department and the Fire Department is that there is very little salary and benefit money in the Fire Department since it is mostly volunteer staff – most of their budget is for equipment.

There was some discussion regarding the necessity of some of the roads' expenses. While with retrospect some things could have been done differently, things we don't do today will come back to haunt us.

Resident Martin Bourque asked if the Town had reached the point where we were being funded week-to-week. Selectman Klumb responded that, at this time, cash is not the issue but the budget is.

Chairman Mullins stated that this is the end of the discussion for now. We will revisit the issue every two (2) meetings, even more frequently as it gets later. We are already two (2) months behind in discussing next year's budget.

Resident Allan Davis from Potash Road spoke as both a resident and the Operations Supervisor for the State's 911 system. He is disturbed by the discourteous behavior shown by some of the people in the Town. He doesn't feel that everyone is working together and that the debate has become too personal.

Mr. Davis also spoke in support of Emmett and Sue. He said they have been unfairly scapegoated. We need the roads so the other emergency services can do their jobs.

Regarding State Police coverage, Mr. Davis shared a very distressing story in which the 911 operator stayed on the line with a 17 year old girl for 1 ½ hours waiting until they found an off-duty police officer from a neighboring Town to arrive when no local officer was on duty. The only State Policeman available was on a serious crime in Lebanon. Mr. Davis warned everyone to think of the real world possible ramifications of what may happen if we can't fund Lieutenant Mitchell's position.

8:37 p.m. Selectman Hashem made a motion to adjourn, seconded by Selectman Klumb and approved.

Thomas S. Mullins

David E. Klumb

George K. Hashem

BOS/ms