

**Official
As of 12/18/08**

**BUDGET COMMITTEE MEETING
MINUTES
Hooksett Town Hall - Council Chambers
35 Main Street
Thursday, November 6, 2008**

CALL TO ORDER

J. Pieroni called the meeting to order at 7:00 PM.

ATTENDANCE

Chairman J. Pieroni, Vice Chair J. Danforth, M. Miville, J. Marasco, K. Hughes, D. Argo, JR Ouellette, W. Gahara, D. Pearl, N. Comai, S. Doyon, and M. Pischetola

S. Doyon arrived at 7:05 PM

Staff: D. Jodoin, Town Administrator and C. Soucie

Chief Agrafiotis

Police Commissioners: H. Roy, D. Gagnon, and M. Maksalla

APPROVAL OF MINUTES

October 23, 2008

J. Danforth motioned to accept the minutes of October 23, 2008 as presented.

Seconded by J. Marasco.

Vote unanimously in favor

D. Argo abstained

J. Pieroni publicly thanked D. Jodoin for all his work for the town in particular the work done at the new town hall.

BUSINESS

Police Commission

History of the creation of the Police Commission:

1975 legislation was passed to create the police commission. The town then passed it.

That pre-dates the town's adoption of a Town Council and Charter format. Letter from the Secretary of State stating even though there is RSA 105C, it does not apply, Hooksett law 412 applies relative to the Hooksett Police commission.

The issues between the commission and the budget process have arisen since 2001.

There is 2001 letter to M. Farrell from the town attorney. It states the "the Police Commission is vested with the authority to manage the affairs of the Police Department, it may exercise that authority in a manner it sees fit, without interference by the Town Council, but within the limit of funds appropriated by the Town Meeting

It continues to point out it was created by the legislature and the Charter doesn't supersede that. "While police commissioners may be subject to the standards of conduct enumerated in the Charter, these commissions have authority vested in them by State Law, and the Council may not interfere with that authority." The Commission has

authority to spend the monies appropriated by the voters without interference by the Town Council. That is clear. This is an ongoing issue, however there was a letter that came up last year regarding who will present the police budget to the Budget Committee. The essence of the letter from the town attorney to the town administrator is while all the elements of the municipal budget act apply to the police as is does to all other departments and the budget is Council budget, and should be present with the police budget. Members of the commission have a right to come to the budget committee and present it's ideas.

Chief Agrafiotis: We have always presented our budget to the Council like other departments and they present to the Budget Committee and we are present to answer any questions. Communications is one of the five divisions within the Police Department.

J. Pieroni: Chapter 32 of the municipal budget act, the section on the police statute, which doesn't apply to Hooksett.

The duties of the budget committee are to prepare the budget including the village and school districts and the town, confer with officials and discuss to the extent necessary. It is the duties of the governing body to submit recommendation to the budget committee and include the purpose for which each appropriation is sought. All purposes included shall be disclosed at the final hearing. After that, the budget committee cannot include any items not disclosed. The Council presents their budget including police and sewer, we accept that budget, then confer with the Council or School rep and other town officials to consider the budget and alter if necessary, then once approved we present at a hearing to the public and we can then alter, but not add unless discussed at the hearing. We then make a final recommendation, which goes on the warrant. That goes to the Town Meeting (deliberative session 1). The voters can alter, within certain limitations, and then it goes on to the voters at session 2.

An Appropriation is: an amount appropriated for a specific purpose by the legislative body.

M. Miville: Are the appropriations line items?

J. Pieroni: You can have a detail line item budget, but in the end it is a bottom line budget.

D. Jodoin: After it goes to the voters, it is a bottom line.

C. Soucie: The MS 7 is the purpose to spend on a particular function. There is a deeper purpose, within a department, which is different.

J. Pieroni: A couple of issues with the police budget: The shooting range developed by the police department and the new sign located on Route 3. Was that money ever presented to the budget committee or the people that there was an intent to spend?

S. Agrafiotis: We have a line "range improvements" in the budget. It had \$1.00 in it.

J. Pieroni: When was that built?

S. Agrafiotis: That land has been owned since 1988 by the sewer and they allowed us to use it. We have expanded with fences and we have a storage shed. We replaced a mobile home with a shed. We now have built a three-sided building.

J. Pieroni: Was that ever discussed with the budget or voters?
It was spent out of last year's budget.

S. Agrafiotis: There was a line and that expense was not contemplated then.

J. Pieroni: Buildings a built with taxpayer money without coming before this committee who is charged with reviewing it and the taxpayer has not weighed in on it...

S. Agrafiotis: We have a line for range improvements and we had money left at the end of the year. With short staff, we look for areas to improve the department without overspending the bottom line. We have the authority to do that.

J. Pieroni: Town buildings have a separate budget.

S. Agrafiotis: It is not really a building.

K. Hughes: If you had not used the left over funds, it would go where?

S. Agrafiotis: Back to the general fund.

M. Miville: It states in the Town Charter that the town administrator is to be made aware of all unexpended money.

S. Agrafiotis: The Council can only do something with police budget if they do the same with all budgets (like for an emergency)

J. Pieroni: What about the sign?

S. Agrafiotis: The sign has a long history. When the building was built, Sandra Oliver, who was Budget Committee chair, raised the issue that there was supposed to be a permanent lit sign and additional lights at the entrance. The town only allocated a certain amount of money and the Boy Scouts made a sign for lack of one. The Council was supposed to go back and put a permanent sign. That never happened. We also made improvements for safety. After Chief Oliver died, Sandra Oliver took a tour with Jim Oliver's relatives and being a member of the original building committee, she was disappoint at the level of disrepair. In April of 2007 Commission minutes, the Council renamed the Safety Center. August 21, 2007, Police Commission stated that the renaming was moving forward and the Legion donated \$500.00 for the engraving. The Town would move ahead to fix the building. May 2008, Town Council minutes, Councilor Werksman brought forward that the Commission wanted to move forward with the sign with the funds provided by the police budget. We offered that if they wanted the project done, we

(the Police Department) had money in our budget to do that. The motion was made and voted on May 14, 2008. On May 27, 2008, at a Police Commission meeting, P. Loiselle stated that the Council supported the sign and the authority to expend the money. Meetings were held where it was decided to keep the current sign and place it further back on the property. June 17, 2008, the company that was already doing work for the town, gave us a bid of 33,000 to build, design and place the sign, which included the electrical work. The sign had to be moved back out of the right of way. The old sign would be moved. A motion was made and voted unanimous by the police commission to accept that bid for the sign project.

J. Pieroni: One bid?

S. Agrafiotis: We were already working with this company and felt they had the experience to work with PSNH. We were also trying to get it done before the end of the budget year.

M. Miville: Are the old and new signs the property of the town or the commission?

S. Agrafiotis: The town and we funded it because the town didn't have the funds.

J. Pieroni: The Administrative code states anything beyond \$500 and over \$7500 requires 3 bids and the approval of the Council

S. Agrafiotis: We have advice of Mayer that we do not need to adhere to that.

J. Pieroni: Do you have a policy on required bids?

S. Agrafiotis: There are so many specialty items that we cannot get 3 bids. There have been times when we have gotten 3 bids like the recording system.

J. Pieroni: What line did this sign come from?

S. Agrafiotis: The miscellaneous line. Many times we use this line for building repair and maintenance issues.

K. Hughes: How much is the miscellaneous line usually?

S. Agrafiotis: \$13,000 to \$15,000.

K. Hughes: If you overspend, where does that money come from?

S. Agrafiotis: Other lines. We prefer to overspend lines so we show where the expenditures have been.

J. Danforth: Is all maintenance up to date now?

S. Agrafiotis: It is up to speed now. The goal was to address the issues with the building. Past budget committee wanted the building maintained. The town wasn't setting aside money so we started the conversation with the Commission and the Council to address the deficiencies. Now, a lot has been addressed. People forget that the building is in use 24 hours a day, 7 days a week.

J. Pieroni: Is it fair that the money came from the officers, which were not hired?

S. Agrafiotis: We didn't not hire people in order to do those projects.

J. Pieroni: If there is money left, we are spending money on the range and signs, which were never discussed. The range is very secretive. I've never heard of this area, or a fence.

D. Gagnon: Putting safety issues to vote rather than taking action... That range is use constantly, the equipment is required constantly, and the breaking in has been an issue. Where do you want us to discuss it?

J. Pieroni: Here, you need to present these issues to the budget committee and the voters. Ultimately it is the voter's decision if they want a firing ranging. Money is put in the budget for officers and one year we bumped it up for officers and then the money is taken and spent somewhere else that was never discussed. We have to have these officers, and then spent the money on something never discussed. It is the people's money and they have a right to know.

S Agrafiotis: Given the nature of our work, we can't always anticipate what will be needed at budget time. The tazzers weren't in the budget and with safety concerns, we used money for tazzers and that wasn't brought to the voters. This was a safety issue. That equipment wasn't discussed with the citizens. There is a level of issues, which need to be discussed with the voters, and others, which are safety issues that pop up during the year.

J. Pieroni: The range isn't something that has to be dealt with at that time.

H. Roy: We are dealing with \$16,000 and it's not a building. We had vandalism problems at that site. We would have spent more on a liability than the cost of the fence.

D. Gagnon: Was the air conditioner in this building discussed or presumed?

J. Pieroni: This is a whole new area, which never has been discussed. In the minutes of September 16, the finance requested information and the chairperson motioned not to provide the information.

D. Gagnon: We paid for the air conditioning in this town. We hold off to meet our needs and then we return plenty of money. Every year this happens, this year we waited until

the end to turn over money. We are going into a default budget, which wouldn't cover fuel. That is why decisions are made when are closer to the end.

N. Comai: Is the fuel under contract? It would then be included in the default budget.

S. Agrafiotis: We buy from the State.

S. Agrafiotis: I can remember issues with Councilors and Administrators pushing to the edge. There always is a rub that the Council and Administrators can't control the police and we try and keep the politics out of the department.

H. Roy: We were very diligent in looking at Jutras Signs and we were comfortable with the presentation.

S. Doyon: I think you should go forward with the sign, it not only is aesthetically more pleasing but also a safety issue in people's ability to find the safety center.

S. Agrafiotis: I would love it if the Council and budget committee would look at the maintenance of the building. We have had to fight to get air filters. If the town was doing their part with the buildings and the sign, and we felt they would look at doing their part with improving the range, we wouldn't have to do this stuff. I give David a lot credit with all he did with limited funding both with the Safety Center and this building.

D. Pearl: Is it my understanding, if the town paid (Council) it would have gone to bid?

D. Jodoin: I put out for 3 bids anything over \$7500.

D. Pearl: I would have been more comfortable with bids. If we were following the correct procedure, we would be more comfortable.

M. Miville: Why was the police commissioned involved in putting up a sign? Why were you looking at where to put it and how to design it? It is not the purview of the Police Commission, but turn over the money to the Town and let the Town Administrator handle it. The statute states that the Police Commission is to be only involved in police and safety matters. You have more important things to be concerned about than the Safety Center sign and maintenance problems.

S. Agrafiotis: Since they couldn't get the job done, we did it. All money returned to the town must go back to the General Fund and can't be expended by the Town.

M. Miville: This is why this issue is coming up now. We are hearing around town that we need more transparency and accountability in government. We don't know how much it cost and how it got there. If we had transferred the money, it would have been more transparent.

S. Agrafiotis: It is all in the minutes. If people read the Council and Commission minutes, they would have known what was happening.

J. Pieroni: The voters had no say and the money came from funding that was suppose to be spent on officers. And when you read that you don't even want to send a letter to explain how the money was spent. The Range is different from a Tazzer, which is part of the gear within the police department. Ranges on Sewer department land and signs we don't know about and then turning around and saying we won't tell the town about it. The report was to come from the town on how money is being spent. The Council rep represented you.

S. Agrafiotis: P. Loiselle gets all the same packet information that all the commissioners get.

J. Pieroni: It doesn't look good when you don't want to send a report to the Finance Director or the Administrator, it fosters distrust. Why would you NOT send that information?

S. Agrafiotis: We would rather come here and explain. We don't want information filtered through town hall.

J. Pieroni: Why would someone refuse to send the information to the finance department who handles the money and the budget. It creates a bad atmosphere.

N. Comai: How do we move forward from here?

J. Pieroni: We need to be more vigilant. I would like all reports requested by the Finance Department be forward to them and then to us.

S. Agrafiotis: I think a member of the Budget Committee should come to the commissioners meeting.

J. Pieroni: We are not required but may attend. We would like any request by the Finance Department to be provided.

K. Hughes: Could this report come directly to the budget committee without going through finance.

Agrafiotis: Last year there was question whether the police commission goes through the Council or directly to the Budget Committee.

J. Pieroni: It was established by Attorney Mayer that they bring budgets to Council and all information requested should be forth coming.

K. Hughes: I appreciate the explanation of the commission. I hope that it doesn't turn out to be like children fighting in a sandbox. We all work for the betterment of the town.

S. Agrafiotis: I have seen with past Councils, attempts to circumvent the process by asking us to do things that are illegal. There is some distrust of town hall. If something is asked of us, we are always looking at why.

J. Pieroni: Can you get us how much money has been spent on facilities out of your budget in past years.

S. Agrafiotis: We agree, we shouldn't be fixing the building. No matter who the administrator is they need the money for the buildings.

J. Pieroni: Include the fence and the range in that figure. Do most towns have ranges and what was done prior to the range?

S. Agrafiotis: We had access to Riley's range in the past and prior to that, I'm not sure. Then the sewer department offered their land in the mid 80's and we accepted.

B. Gahara: I would like to see the last five (5) years of maintenance for buildings. The history should be broken down by year to get an average. That figure should be put back in the budget.

D. Pearl: Theoretically, shouldn't that money go back to the general fund and then the town could decide to spend the money on the appropriate building.

S. Agrafiotis: Administrators have said, take care of the building yourself, we don't have the money.

J. Pieroni: We need to get you out of the building issues and on the job you were hired to do.

JR Ouellette: How often is the range used?

S. Agrafiotis: When the training budget is there, we try and have the officers go once a month; with a default budget, we go about once every three months. The fence stopped the vandalism. The issue with the highway director was they made the burms bigger and the ATVs had more access. The fence was needed after the expansion.

J. Pieroni: The voters should have a choice of whether they want that range. Do other towns use that range and are there other options for a range.

S. Agrafiotis: No, this is only for Hooksett. There would be too much liability.

J. Pieroni: What are the other options?

S. Agrafiotis: There are indoor ranges in Manchester but they cost. They also can't run around in an inside range. There are numerous court cases where towns have said we don't have the funds for the training and that has failed.

J. Pieroni: It would be nice to know this.

J. Pieroni: D. Dickson (Town Council Chair), do you have any recommendation on how this can work better?

D. Jodoin: Get everyone together on process uniformity.

J. Marasco: The chief has had to use his money to repair buildings and take that away from officers. Unless the Budget Committee had gone to the police chief in the past, and the sign is now front and center, it is part of the police department's provisions. It sounds like we have in the past asked the chief to use his money. We have relied on him in the past to use his money and we are now trying to ask for answers on the sign, which is different from things in the past.

"It appears that the Town has asked the Chief to utilize surplus money in various accounts for building repairs in the past when in fact the money had been dedicated for actual "Police operations" functions. In the past it appears that usage of police operation monies was accepted; however due to the fact that the sign is highly visible for all to see and the price associated with it, the issue of using surplus monies from other police accounts to pay for building-related items has become a topic for discussion. Several weeks ago, Dr. Littlefield stood before us and advised that each monetary request within the SAU is sent to him via computer and he personally approves or denies the requests. It would appear in this technological age that an e-mail from the police department to the budget committee and town council prior to a purchase may prevent this issue from occurring in the future."

D. Dickson: We know we have 21 million dollars worth of buildings. We will be looking for appropriations with the building fund. We know about it and are trying to move in the right directions.

D. Jodoin: We all know that the building has had issues, which include the sod, the roof and the hoist tower.

The hoist tower – bids are \$35,000. The bricks are separating. That is going to the next Council meeting. We have \$85,000 in capital reserve.

D. Argo: As the school rep, we are disappointed about the SRO. Is there a line for the SRO?

S. Agrafiotis: There is a line for supplies only. It is a program we support but it is contingent upon interest and manpower.

D. Argo: It is a manpower issue?

S. Agrafiotis: I can only explain the personnel issues in non-public session.

J. Pieroni: What are your staffing issues?

S. Agrafiotis: 28 of 29 filled positions and other personnel issues that I cannot discuss publicly. The dispatch side has personnel issues as well.

D. Pearl: Procedurally, money left over, before it is returned to the general fund, is there any restriction on how that can be spent or moved around before they must return it to the general fund?

J. Pieroni: As long as there was an appropriation, they can move the money around. If it goes to the general fund, it is only at the end of the year, and it will then go to offset the taxes. It cannot then be spent unless it is encumbered.

The Council can move money from department to department, but the Council cannot spend the police money.

N. Comai: My concern is for the police when they put down they need two more officers, it will be difficult to get those officers.

J. Pieroni: One way to address those officers, is if they put the additional officers in a warrant article and then that money can only be spent on officers.

D. Jodoin: One way to get transparency is to adopt a procedure for purchase orders, and bids as well as sealed bids.

ADJOURN

The chairman declared the meeting adjourned at 9:00 PM.

Respectfully submitted,

Lee Ann Moynihan