

Official

TOWN COUNCIL MINUTES Regular Meeting Wednesday, July 23, 2008

CALL TO ORDER: Chairman D. Dickson called the meeting to order at 6:30 pm.

PRESENT: William "Bill" Gahara, James Gorton, Paul Loiselle, George Longfellow, Michael Pischetola, David Ross, Patricia Rueppel, Nancy VanScoy, Chairman David Dickson, David Jodoin (Town Administrator)

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

July 9, 2008 – ***G. Longfellow moved to approve the July 9, 2008 minutes as presented. Motion seconded by W. Gahara. Motion carried.*** D. Ross abstained, not present at the meeting.

PUBLIC INPUT:

David Hess, 68 Pine Street: When the Charter was being drafted, I was on the commission. The idea was to completely separate the Town Council and the Town Administration. We wanted to have a Town Administrator that was trained and professional. On the other hand the Town Council, as elected officials, would serve as Board of Directors for the Town.

Mr. Hess quoted Section 1.2 of the Charter, "*...except as expressly authorized by this Charter, no Councilor shall participate in the conduct of the administrative affairs of the Town.*"

In the past, the Council Chair has served as an Interim Town Administrator, which was a violation of the Charter.

Note: The Town had an Assistant Town Administrator until January 2005, when the position was eliminated and the position of Human Resource Coordinator was created.

G. Longfellow: Do we need to change the Charter in order to appoint an Assistant Town Administrator?

D. Hess: I don't think you have to identify every Town position in the Charter. I don't think the Charter required a designated title. When the Assistant Town Administrator position existed, the charter did not refer to it. The Town Administrator position is unique to the Town of Hooksett because our Charter was ratified as a separate entity. Most Towns with the form of Council government have Town Managers. The Town Manager's position is set by State Laws. When the Charter was drafted, we did not want to be "straight-jacketed" by State Laws, so we created the Town Administrator position.

Council consensus was to add the matter to the next agenda to clarify who will be in charge in the absence of the Town Administrator.

J. Gorton: Regarding Councilors leaving their term of office. Are they eligible to serve on other boards in Town within one year of the time they leave the Council? As long as the board position is unpaid, I feel that they can.

The Town Administrator explained they can't and quoted the Town Charter Section 3.2, which states, "*No Councilor shall, during his term and for one year thereafter, be eligible to hold any appointed office or position of employment with the Town.*"

NOMINATIONS/APPOINTMENTS:

Parks & Recreation Advisory Board

G. Longfellow moved to appoint David Elliott as a fill-in full member, exp. 6/2011. Motion seconded by M. Pischetola. Roll call vote carried unanimously.

SCHEDULED APPOINTMENTS:

Heritage Trail / Manchester Sand & Gravel Donation of Railroad Bed Land

Frank Kotowski of the Kiwanis Club updated the Council on what the Kiwanis has done for the last 10 months since the club was appointed to develop and maintain the Town's recreational trail. The Club is working with the Town's Parks & Recreation Advisory Board. They were able to obtain a grant from DRED in the amount of \$25,000. Manchester Sand, Gravel & Cement Co., Inc., would like to donate land to the Town of Hooksett for public use. The land is part of the old Concord/Portsmouth Railroad bed, located to the west of US Route 3/NH Rout 28. It consists of about 4 acres and is 99 feet wide and about 1100 feet in length. This section of railroad bed connects the land (old RR bed) previously donated to the Town on the east side of Route 3 that is currently being used as a recreational trail. Similarly, the proposed deed contains the identical language limiting the use of the land for a walking, biking and cross-country skiing trail, with the same deed restriction prohibiting motor vehicle use. This section will connect Pleasant Street to the proposed Town Park and Town Pond with a single, one and ½ mile long, uninterrupted recreational trail. This is phase 2 of several phases. Mr. Kotowski asked the Council to accept the donation of land.

Dale Hemeon, Highway Manager mentioned that at least one member of the Cemetery Commission is against the Heritage Trail going through Head Cemetery. He urged the Council to talk to the Cemetery Commission.

M. Pischetola volunteered to speak to the Cemetery Commission.

G. Longfellow moved to accept the donation of land and the Warranty Deed contingent upon the Town Counsel's review and approval. Motion seconded by P. Loiselle. Roll call vote carried unanimously.

OLD BUSINESS:

Old Town Hall / 16 Main Street

William Sirak, Economic Development Committee Chair: The Economic Development Committee would be willing to start a project to look into possible developments to the Old Town Hall. I'd be willing to chair a sub-committee and get other volunteers and real estate agents involved. The sub-committee would take an open approach to the use of the old Town Hall. One of the first things to do is to look at the covenants. The original deed addresses more of the land than the building itself. The Town could elect to go to probate court for other options. We'd be sensitive to its historical value. An ideal situation would be to put the building back into the tax roll with a series of covenants to protect the architectural heritage of the building. The sub-committee would look into different options and come back to the Council with recommendations.

J. Gorton moved to delegate the Economic Development Committee to conduct a feasibility study on possible use of the old Town Hall. Motion seconded by M. Pischetola.

D. Ross: I would like to see it remain as a Town Building. It needs to be a part of Hooksett History.

Roll call vote carried unanimously.

Kathie Northrup, Heritage Commission Chair asked for consent to add the Town Hall to the State Registry. The State Registry does not put any restrictions on the building or the owner.

D. Ross moved to direct the Heritage Commission to proceed with getting the old Town Hall listed on the State Registry of Historical Places. Motion seconded by P. Loiselle. Motion carried unanimously.

Code of Ethics (attached)

Chairman D. Dickson: We all decided to look at two separate documents, one for the board members and volunteers and one to be included in the personnel plan.

The following changes were suggested:

- Take out "**Supplemental Policies**" paragraph completely.
- Under the title after Code of Ethics/Conduct, add "**For Boards, Committees, Sub-Committees and Ad Hoc Committees**".
- Add a line in the end, "**This Code of Ethics is subject to change by a vote of the Council.**"
- Under "Definitions and Principles of Conduct", take out "It is the wish and hope of the Town Council..." and replace with, "**It is the expectation of the Town Council...**"
- Under "Filing a complaint or concern", add, ...shall be "**held in confidence until**" after all other avenues...

There was a discussion as to who could be file a complaint. P. Loiselle explained that the Code of Ethics was not established for the public's benefit but for various boards. The public could always file a complaint without following the procedure.

- Under "Gifts and Gratuities" last sentence, add, "The solicitation of gifts or gratuities **for personal gain** is not allowed."
- Take out credits to other towns.

P. Loiselle reiterated that the establishment of Code of Ethics was originally intended for board members, although it could be included in the Personnel Plan for employees.

Chairman D. Dickson: The Code of Ethics will be added to the Personnel Plan under a separate section.

A revised copy of the Code of Ethics will be presented to the Council. The matter will be revisited at the next meeting.

Community Calendar

At the last meeting, the need for a community calendar was brought up. The Library used to support a community calendar until the website was changed.

N. VanScoy suggested for the Town to consider starting a community calendar.

The Town Administrator is putting together the cost and the process to start a community calendar. The calendar cannot be tied in with the Economic Development website grant. Because of the budget issues, the Town will have to prioritize its needs and wants.

Heather Shumway, Town Librarian stated most Towns have separate community and Library calendars. Plymouth Rocket offers a system at a cost of \$300.00 a year and will need someone to moderate it. It holds up to 600 events at a time.

The Town Administrator was asked to look into the matter further.

NEW BUSINESS:

Bond Release – Holiday Inn Express

G. Longfellow moved to release the bond in the amount of \$12,385. Motion seconded by D. Ross. Motion carried unanimously.

2009-2010 Legislative Policy

There was a disagreement amongst Councilors whether to support or oppose some of the proposed legislative policies. In the past, the Council made a motion to support the slate and had a discussion on the items with dissension.

The Council's consensus was for all Councilors to vote on each proposed legislative policy on their own and discuss the Council's vote as a whole at the next meeting. The Council's voting representative will be appointed at the next meeting.

TOWN ADMINISTRATOR'S REPORT:

D. Jodoin informed the Council of the following:

1. The Town ordered 18 voting booths for \$3,520.42 for the upcoming election. The Town has been out of compliance for a number of years.
2. He asked for a motion to authorize the Code Enforcement Officer, Peter Rowell to be the Town's Health Officer as well as Al Dionne to be the Deputy.

P. Loiselle moved to appoint Peter Rowell to be the Town's Health Officer and Al Dionne to be the Deputy. Motion seconded by P. Rueppel. Motion carried unanimously.

3. He asked to authorize transfer of funds in the amount of \$9,321.23 from the Sanitary Landfill Capital Reserve to the Town's fund and authorize the Chair to sign.

D. Ross moved to authorize the transfer of \$9,321.23 from the Sanitary Landfill Capital Reserve Fund to the Town's fund and to authorize the Chair to sign the transfer. Motion seconded by P. Loiselle. Motion carried unanimously.

4. He asked to authorize the former Council Chair, Paul Losielle to sign the agreement to identify the mapping of Town-owned properties and Land subject to Town-held easements.

D. Ross moved to authorize former Council Chair, Paul Loisele to sign the agreement. Motion seconded by J. Gorton. Motion carried unanimously.

5. He presented three bids to repair Fire Station 1, Associates Concrete Coatings, Inc. for \$12,345; Stratfield Construction, Inc. for \$32,600 and 123 Contracting and Home Repair for \$8,670. This is a priority item. The bricks need some cleaning, patching, waterproofing as water is entering the building, and the roof needs some major repair work. At the next meeting, bids on the hose tower at the safety center may also be presented. A Department Heads' meeting was held this morning. Everyone was reminded to watch their expenses because of the tight budget and fuel costs. Layoffs will not be ruled out. He recommended awarding the bid from 123 Contracting for \$8,670. If there is money left over at the end of the year other building repairs will be considered. For now it will only be high priority items that are of a safety matter.

G. Longfellow moved to accept the bid from 123 Contracting and Home Repair for \$8,670. Motion seconded by W. Gahara. Motion carried unanimously.

6. On August 11th, members of the Planning Board will discuss the contractors' concerns and complaints with regards to the Town Engineers. Council members as well as Zoning Board members are invited to attend the meeting and it will be posted that way. The Town Administrator had some preliminary discussions with the Highway Manager and the Town Planner regarding the issue. The Engineers will be asked to respond to some of the comments and complaints. The Town could consider hiring a Town Engineer at the next budget season as part of the outcome.
7. The Town Administrator asked the Council to decide if the Town should continue using the Inventory Forms. There were always concerns with the forms not being filled out completely. Several residents have been concerned in the past about providing the dates of birth for themselves and children. The form is not a requirement of the State but is the determination of the Town whether to use or not. The form specifically states that there will be fines for incomplete forms.

W. Gahara moved to accept the Inventory Form as is to be used this year. Motion seconded by G. Longfellow. Motion carried unanimously.

8. He asked for the Council to approve this year's Town Report cover.

P. Loiselle suggested adding a page for the Emergency Management Director Al Dionne receiving an award (Emergency Management Director of the Year for 2007).

The Council asked to take another picture without the car in the background and the sign on the door, if possible.

9. The Town has entered into an agreement, same as last year, with Melcher & Prescott to review the health insurance and property liability policies.

SUB-COMMITTEE REPORTS:

Police Commission

They discussed fuel costs for next year and possibly having the Police, Fire and Highway Departments collectively to look at what they are projecting for fuel shortage.

The Police Department experienced some communications problems with their emergency lines. They are working to resolve the problem with One Communications. One Communications had been put on notice that if the Town continues to have problems with the lines, the Town would consider ending the agreement and signing on with another provider.

Historical Society

With regards to the possible use of the old Town Hall, D. Ross added that the Arah Prescott Library was donated to the Historical Society in 1975 with the understanding that they are to keep regular hours for the public. This has not happened. The Historical Society has expressed interest in using the old Town Hall. D. Ross stated he would be against the Historical Society using the old Town Hall.

Sewer Commission

They are getting ready to start the upgrade on the system. They have 200,000 gallons capacity to sell.

Planning Board

There will be a workshop in August, as the Town Administrator reported. The Councilors were encouraged to attend and read the report.

PUBLIC INPUT:

George Demirjian, 2 Wedgewood Circle: At around 10:20 pm on July 4th on my way home there were fireworks lined up from the sidewalk to the circle. As I go around the circle, the fireworks were going off within 5 feet of my car window. I immediately called the Police Department. They did not show up for another 20 minutes. I spoke to Deputy Fire Chief Mike Hoisington. I was told the Town no longer requires a permit for permissible fireworks. I think the Town should require fireworks permits just like a burning permit.

Harold Murray, Deputy Emergency Management Director: Three years ago, someone came before this board and got the fireworks ordinance removed. At one point, you could not discharge fireworks in the Town of Hooksett. That was removed and the Council voted on it. The Fire Department no longer has the jurisdiction over fireworks. Permits goes into permissible and non-permissible fireworks. When I testified before this board three years ago, I was asked, "Are people going to get hurt with fireworks?" "Are they going to start fires?" The answer is, more than likely. People could be charged up to \$2,000 and up to a year in jail for intentionally or unintentionally setting off fires. Other than that, there's nothing you can do.

P. Loiselle: Do you think that will change if we had permits?

H. Murray: No, you do not want permits because as soon as you get into that, you have permissible and non-permissible fireworks. There isn't anyone in the Fire Department who could tell you what is permissible and non-permissible until it goes off. Once it goes off, it's too late.

Discussion on the matter ensued

Council consensus was to assign the Town Administrator to look into the matter further and provide a copy of the ordinance to the Council at the next meeting for discussion.

W. Gahara asked if there is an ordinance on grilling on the deck.

H. Murray: You can grill on your deck provided, you are not attached to another unit and that you own the building.

P. Loiselle: What's the rule on fire pits?

H. Murray: You have 3 classes on fire pits. Category 1 fire can only be 2-feet across. It has to have a suitable non-combustible ring around it. It has to be a minimum of 25 feet away from any building occupied or not occupied. Category 2 is 4-foot ring then you go to Category 3. You need permits for all of them. The only thing you do not need a permit for is a gas, electric or a charcoal barbeque grill. You can barbeque inside your apartment with an electric grill.

M. Pischetola: Has there ever been a "no discharge" of firearms in the Town of Hooksett?

H. Murray: There are restrictions as to the size of the firearm. You cannot discharge firearm within a compact area. It was just changed. If you have 6 or more buildings within 300 feet that is now considered a compact area.

NON-PUBLIC SESSION:

G. Longfellow moved at 9:00 pm to enter into "non-meeting" session per RSA 91-A:2, I, (b) "Strategy or negotiations with respect to collective bargaining." Motion seconded by D. Ross. Roll call vote carried unanimously.

P. Rueppel moved to resume the meeting at 9:19 pm. Motion seconded by D. Ross. Roll call vote carried unanimously.

P. Loiselle moved at 9:20 pm to enter into a non-public session per RSA 91-A:3, II, (e) "Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled." Motion seconded by M. Pischetola. Roll call vote carried unanimously.

W. Gahara moved to exit the non-public session at 9:27 pm. Motion seconded by J. Gorton. Roll call vote carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 9:28 pm.

Respectfully submitted by,

Evelyn F. Horn
Administrative Assistant

Nancy VanScoy
Town Council Secretary

Town of Hooksett Code of Ethics/Conduct

Preamble and purpose

The citizens in the Town of Hooksett and members of the public are entitled to a responsible, fair, and honest government that operates in an atmosphere of mutual respect and civility. Town officials, employees, volunteers also have a right to work in this same type of environment and to protect their personal and professional reputations.

Making everyone feel welcome in meetings and gatherings is an important part of the democratic process. The same conduct applies in the workplace. This policy establishes a process by which all people working for and volunteering on behalf of the Town are expected to follow and establishes a process by which one may obtain guidance regarding a potential ethical issue. Accordingly, the Town Council has adopted this Ethics Policy to:

- Establish guidelines for the ethical standards of conduct for elected officials, appointed officials, employees, volunteers, subcommittees, ad hoc committees, and any other group or person acting in an official, quasi-official or ad-hoc capacity for or on behalf of the Town.
- Provide an ongoing source of guidance in how services are provided.
- Promote and maintain a culture of ethical conduct, integrity, honesty and fairness in discharging duties.
- Guide in the performance of duties and to the best of one's abilities.

Definitions and Principles of conduct

It is the wish and hope of the Town Council that everyone will adhere to this Ethics Policy. It is the responsibility of everyone to follow these ideals and to emulate these ethical standards. Representing the Town in any capacity is a serious and continuous responsibility. Each position carries with it a high level of public trust and a duty to keep the public welfare as its primary focus. In doing so, public confidence and respect for all is expanded and retained through fair and impartial treatment on all issues and of all people. With that, we all subscribe to the following principles.

Public confidence

To conduct oneself in a manner in order to build and maintain public confidence and trust in the job done, the position held, and the governmental actions and outcomes.

Responsibility

To act with care and integrity when making decisions, which are in the best interest of the town, whether those decisions are popular or not. To take responsibility for one's own actions, even when uncomfortable to do so.

Fairness

To conduct oneself in a consistent, impartial, independent, and professional manner based on the merits of the issue, the facts known and presented, etc. To not allow personal feelings, prejudice, political beliefs, aspirations, animosities or friendships influence decisions. To treat everyone equally.

Respect

To treat everyone with patience, courtesy, and professionalism, even when not in agreement with them. To behave in a manner that does not bring discredit to oneself or the Town. Each board member is representing the Town. Each board member shall maintain an open, courteous and respectful attitude in dealings with the public and shall conduct duties and activities in a manner that will reflect credit upon oneself and upon the Town.

Honesty

To act in an honest and truthful capacity in all discussions, actions, decisions, etc. To forthrightly disclose information that possibly may be considered a conflict of interest and if determined to be, recuse oneself.

Confidentiality

To not disclose confidential information, discussions, votes, acquired during the course of one's duties and responsibilities, which are confidential or sensitive in nature. To preserve the integrity of confidential or sensitive information. Whatever is seen or heard of a confidential nature in an official capacity will be kept ever secret unless revelation is necessary in the performance of the required duties, authorized to do so, or required by law. To refrain from seeking information on individuals or businesses beyond that which is necessary to implement responsibilities.

Impression of influence

To use resources for the best interest of the Town and never for personal, professional or political gain, or to be used against someone. To conduct oneself without giving an impression or appearance of favoritism, personal, professional or political gain.

Conflict of interest

A situation, financial interest, or circumstance, which has the potential to cause public or private gain, interference with responsibility, directly or indirectly, or simply the appearance of same to oneself, relative, friend, co-worker, roommate, business associate, clients, etc. All officials, employees and volunteers of the Town shall avoid conflicts of interest. Conflicts must always be disclosed prior to the start of official business or work. To recuse or remove oneself from the issue before the start of business is expected and if not done shall be motioned by the board.

Misuse of position

It is prohibited to use or not disclose privileged information for financial or personal gain or advantages of which is generally not readily available to others. To abuse a position or power in any manner for an improper motive or personal or professional gain is prohibited. No member of a board, committee or commission shall speak on behalf of their respective board unless authorized to do so by that board.

Coercion

To intimidate, threaten, hint, suggest, manipulate, or otherwise. To coerce or attempt to coerce someone who is working for the best interest of the Town. Coercion in any manner is not allowed.

Gifts and gratuities

A contribution, object, item, or discount on a service or item. All are prohibited except for the customary exceptions in which some examples are tickets or free admittance to an open house in which officials are customarily invited; food or beverage consumed during official business; lodging utilized during official business trips; holiday or special occasion food donated by businesses or the public, ceremonial gifts or awards of insignificant monetary value customarily given to guests. The solicitation of gifts or gratuities is not allowed.

Supplemental policies

A board, committee, commission, subcommittee, ad hoc committee, or department may create an additional ethics policy or a similarly related policy to apply specifically to the duties of their own board, etc. If so, it shall be in addition to this policy. This Ethics Policy shall apply to all elected officials, appointed officials, employees, volunteers, subcommittees, ad hoc committees, volunteers, and any other group or person acting in an official, quasi-official or ad-hoc capacity.

Education

When a newly elected or appointed official begins their term or position, or a hired employee begins their employment, they will receive a copy of this policy. This shall be done through the appropriate channels of each board. Written confirmation of receipt will be required. For employees, Human Resources shall be responsible for ensuring each employee receives a copy of this policy with written confirmation of

receipt. It shall be clearly understood that this policy is a useful tool and is to be used as guidance in the conduct of responsibilities and positions.

I. Exclusions

This Ethics Policy shall not prohibit:

1. Official decisions to be made and policies to be followed through the proper channels of government.
2. Anyone in an official capacity as described in the preamble, from participating in any Town meeting.
3. Anyone in a non-official capacity as described in the preamble and the "Misuse of position" paragraph unless they clearly state at the onset that they are speaking on their own behalf and not representing themselves or their board.
4. Participation in a matter which relates to a person or business from which an official, board member or employee has merely purchased goods or services, if the individual in question has no other conflict of interest relating to that person or business.
5. Acceptance of donations for the sole purpose of financing a political campaign, as long as all contributions follow the procedures required in local, state and federal law.
6. All levels of supervisors from conducting day-to-day business in accordance with current Town and employment policies.

II. Filing a complaint or concern

A complaint or concern shall be filed in writing and shall be after all other avenues of relief available to them within the town government have been exhausted. Complaints will be forwarded to or filed with the Human Resource Coordinator. All complaints shall be specific with the section of this policy believed to have been violated. Human Resources will provide a copy of the complaint to the person whom the complaint is about. The Human Resource Coordinator shall investigate the complaint. The goal being a mutually agreed upon conclusion. This will be done by speaking with all involved, reviewing policies and attempting to come to a mutually agreed upon ending. When a resolution or understanding is mutually agreed upon, the complaint will be deemed concluded and a written statement will be issued by the Human Resource Coordinator. If an understanding cannot be agreed upon, the Human Resource Coordinator will issue a written statement with his/her findings to the Town Council. If the person involved is an employee, the statement will be issued to that employee's supervisor. The Human Resource Coordinator shall not have the power to impose any monetary fine, suspension, or other penalty, but only to issue a written statement on the findings. Should the complainant, a board, or the Town Council wish to pursue a complaint further, the Town Council, may at their own decision or upon a request from the complainant or a board, hold a public hearing, in accordance with the Town Charter or other Town policies, procedures, or the State law. This Ethics Policy is to be used for guidance on potential ethical issues and shall be used only as a useful tool.

III. Criminal Liability

New Hampshire Law RSA 640 is about corrupt practices by officials. It is against the law for a person to offer or accept a bribe while acting in his/her official capacity, fails to report an offered bribe, promises a benefit or a pecuniary benefit in return for a decision or recommendation, agrees to accept a benefit in return for a promise, endorsement, etc. RSA 640 should be read in its entirety for the full scope of the law regarding these issues.

Note

1. All official decisions and policies will continue to be made through the proper channels of government.
2. Thank you to the following entities for sharing their ethics policies and similar policies in order that this one could be created.
 - NHLogin.
 - Heather Shumway, Librarian at The Hooksett Public Library for providing a multitude of ethics policies from libraries around the state.
 - Fire Chief Michael O. Williams, The Hooksett Fire Department.

- Police Chief Stephen M. Agrafiotis, The Hooksett Police Department.
- The Town of Weare, NH.
- The Town of Milford, NH.
- The Town of Raymond, NH.
- The Town of Merrimack, NH.
- The Town of Dunbarton, NH.
- The Town of Gilford, NH.
- The Town of Bow, NH.
- The Town of Belmont, NH.
- The Town of Goffstown, NH.
- The NH Department of Corrections.
- The Hooksett Banner newspaper.