

Official

TOWN COUNCIL MINUTES Regular Meeting Wednesday, August 13, 2008

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

PRESENT: William "Bill" Gahara (excused), 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 23, 2008 – *G. Longfellow moved to approve the July 23, 2008 minutes as presented. Motion seconded by P. Loiselle. Motion carried unanimously.*

PUBLIC INPUT:

Joanne McHugh, Planning Board member: I see on the agenda that you'll be voting on the Code of Ethics. On May 28th, I came to the board after reading the first draft and suggested some language (see below) to be included under "Conflict of Interest" section. The Board discussed it at that time and thought it will be included. I'm wondering if you decided it does not need to be in there or just an oversight.

"If a member of a board or commission believes a colleague on that board or commission has a conflict of interest that the colleague has not disclosed, said member of the board or commission has an obligation to make known to the board or commission his or her concern so as to give the colleague an opportunity to address or explain why he or she does not have a conflict of interest."

The matter will be discussed further under "Old Business" / Code of Ethics.

Philip Fitanides, Hooksett Fireworks, Inc.: I understand your budget is cut for fireworks for this year's Old Home Day. I have a proposition to make. The person who takes care of fireworks on the property I own is willing to do the fireworks show for \$2,500.00 plus the cost of permit and insurance.

D. Jodoin received an e-mail from the Parks & Rec Director, Dale Hemeon stating the department will not be able to sponsor Old Home Day this year. There is a line item on the budget for portable toilets, the band, Parks & Rec personnel overtime and fireworks but will have to hold the funds because of default budget and fuel shortage.

N. VanScoy, speaking as a member of the Old Home Day Committee stated that if there's no fund to cover expenses, the committee will have to reconsider what can be put on.

P. Rueppel: I think we should find the money for fireworks. This has been a bad economy year. People are not taking vacations. I think we could find the money somewhere in the budget.

J. Gorton: Seeing as the voters handed the Town a default budget. My feeling is, they have to suffer like everybody else. They want fireworks display let them come up with the money. The Old Home Day committee should be able to get the word out. The Town does not have the funds. To take it out of some line item that's already strapped does not make sense.

Discussion on the matter ensued.

The matter will be further discussed in the Old Business.

SCHEDULED APPOINTMENTS:

PSNH's Merrimack Station Clean Air Project

Elizabeth LaRocca, Southern Division Community Relations Manager introduced herself and Michael Hitchko, Project Manager to the Council. She stated that the Town of Bow has declared the project to be of regional impact on the Town of Bow as well as Hooksett, Allenstown and Pembroke. PSNH would like to inform the surrounding communities of the upcoming project.

M. Hitchko: We are required to do this to comply with the new State law (HB 1673). PSNH must do the project primarily to reduce mercury and sulfur dioxide emissions through the installation of a "scrubber", making the plant one of the cleanest plants in the country. It will assure continued operation of Merrimack station. Because it uses coal, it will ensure reliable supply of electricity at a reasonable price. The solid end by-product of the scrubber will be gypsum, which can be recycled and marketed. The project would cost about \$457 million and should be operational by July 2013. We expect no impact on traffic except for construction traffic. We are also working with the Town of Bow and DES to address the minimum wetlands impact.

The Council will be kept updated on the progress of the project.

Heritage Commission/Historical Society

Chairman D. Dickson: A few meetings ago there were some discussion on the possibilities of combining the Heritage Commission and the Historical Society. I asked for Kathie Northrup's (Heritage Commission Chair) opinion and invited her to come in tonight to answer some questions.

K. Northrup informed the Council that the Heritage Commission would like to keep the groups separate.

K. Northrup: I am here at your invitation to talk about the responsibilities of the Heritage Commission. Since no one is here from the Historical Society, as a member I can give you some perspective on that also. The Heritage Commission is responsible for proper recognition and protection of the Town's resources. As the Chair of the Heritage Commission and a member of the Historical Society, I am concerned with what's happening with the Historical Society and the collection people have given them over the years for safekeeping. The group has been inactive for about a year.

G. Longfellow: We didn't give them the building (Arah Prescott Library) because the Town is still responsible for maintenance. The Historical Society is listed under Town Boards and Committees but they are not. They are an independent private organization. We probably should consider rolling it into the Heritage Commission.

Discussion on the matter ensued.

The Council is in agreement that Heritage Commission and Historical Society are to remain separate. The Historical Society would be invited to the meeting on September 24th.

OLD BUSINESS:

Legislative Policies (copy on file)

The Council voted to unanimously support the proposed legislative policies with the exception of the following items:

Municipal Administration and Finance Management

#4. 5-3 Vote is to support.

#7. 4-4 Tie. Vote is not to support.

#8. 0-8 Vote is not to support.

#14. 5-3 Vote is not to support.

#14 (item after #14 d) Vote is to support.

#18 Vote is not to support.

Planning and Environmental Quality

#6 6-2 . Vote is to support.

#9 3-5, Vote is not to support.

#10 3-5 Vote is not to support

#11 Vote is not to support.

#14 5-3 Vote is to support.

General Government, Revenue and Intergovernmental Relations

#1 5-3 Vote is to support.

#2 1-7 Vote is not to support.

#4 Vote is not to support.

#5 Vote is not to support.

#9 Vote is to support.

#11 6-2 Vote is to support.

#15 Vote is to support

#17 Vote is not to support.

Councilor Gahara volunteered to be the Council Representative.

Code of Ethics for Boards, Committees, Sub-Committees and Ad Hoc Committees

As requested, the Council received a clean copy of the revised Code of Ethics.

Nancy VanScoy suggested further revising the code of ethics.

J. Gorton moved to adopt the code of ethics as written. Motion seconded by D. Ross.

J. Gorton explained that the code could always be amended in the future. The Town has never had one before. The code could be adopted now and revised in the future as needed.

N. VanScoy: The three qualifiers I am suggesting could be completed tonight. The other could be completed within the next two meetings. I am concerned with the qualifiers I suggested.

J. McHugh brought up the changes she'd like to include which she thought was just a plain oversight.

Discussion on the matter ensued.

Roll call on the motion to adopt the Code of Ethics for Boards and Committees as written.

D. Dickson	Yes	D. Ross	Yes	
J. Gorton	Yes	P. Rueppel	No	
P. Loiselle	Yes	M. Pischetola	No	
G. Longfellow	Yes	N. VanScoy	No	5-3 <u>Motion carried.</u>

N. VanScoy requested to add the code of ethics to the next agenda.

Code of Ethics for Town Employees

The Council was provided a draft copy of the Code of Ethics for Employees.

N. VanScoy: Is it the place of the Town Council to adopt a Code of Ethics for the Town Employees?

M. Pischetola: Each department has a set of rules and regulations for employees. And you have contract with certain employees. Why would the Council get involved with the code of ethics for employees? Why add more possible disputes? I understand adopting one for the volunteers.

Chairman D. Dickson: We do not have anything in place right now for the employees. This is to get things going. This document will be incorporated into the personnel plan. The intent is to put some guiding principles. It does not change any current policies.

M. Pischetola asked if the code of ethics also applies to union employees.

D. Jodoin: The Police and Fire Departments have their own standard operating procedures, which are concrete and cast in stone. This is something for non-union employees.

Discussion on the matter ensued.

This will be discussed at the next meeting.

Fireworks Ordinance

At the last meeting, a resident complained about fireworks around Wedgewood Circle on July 4th. The Council was asked to review the current Fireworks Ordinance. In October 2005, the Council voted to amend the ordinance. The amendment removed all restrictions on permissible fireworks in Town. No permit is required to display fireworks with the exception of Class B fireworks.

P. Rueppel moved to keep the Fireworks Ordinance as written. Motion seconded by G. Longfellow.

P. Rueppel stated that the Fireworks Ordinance had been reviewed and discussed by the Council for years. It would be best to leave it the way it is written.

Police Chief Stephen Agrafiotis: From January 2006 to July 2008, there were a total of 74 complaints. In the current ordinance, RSA 160-C - Permissible Fireworks was not addressed. You may want to address that. The Town ordinance does not match the State law.

P. Loiselle: Has there been a change in permissible fireworks?

Harold Murray: Permissible fireworks change constantly and hard to determine.

N. VanScoy: While I agree with Councilor Rueppel. I'm not sure if we're giving our departments the rights tools to keep the community safe.

D. Ross: People could be arrested for arson whether intentional or not. It's a question of liberty, If I want to light fireworks on my property, that's my business.

G. Longfellow: We've had the amended ordinance for three years now. We've had one complaint and we're getting all stirred about it.

Discussion on the matter ensued.

Roll call vote on the motion to keep the ordinance as written carried unanimously.

Old Home Day

P. Rueppel stated she would like to have fireworks on Old Home Day.

G. Longfellow moved to inform the Administration and Parks & Rec Department that the Council would like to have Fireworks not to exceed \$2,500.

N. VanScoy: The Old Home Day receives \$1,000 from the Town every year. This could be used for the portable toilets.

G. Longfellow moved to extend the meeting for 20 minutes. Motion seconded by D. Ross. Motion carried.

D. Ross moved for the Council to request for the Parks & Rec Department to do whatever is necessary to have Old Home Day.

P. Rueppel moved to amend the motion to include, not to exceed \$4,500. Motion seconded by G. Longfellow.

Discussion ensued.

P. Loiselle moved to table the matter. Motion seconded by P. Rueppel. Motion carried.

NEW BUSINESS:

Bond Release – 99 Restaurant

M. Pischetola moved to release the bond in the amount of \$11,000 plus interest. Motion seconded by G. Longfellow. Motion carried.

Election

Chairman D. Dickson: The Town Clerk, Leslie Nepveu would like to remind all Councilors that during election, at least two Councilors have to be present at the voting polls. Primary election will be held on September 9th and Presidential Election is on November 4th. A scheduled will be prepared.

TOWN ADMINISTRATOR'S REPORT:

1. A commendation letter was received for the Highway Department from Harold Murray for the work done on Hackett Hill Road.
2. A commendation letter was also received for the Fire Department's quick response to the barn fire in Epsom.
3. The Town Administrator met with Bill Sirak from Economic Development Committee and SNHPC to put together a timeframe and schedule for the businesses' questionnaire and how proceed. The consensus was mailing out general post cards will not generate a lot of response. It will be better to meet in person and visit local businesses in Town. This could be started this month.
4. There will be a public official informational meeting at the next Council meeting on August 27th regarding road-widening project on Route 27, Martin's Ferry Road and Benton Road.
5. The Council will have to make a decision on what to do with the old Town Hall soon. The building needs to be winterized. This will be on the next agenda.
6. The Health Insurance Consultant started taking preliminary information. He will come in with recommendations.
7. The Town contacted the LGC for future training classes.
8. The Town Administrator received a request from the Assessor to hold a public informational meeting with DRA to explain the revaluation.
9. A meeting was held Monday night with the Town Engineers as well as Planning Board and Zoning Board. Issues are being discussed with Highway and Planning Departments.
10. The Town Administrator met with Councilor Michael Pischetola regarding temporary coverage for the Town Administrator. Evelyn Horn, Administrative Assistant will contact the Town Administrator via cell phone. In the event the Town Administrator could not be contacted and the Administrative Assistant nor the Department Heads could not handle the issue, it will go to the next level, which is Human Resource Coordinator then the Finance Director.

11. The Town Offices' restrooms on the first floor will be steam cleaned on August 23rd after Fun in the Sun is finished. Everyone needs to remember that these are old bathrooms and the smell may be in the grout.
12. The Town Offices will close at noon on Friday, September 19th to have a cook out for employees at the Donati Field.
13. Emergency Telephone line incident update - Fairpoint will send an engineer to do a full system check from the street into the building to make sure everything is working properly and offer suggestions.

Planning Department Intern

The Planning Department is looking for temporary help. P. Rueppel asked the Town Administrator to have the Human Resource Coordinator look into getting an intern for the Planning Department.

SUB-COMMITTEE REPORTS:

ZBA

J. Gorton: I was asked to relay this message to the Council. Ms. Tracy Murphy-Roche is (in her own words) very upset with the politics that went on with the appointments of Board members. Two sitting chairpersons were demoted to alternates. She expressed a great deal of dissatisfaction with how it was done. I explained it was because of her lack of attendance. She directed the secretary to review the minutes and come up with the number of meetings she has missed.

On another subject, a construction company wants to remove 10 to 15 truckloads of sand and gravel per hour per day for thousands of cubic tons from a site. They came to the ZBA out of courtesy because RSA 155 states if a contractor receives a contract to provide fill for state infrastructure or state highway, he does not have to comply with the local municipal ordinances. The ZBA members are concerned with the amount of truck traffic.

PUBLIC INPUT:

None.

ADJOURNMENT:

M. Pischetola moved to adjourn at 9:52 pm. Motion seconded by G. Longfellow. Motion carried.

Respectfully submitted by,

Evelyn F. Horn
Administrative Assistant

Nancy VanScoy
Town Council Secretary