

## Official

### **TOWN COUNCIL MINUTES Regular Meeting Wednesday, October 22, 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:**

October 8, 2008 – ***J. Gorton moved to approve the October 8, 2008 minutes as amended. Motion seconded by G. Longfellow. Motion carried.*** Chairman D. Dickson abstained, not present at the meeting.

#### **PUBLIC INPUT:**

Harold Murray: I would like to reference the *Hooksett Banner* of this week. There are some incorrect information in it that says that the Council took no action on the Public Access TV. Paul (Loiselle) was the Acting Town Administrator at that time. There was nothing on the minutes. To give you some background on it, David Paquette initiated the Public Access TV process. It was followed by Peter Farwell. The Town at the time was asked to put \$50,000 on a warrant article but was voted down. That states that the money was put in there for public access.

Mary Farwell, Library Trustees: I'd like to read this letter into the record.

*"As Chair of the Hooksett Library Board of Trustees, I want to make you aware of the extraordinary level of cooperation and assistance given to the Library by the Highway and Parks and Recreation Departments. Both Dale (Hemeon) and Phil (Arnone) have been exceptionally helpful and available whenever we need to consult with them about an issue. Their employees have done a wonderful job on our grounds, whether it is mowing, spring and fall clean up, or helping to spread bark mulch donated by the Hooksett Garden Club. When we needed some furniture moved within the Library, the employees were there at 7 am to assist the library staff and were most cheerful and efficient. The Library Trustees want to be sure that the Town Council and other officials recognize how dedicated and committed the Highway and Parks and Recreation Departments are to serving the best interests of the town departments and boards is essential, especially in these times of default budgets and economic stress and that these departments are a great example of working together to make Hooksett a better town."*

On the subject of the Code of Ethics, M. Farwell stated she strongly feels the definition of "Conflict of Interest" should be included. It would be helpful for the boards to understand what constitutes a "conflict" and should be considered for the amendment.

#### **NOMINATIONS/APPOINTMENTS:**

Available Positions:

Budget Committee (3) Full members, exp. (2) 6/2009 & (1) 6/2011

Parks & Recreation Advisory Board, (1) Full member, exp. 6/2009 & (1) Alt. member

#### **SCHEDULED APPOINTMENTS:**

Recycling & Transfer Department Scale Software Program

Diane Boyce, Recycling & Transfer Department Superintendent presented the following bids for the scale software program to be paid from the Solid Waste Special Revenue Fund. This purchase was approved as a warrant article in May.

Advanced Scale (Rice Lake Weighing Systems)	\$11,950.00
Creative Info (SMS Turbo)	\$8,935.20
Northeast Scale (Win VRS) vehicle recording system	\$5,560.00 (no accounting)

She recommended accepting the bid from Creative Info. The City of Manchester and the Town of Goffstown are using the system.

***G. Longfellow moved to accept the bid from Creative Info in the amount of \$8,935.20. Motion seconded by W. Gahara. Roll call vote carried unanimously.***

Chairman Dickson asked how the automated trash collection system demonstration went.

D. Boyce said it went well. She is hoping to bring it to the Council for their consideration in November. The Town will need two vehicles at \$480,000 for both. These items are on CIP. The manpower in the department will not change. No additional staff will be needed. One man will run the entire system. D. Boyce added that there is enough money in the special revenue fund to cover the cost of the barrels.

The Council requested for a cost analysis.

**OLD BUSINESS:**

Martin's Ferry Bridge Update

Dale Hemeon, Highway Manager informed the Council that the bridge is done. The cost would be around \$30,000-\$32,000. The State inspector suggested putting the bridge on a 5-10 years replacement plan. At the moment, the bridge is structurally sound.

Route 3 Project Update

D. Jodoin informed the Council that Merchants Motors is trying to resolve the issues with Benton Road and the easements. The Town is still in the process of acquiring an expedited Wetlands permit from DES.

D. Hemeon commented if his department is doing the Benton Road project they have less than a month to have it done. Once the culvert is in place, the work could be done in a few days.

Code of Ethics

P. Loiselle: There's only one issue with "Conflict of Interest".

N. VanScoy: The Code of Ethics has been adopted. I believe the Council should adopt the changes I recommended on September 3<sup>rd</sup>. These changes were made simply to clean up the document. There was no intent to change the meaning of the document. I think the Council should decide whether or not to adopt these changes first before we decide if "Conflict of Interest" should be changed. Any other amendment to change the meaning of the document should be brought up separately.

***N. VanScoy moved to amend the current Code of Ethics to the Code of Ethics presented on September 3<sup>rd</sup>, 2008. Motion seconded by P. Loiselle.***

D. Ross: My concern was with the "Conflict of Interest". I wanted to simplify it. I do not agree with how it was changed.

Discussion on the matter ensued.

***D. Ross moved to amend the motion to use the original version of the "Conflict of Interest" paragraph. Motion seconded by G. Longfellow.***

**Roll Call:**

W. Gahara	Yes	D. Ross	Yes		
J. Gorton	Yes	P. Rueppel	No		
P. Loiselle	Yes	N. VanScoy	No		
G. Longfellow	Yes	Chairman D. Dickson	Yes	6-3	<b><u>Motion carried.</u></b>
M. Pischetola	No				

**Roll call vote on the motion to amend the Code of Ethics:**

W. Gahara	Yes	D. Ross	Yes		
J. Gorton	Yes	P. Rueppel	Yes		
P. Loiselle	Yes	N. VanScoy	Yes		
G. Longfellow	Yes	Chairman D. Dickson	Yes	8-1	<b><u>Motion carried.</u></b>
M. Pischetola	No				

A clean copy (attached) will be prepared and reviewed for accuracy.

**NEW BUSINESS:**

Property Revaluation

N. VanScoy received an e-mail from John Danforth complaining about the (1) short notices given for hearing appointments, (2) appointments held only during the day and (3) why the deadline was not extended. The Assessing Department explained that there is only a short period of time between hearings, sending the valuation to the State and sending the tax bills out. After the informal hearing, the next step will be to address any deviation through abatement, which could be requested after receiving the last tax bill and must be filed by March 1<sup>st</sup>. The Town has until July 1<sup>st</sup> to consider or deny tax abatements.

"Rainy-Day" Fund

Previously, M. Pischetola suggested setting up a "rainy-day" fund using Comcast Cable franchise fees. The Finance Director, Christine Soucie made some inquiries and found out that only cities are able to set up rainy-day funds because of their form of government. The towns' version of the "rainy-day" fund is the unreserved fund balance or surplus. DRA has to approve any expenditure taken out of surplus and it needs to be deemed an emergency. The surplus is also used to offset and stabilize the tax rate as well as overlay.

Election Day Coverage

Each Councilor was assigned a time slot for Election Day coverage.

Sovereign Bank

P. Rueppel, M. Pischetola and D. Jodoin attended the opening of Sovereign Bank this afternoon. They donated \$2,500 to Robie's Historical Preservation.

Lowe's

Lowe's also held a grand opening this week. They donated \$1,000 to the Kiwanis Club.

Heritage Trail/Kiwanis Club

The Kiwanis Club will hold the opening of the trail extension on Saturday, October 25<sup>th</sup> at 10 am across from Green's Marine.

**TOWN ADMINISTRATOR'S REPORT:**

D. Jodoin informed the Council of the following:

1. He asked for authorization for the Chair to sign the Capital Reserve Fund transfer in the amount of \$24,024.10.

**G. Longfellow moved to transfer \$24,024.10. Motion seconded by P. Loiselle. Roll call vote carried unanimously.**

2. He asked for the Council's authorization to enter into a vehicle lease/purchase agreement for the Highway Department in the amount of \$127,432. The agreement was forwarded to the Town's Legal Counsel to be reviewed.

***D. Ross moved to authorize the Town Administrator to enter into a lease/purchase agreement in the amount of \$127,432 pending legal review and transfer of the vehicle to the Highway Department. Motion seconded by J. Gorton. Roll call vote carried unanimously.***

3. A family is looking to purchase a town-owned property located on the corner of West Alice Avenue and Donati Drive. This property was acquired from the State. Should the Town decide to sell the property, it reverts back to the State and the buyer pays the current fair market value.

D. Hemeon stated the Town should keep the property for a future easement.

***G. Longfellow moved to keep the property. Motion seconded by M. Pischetola. Roll call vote carried unanimously.***

4. The Town received the new health insurance rates. LGC's rate for this year is 2.8% lower than last year's for the same plan. He recommended continuing with the same plan with LGC. He asked for authorization to sign the agreement.

***J. Gorton moved to accept the plan as presented. Motion seconded by D. Ross. Roll call vote carried unanimously.***

#### **SUB-COMMITTEE REPORTS:**

##### Budget Committee

There will be a meeting tomorrow at Underhill School. The board still needs 3 members. Any interested parties should contact the Budget Chair, John Pieroni.

##### Sewer Commission

They will start the work at the sewer plant. They will have 80 concrete trucks for straight pour. They will have Police detail. There are some concerns the road may be damaged.

G. Longfellow stated legally, the Sewer Commission doesn't have to abide by the Town's Default Budget.

D. Jodoin: There is a specific Statute that allows them to overspend their budget by raising the necessary revenue, I don't have the exact RSA number handy but I believe its in the 140's.

##### Board of Assessor

The board received a request from Mr. Lee Scott, 51 Pleasant Street to consider adopting the renewable energy property tax exemption. D. Ross stated he would be in favor of the solar power tax exemption only. This will be on the Council's next agenda.

##### Recycling & Transfer Advisory Committee

G. Longfellow is advocating for the Town to use the "pay as you throw" system. He urged the Council to read the article he provided.

##### Historical Society

There are some conflicting statements as to who owns the artifacts in Historical Society's care. Previous officers of Historical Society stated the artifacts belong to the Town. There are claims they belong to the Society and to individual owners. A letter was sent out to the newly elected President, Jim Sullivan to clarify the matter. G. Longfellow stated the Society would like to be independent of the Town but would like to continue using the Arah Prescott Library.

##### Parks & Recreation Advisory Board

The Board is looking for a letter from HYAA with regards to the Town meeting the demands for surplus. W. Gahara will send the letter, as HYAA Chair pending verification from the Town Administrator.

#### Economic Development Committee

The first Focus Group meeting was held on Monday, October 20<sup>th</sup>. The two companies in attendance expressed the same opinion, that it is very difficult, costly and time consuming to do business with the Town.

#### Heritage Commission

A ceremony was held on Saturday, October 18<sup>th</sup> to unveil the marker of the old Martins Corner School (nka, Deerhead Men's Club). The event was well attended. Heritage Commission Chair, Kathie Northrup was commended for her efforts in coordinating the event.

W. Gahara commented on the extensive work Kathie Northrup has done for the Town as a volunteer. He suggested presenting some form of recognition from the Council.

#### Zoning Board of Adjustment

Severino Trucking, Inc. has asked for continuance and received one. They are working with the Village Water Precinct and the State to determine what bonding they have to perform. The application for a 30 x 50 metal garage in the Village area was denied.

D. Ross brought up the phase development regulations issues with regards to continuation of a roadway. There was a question whether the matter was a Planning Board or a Council issue. D. Ross stated it should be a Council issue as it affects roadways and public safety.

D. Jodoin: Public Safety had no problem with it. It went before the TRC (Technical Review Committee), a sub-committee of the Planning Board. There were no problems with Fire, Police or Highway. They will phase the roadway because of the economy. Fire had no issues with it as long as they place a fire hydrant every 500 feet.

D. Ross: My concern is it could create a precedent for other developers to forego requirements.

D. Jodoin: They have to come in and get approval from the Planning Board.

#### November 5<sup>th</sup> meeting

There will be a lengthy session on the Fire Union contract negotiation on November 5<sup>th</sup>. Chairman D. Dickson recommended canceling the regular Council meeting.

***D. Ross moved to cancel the November 5<sup>th</sup> meeting. Motion seconded by P. Rueppel. Motion carried.*** M. Pischetola abstained.

#### **NON-PUBLIC SESSION:**

***W. Gahara moved at 8:48 pm to enter into 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 J. Gorton. Roll call vote carried unanimously.***

***W. Gahara moved at 9:01 pm to exit the non-public session. Motion seconded by P. Loiselle. Roll call vote carried unanimously.***

***W. Gahara moved at 9:02 pm to enter into a "non-meeting" per RSA 91-A:2,I,(b) "Strategy or negotiations with respect to collective bargaining." Motion seconded by P. Loiselle. Roll call vote carried unanimously.***

**W. Gahara moved at 9:08 pm to resume the meeting. Motion seconded by P. Loiselle. Roll call vote carried unanimously.**

**W. Gahara moved at 9:09 pm to enter into a non-public session per RSA 91-A:3,II,(c) "Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting." Motion seconded by J. Gorton. Roll call vote carried unanimously.**

**G. Longfellow moved at 9:24 pm to exit the non-public session. Motion seconded by W. Gahara. Roll call vote carried unanimously.**

The Council made a statement that they had voted to (1) not divulge the minutes of tonight's non-public sessions and (2) divulge the minutes of August 27, 2008, September 10, 2008 and September 24, 2008 non-public sessions.

**ADJOURNMENT:**

**W. Gahara moved at 9:25 pm to adjourn. Motion seconded by P. Loiselle. Motion carried unanimously.**

Respectfully submitted by,

Evelyn F. Horn  
Administrative Assistant

Nancy VanScoy  
Town Council Secretary

**Town of Hooksett**  
**Code of Ethics/Conduct**  
***For Boards, Committees, Sub-Committees and Ad Hoc Committees***

**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 and 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, 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 to the best of one's abilities.

**Definitions and Principles of conduct**

It is the expectation 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 take responsibility for one's own actions, acting with care and integrity when making decisions in the best interest of the Town.

**Fairness**

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

**Respect**

To treat everyone with patience, courtesy, and professionalism in a manner that does not bring discredit to oneself or the Town. Board members represent the Town and 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. All officials and volunteers of the Town shall avoid conflicts of interest and forthrightly disclose information that could be considered a conflict of interest. Conflicts must 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.

### 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 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. 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.

### Integrity of Influence

To use position and resources only for the best interest of the Town and never against someone or for personal, professional or political gain. Conducting oneself without giving an impression or appearance of favoritism or bias.

### Morality of Position

It is prohibited to abuse a position of power by coercion of any manner or to disclose privileged information for an improper motive, personal or professional gain or to gain advantage. 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 force or attempt to force someone.

### 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 for personal gain is not allowed.

### Education

When a newly elected or appointed official begins their term or position, he/she will receive a copy of this policy through the Town Clerk. 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 speaking on their own behalf, once they have clearly stated they are not representing themselves or their board.
4. Participation in a matter which relates to a person or business from which an official or board member 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.

## **II. Filing a complaint or concern**

A complaint or concern shall be filed in writing with the Human Resource Coordinator and shall be held in confidence while all avenues of relief within the Town government are exhausted. All complaints must include reference to the section of this policy the violation pertains to.

Human Resources will provide a copy of the complaint to the accused. The Human Resource Coordinator shall investigate the complaint speaking with all involved, reviewing policies and acting as mediator to find a mutually accepted conclusion. The Human Resource Coordinator shall not have the power to impose any penalty, monetary fine or suspension but will only issue a written statement on findings and outcome.

If a resolution or understanding is mutually agreed upon, the complaint will be deemed concluded and the Human Resource Coordinator will issue a written statement to both parties. If an understanding cannot be agreed upon, the Human Resource Coordinator will issue a statement with his/her findings to both parties and the Town Council.

Should the complainant, the accused, 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 a tool to resolve disagreements within the community in a manner that will benefit the community.

## **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**

All official decisions and policies will continue to be made through the proper channels of government. This Code of Ethics is subject to change by a vote of the Council.

Adopted: August 13, 2008

Amended: October 22, 2008