

Official

TOWN COUNCIL MINUTES Regular Meeting Wednesday, November 19, 2008

CALL TO ORDER: Chairman D. Dickson called the meeting to order at 5:40 pm.

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

PLEDGE OF ALLEGIANCE

NON-PUBLIC SESSION:

P. Rueppel moved at 5:45 pm to enter into a non-public session Per RSA 91-A:3,II.(a) "The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted."

Motion seconded by P. Loiselle. Roll call vote carried unanimously.

P. Loiselle moved at 5:59 pm to exit non-public session. Motion seconded by J. Gorton. Roll call vote carried unanimously.

P. Rueppel moved at 6:00 pm to enter into a non-public session Per RSA 91-A:3,II.(b) "The hiring of any person as a public employee."

Motion seconded by P. Loiselle. Roll call vote carried unanimously.

W. Gahara moved at 6:28 pm to exit non-public session. Motion seconded by D. Ross. Roll call vote carried unanimously.

The Council made a statement that they voted not to divulge the minutes of the non-public sessions.

ANNOUNCEMENTS

Chairman Dickson announced that David Jodoin will be leaving and his last day is on Friday, November 21st. He thanked Mr. Jodoin for his service and dedication to the Town of Hooksett.

D. Ross: I'd like to thank David for serving this Town. He's put his heart and soul into this Town. It's a big loss for the Town of Hooksett. I'm glad for him. He's leaving for the most magnanimous reason, his family.

P. Loiselle: David, you will be missed. I've worked with you for a number of years. I was involved along with Pat Rueppel in trying to lure you away from Allenstown. It took 3 tries to get it done. You have given 110% effort to the Town. What you've done to this building is a testimony to who you are. Thank you very much for serving as our Town Administrator for 3 years.

Chairman D. Dickson introduced Ms. Carol Granfield who will be serving as the Interim Town Administrator.

APPROVAL OF MINUTES:

October 22, 2008 – G. Longfellow moved to approve the minutes of October 22, 2008 as amended. Motion seconded by W. Gahara. Motion carried unanimously.

PUBLIC INPUT:

Peter Farwell, 24 Grant Drive: I have 2 items I'd like to bring up. The lack of the PA system is a big problem. Please make that a priority item. Secondly, I live in the Beauchesne Development. Over the last 4 or 5 years, the majority of us have had major problems with water in our basements. It has increased ever since they clear-cut a section on the east side of Route 3 and added a development next to Mt. St. Mary's Apartments. Two more senior housing are going up on the east side of Route 3. We are concerned the Beauchesne Development area will get more water as they clear out the trees and vegetation. We're asking to do a study to look into where the water is coming from. The Planning Board has the responsibility of making sure any approval is not negatively impacting anyone.

Bill Sirak, Economic Development Committee Chair: We're on the agenda for the next meeting and we will update the Council at that time. We've had some additional inquiries from a major retailer on Exit 11. We think there'll be other opportunities for Exit 11. We would like to get a formal charge from the Council to explore these opportunities. I think at this time it is safe to say Cabela's is not going to occur.

P. Loiselle: This will be helpful to the Council. The EDC will do the homework and bring back valid information before the Council.

P. Loiselle moved to support the EDC in their efforts. Motion seconded by P. Rueppel.

D. Ross: I'm glad to see EDC following this venue. In my opinion, it is the most valuable piece of retail property on I-93 right now. My only concern is that we probably don't want to do anything official that could cause potential issues with the property owners. They may have something going on that we don't know about.

P. Loiselle: The EDC is an advisory board to the Council. I think we should give them charge to go ahead with it.

The matter was tabled.

NOMINATIONS/APPOINTMENTS:

Available Positions

Parks & Recreation Advisory Board, (1) Full member, exp. 6/2009 & (1) Alt. member, exp. 6/2010.

SCHEDULED APPOINTMENTS:

Public Hearing re: Acceptance of donation from Lowe's to the Fire Department in the amount of \$8,832 for 4 mobile repeaters per RSA 31:95-b.

The public hearing opened at 7:00 pm.

Michael Williams, Fire Chief: During the construction phase of Lowe's we did some testing with our radios. There were some problems with communications. This is not uncommon with these types of buildings. We tested some mobile repeaters. Lowe's donated the money to purchase the radios. Wal-mart is doing the same thing. There will be a total of 8 mobile repeaters. This is a big savings to the Town as this was something we were going to add to the budget.

The public hearing was closed at 7:05 pm.

P. Loiselle moved to accept the donation per RSA 31:95-b. Motion seconded by G. Longfellow. Roll call vote carried unanimously.

Concord Co-Op Single Stream Facility Contract

Diane Boyce, Recycling & Transfer Department Superintendent presented the proposal on the single stream facility coop. The Town was asked to join the completely municipal owned recycling plant in

Concord. Single stream means everything being put in the same containers, sorting or separating will not be necessary. The Town will receive tipping fee revenue quarterly, which could be \$10 a ton after expenses. The coop is operated by 27 New Hampshire communities. The State mandates that all towns have a 20-year solid waste plan. Hooksett was asked to be part of the coop 20 years ago. Had the Town joined the coop, it could have saved \$1.3 million over 20 years in disposal fees. The Recycling and Transfer Advisory Committee voted unanimously to support the single stream facility.

Discussion on the matter ensued.

Automated Collection Program

D. Boyce also presented the automated collection program. This is an efficient way of trash collection with only one person operating the truck, which eliminates the need to hire more personnel. The cost will be \$96,000 per year for the next 3 years. Currently, the Town has one truck and a back up with 3 workers, 1 driver and 2 workers who pick up the trash. In a few years, the Town will have to purchase another truck and hire 2 more employees. The total costs would pay for the cost of the program.

Discussion on the matter ensued.

The Council will revisit these two items in January to give the Council some time to tour the facility and research the automated collection system.

Welfare Guidelines

Joy Buzzell, Family Services Director presented the proposed amendment to the Welfare Guidelines. The narrative needed to be updated. Food allowances had to be increased. State food stamps figures were used. Household and maintenance figures were increased by \$1.

D. Ross moved to approve the Welfare Guidelines amendment as presented. Motion seconded by P. Loiselle. Roll call vote carried unanimously.

OLD BUSINESS

Route 3 Update

There was an informational meeting held at the Library. They are adding a sharp angle on Route 28 by-pass. Sewer Commission had a discussion about moving the proposed road as it would interfere with the sewer lines.

Code of Ethics

N. VanScoy presented another revision to the Code of Ethics.

P. Loiselle moved to accept the amendment in whole (attached). Motion seconded by P. Rueppel.

Discussion on the matter ensued.

Roll call

D. Dickson	Yes	D. Ross	No	
W. Gahara	Yes	P. Rueppel	Yes	
J. Gorton	No	P. Loiselle	Yes	6-2
G. Longfellow	Yes	N. VanScoy	Yes	<u>Motion carried.</u>

NEW BUSINESS

Tax Anticipation Note

D. Jodoin: Due to tax revaluation, the tax bills are going out late. We're working to get the tax bills out. We are running into the same situation in 2003 where there is a possibility that the Town will have to borrow some money on anticipated taxes. School and County taxes for a total amount of \$4.2 million are due. I need the Council to authorize the Council Chair to enter into an agreement, if needed, on tax-anticipated note. It appears the Town will have to borrow \$6 million for no longer than 3 months. Depending on the rate, total cost could be approximately \$8,500 plus bank fees.

P. Loiselle moved to authorize the Council Chair to enter into a Tax Anticipation Note loan, if needed. Motion seconded by J. Gorton. Roll call vote carried unanimously.

Severino Trucking

P. Loiselle: At a previous meeting, Councilor Gorton brought to the attention of the Council some concerns regarding an excavation permit on Pine Street for Severino Trucking. Personally, I am concerned about the traffic of approximately 8-10 trucks an hour going down Pine Street 8 hours per day for about 3 months. I spoke with both Planning and Building Department and found that there were a number of unresolved issues. The permit has been granted from ZBA. There are some outstanding issues with the Highway Department bonding as well as wellhead protection issues. Building Department has issued the permit and there's only 10 days to request for a motion for re-hearing. Severino Trucking met with all departments involved. The objective was if Severino Trucking is willing to address all issues and have them placed on the permit that they would be compliant and the motion for re-hearing will not be necessary. I believe the objective was reached. Unless anyone from the Planning or Building Department is opposed, I believe the permit properly finalized will meet all the requirements with all the conditions stated on the permit. As a result, the motion for re-hearing is not necessary.

Dale Hemeon, Highway Manager: We had some major issues with the bond. We received the original bonds and they were wrong. The main thing was protecting the taxpayers, especially the Pine Street residents. Unlike, letters of credit, bonds only get 10 to 20 cents for every dollar. Pine Street is a very narrow road with a lot of line sight issues. Severino Trucking have agreed to do everything we've asked and more than bent over to accommodate the Town.

Jo Ann Duffy, Town Planner: The excavation permit draft that was provided at the beginning of the meeting listed the typical items. It was supposed to have a traffic default plan in place, which Severino has provided. The Police Chief has looked at it and is okay with it. It's basically just the traffic control on Pine Street and not any of the State roadways. The other conditions have to do with bonding for any damage done to Pine Street. We added in after speaking with the Severino's that they would video the condition of Pine Street as proof of the condition it's in now. There was a condition to the Village Water District that they provide monies for any bonding on any damage done to the water lines on the street as well as an excavation bond for the reclamation of the site. The amount of the bond was provided to the Planning Board. The Planning Board relies on the Town Engineers to verify that the bond amount is sufficient. Unfortunately, that was not done. Severino Trucking upped the Village Water bond amount from \$15,000 to \$55,000. I'm confident that the amount is sufficient. The other thing added was that no loam could be removed from the site and that they needed to provide a certificate of insurance to the Town. They needed some of the State permits in hand. They needed to correct the site distance problem coming out of the driveway. They have committed to take care of these issues and will be part of the permit. Building Department will amend the permit to include the additional items.

D. Hemeon: Building Department will be typing up the amended permit tomorrow. Peter Rowell, Code Enforcement Officer will monitor the project.

J. Gorton: The one glaring thing that stands out the most is the lack of communication between various departments in Town. We had it today. I was at all meetings and every time there was a potential problem, the applicant was more than willing to cooperate. When the approval was finally issued and people became aware of it, they got up in arms. The issues brought up, as far as ZBA was concerned, were already been resolved. Because of the lack of communication, nobody else was aware of it and they were up in arms about it. In my opinion, the ZBA, based on the information we received, made the right decision.

Michael Sorel: If the motion for re-hearing is filed in order to meet the deadline, can it be withdrawn?

J. Duffy: Yes, it can be, but the Council has to make it a part of the motion.

P. Loiselle: I'm satisfied with the results and I don't think a motion for re-hearing is necessary.

Renewable Energy Property Tax Exemption

Lee Scott, 51 Pleasant Street: I'm trying to get the Town to adopt State RSA's 72:62, 72:66 and 72:70, exemptions to property tax for personal property used in creating energy from the sun, wind and wood. Currently, the Town considers it temporary property and is not included in the tax assessment. Personally, I'd like to see all three RSA's adopted via either a Council vote or warrant article.

D. Ross: I agree with the exemption for the solar power. It's a good idea to encourage it. I'm in favor of solar power, but I have some concerns with wind turbine being exempted for a number of reasons one being the impact on the neighbors. There is also the potential of selling the energy produced. It does not exist now but it may in the future. That's why I'm in favor of solar power but not wind and wood at this time.

L. Scott: First of all, these exemptions are strictly for residential and non/profit organizations. You cannot make profit off net energy.

Discussion on the matter ensued.

P. Loiselle suggested placing the three exemptions on three separate warrant articles.

The matter will be further discussed at the next meeting.

Town Administrator's Position

The Council discussed the subject of hiring an Interim Town Administrator, whether or not to put a cap on the dollar amount and hours.

P. Loiselle moved to waive the rules to vote on a "New Business" matter.

Council consensus was to vote on the matter at the next meeting.

P. Loiselle withdrew his motion.

GASB (Governmental Accounting Standards Board) Regulation

In order to comply with GASB, employees' benefits package will have to be moved from the Administration Department to each individual department.

G. Longfellow stated that the benefits package should be kept under Administration Department.

P. Loiselle: My understanding is that we need to do it. The Town is not complying with the GASB Accounting regulations. Therefore, it's noted on the Town Audit, which affects the Town's bond rating.

D. Jodoin: It should be done to get away from adverse opinion. It affects the Town's credit and bond rating. Another reason is that it does not reflect the true figures of how much it cost to run a department.

P. Loiselle: I agree in principle with moving the benefits into each department, however, the Police Department has those items in their budget. Because of their structure as a commission, if they were to lose employees during the course of the year, those monies do not come back to the general fund. They have the right to expend it. That's the only drawback.

D. Jodoin: There are policies and procedures the Town is not complying with. It needs to be implemented across the board regardless of who they are. The Council can set up policies and procedures for encumbrances at the end of the year, which eliminates salaries and benefits.

Tri-Town Ambulance

N. VanScoy asked about the Tri-Town Ambulance contract.

D. Jodoin: There never was a contract between Tri-Town Ambulance and any of the towns. There was an agreement that a vehicle has to be in Town between 9 am and 5 pm.

N. VanScoy: My understanding is that when the Town purchased the rescue vehicle, it was to be used as a back up. Why was the Town rescue vehicle sent to an accident in Manchester and not Tri-Town Ambulance?

D. Jodoin: Because we're in a mutual response agreement. If Tri-Town Ambulance were unavailable, Rockingham Ambulance would respond. We respond on an as-needed basis.

D Jodoin directed N. VanScoy to address any ambulance inquiries to the Fire Chief Michael Williams.

Voting Booths

D. Ross: We need to purchase a batch of new voting booths. The Town is growing and the ones we have need to be replaced. Voting in Hooksett went very smooth. I didn't hear any complaints. The Town employees and the Police Department were excellent and have to be commended.

G. Longfellow: I agree. I've been to a lot of elections and this is one of the smoothest running elections held in Town.

TOWN ADMINISTRATOR'S REPORT

D. Jodoin reported on the following:

1. He asked for a motion to appoint Carol Granfield as Interim Town Administrator.

P. Loiselle moved to appoint Carol Granfield as Interim Town Administrator. Motion seconded by W. Gahara. Motion carried unanimously.

2. He asked for the Council to assign either the Chair or the Vice-Chair to sign the check and payroll manifests next week.

P. Loiselle will sign the check and payroll manifest.

3. He has gone through the budget process with all departments. Finance is working on finalizing some figures, i.e. hydrant fees, etc. The Interim Town Administrator will get a synopsis of what was cut along with explanations. The Budget workshop is scheduled for January 3rd, 2009. At this time, the total budget increase is at 2.27%.
4. He asked for a motion to authorize and ratify the Town Administrator's authority to execute the Verizon Cell Tower lease on behalf of the Town of Hooksett.

D. Ross moved to authorize the Town Administrator to execute the Verizon Cell Tower Lease Agreement on behalf of the Town of Hooksett. Motion seconded by P. Loiselle. Motion carried unanimously.

5. He asked for motions to release the following bonds.

- \$8,000 (plus interest) landscaping bond for 171 Londonderry Turnpike, Map 43 Lot 15-1.
G. Longfellow moved to release the \$8,000 bond (plus interest). Motion seconded by J. Gorton.
- \$11,000 (plus interest) landscaping bond for 12 Londonderry Turnpike (Granite Group).
P. Loiselle moved to release the \$11,000 bond (plus interest). Motion seconded by P. Rueppel.
- \$5,964 (plus interest) landscaping bond for 208 Londonderry Turnpike (Barking Dog).

J. Gorton moved to release the \$5,964 bond (plus interest). Motion seconded by W. Gahara.

- \$953.60 (plus interest) bond for Morgan Self Storage.
G. Longfellow moved to release the \$953.60 bond (plus interest). Motion seconded by W. Gahara.
- \$16,000 (plus interest) bond for SNHU Resident Halls.
P. Loiselle moved to release the \$16,000 bond (plus interest). Motion seconded by G. Longfellow.

All motions carried unanimously.

6. He contacted four companies to provide quotes for the Council Chambers sound system. Two went out of business one would charge \$80 just to give an estimate. He is waiting to hear from Molloy Sound & Video. The Interim Town Administrator will follow-up.
7. He presented a quote for ergonomically correct desks. Monies were encumbered last year. Three companies were contacted. Two of them are from out of state and one from Manchester. He asked for a motion to waive the 3-bid rule and authorize the purchase.

D. Ross moved to waive the 3-bid rule. Motion seconded by P. Loiselle. Motion carried unanimously.

D. Ross moved to authorize the Town Administrator to enter into an agreement to purchase ergonomically correct desks in the amount of \$12,997.75. Motion seconded by B. Gahara. Motion carried unanimously.

8. He recommended extending the contract with the Town Assessor, Todd Haywood. He asked for a motion to sign the contract.

D. Ross moved to authorize the Town Administrator to enter into an agreement to extend the contract with the Town Assessor, Todd Haywood. Motion seconded by W. Gahara.

N. VanScoy: I have received some complaints about Todd. Maybe an evaluation is in order before extending the contract.

D. Ross: This is the first time I've heard of any complaints about Todd. I personally have not heard of any complaints. I think he's done an awesome job. This contract is strictly on as-needed basis. This is an agreement that we intend to use him for the next two years.

Motion carried. N. VanScoy opposed.

9. He updated the Council on some on-going projects with the building. (1) New chairs and tables for the Council Chambers were ordered. (2) Waiting on quotes for the floors in the hallways and the old wing. (3) Ordered new signs for the back and main entrance. (4) Bathroom heaters will be installed and chimney replaced. (5) Windows will be replaced in the Wellness area. (6) Doors to be installed to pass the code requirements. Leftover monies from donations and insurance will be used.
10. The cell phone will be turned in on Friday afternoon.
11. He suggested putting the Blazer on the next State Auction in May to realize more money.

12. He congratulated Todd Haywood, Cheryl Atkins and Elayne Pearson for all the work they did at Assessing Department. After many years, the MRI recommendations were finally implemented.

W. Gahara moved to extend the meeting for 30 minutes. Motion seconded by J. Gorton. Motion carried unanimously.

13. He suggested having the Interim Town Administrator work with the Finance Director and the Town Clerk on the Charter Warrant Articles to meet the deadlines.

14. There is a new State system called 2-1-1 that provides information to the public regarding health and human services.

SUB-COMMITTEE REPORTS

Police Commission

They would like to move the telephone service from One Communications to Verizon because of 911 issues they were having. There were some discussions as to where the old Safety sign should be placed. P. Loiselle suggested placing the sign northbound on Campbell Hill. The school resource officer was put back on board.

ZBA

J. Gorton: The main issue is Severino Trucking. There's a lot of lack of communication between the boards. The ZBA is receiving pertinent information at the 11th hour. The other item that came up was a comment made by one of the members of the ZBA. A member of the Planning Board publicly chastised the ZBA for decisions they have made with regards to a subdivision. Personally, I think that comment is totally out of line.

W. Gahara: I have to agree with Councilor Gorton. I heard the same thing. Those types of comments can't go on. We should look at the minutes and listen to the tapes. Some of the comments are not getting on the minutes. We should review the tapes. If the Council needs to take the necessary steps to reprimand individuals, we should do that.

D. Jodoin: I just want to thank the members of the ZBA. They are in an awkward predicament at times. They are volunteers and they do the best they can. The Planning Board relies heavily on Stantec. Stantec runs the meetings most of the time and the developers pay for that. The ZBA don't have the same level of expertise or training and basically on their own. There are a lot of negative comments.

Discussion on the matter ensued.

Sewer Commission

The construction at the treatment facility is moving along. A company made a presentation on a grease trap that goes under the sink that separates the grease from other liquids.

Planning Board

They will have a meeting this Monday, November 24th at the Library at 7 pm to discuss the water problems on Beauchesne Development. A hydrologist will be there to address the Brookview flooding issues. Stantec does not have a hydrologist in their staff. It appears a study has to be done to find out where the water is coming from.

PUBLIC INPUT

John Gryval, Planning Board Chair: We are in the process of setting up a joint meeting to see if we can address the communications problems with the ZBA.

Michael Sorel, Planning Board member: I believe that the ZBA and the Planning Board need direction from the Council. You can't tell them what to do but you can tell them what you expect from them.

J. Gryval: I don't understand how the ZBA can say they are not getting the information in a timely manner. It's the same information we all get at the TRC meeting.

J. Gorton: If there was a TRC meeting, information should have been forwarded to the rest of the boards.

D. Ross moved to extend the meeting another 30 minutes. Motion seconded by W. Gahara. Motion carried unanimously.

NON-PUBLIC SESSION

P. Loiselle moved at 10:03 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 W. Gahara. Roll call vote carried unanimously.

W. Gahara moved to exit the non-public session at 10:23 pm. Motion seconded by P. Loiselle. Roll call vote carried unanimously.

ADJOURNMENT

The meeting adjourned at 10:24 pm.

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, actual, apparent or potential, which personal consideration could have the potential to compromise judgment and objectivity. An apparent conflict of interest is one in which a reasonable person would think that the judgment is likely to be compromised. A potential conflict of interest involves a situation that may develop into an actual conflict of interest. A conflict of interest exists whether or not decisions are affected by a personal interest; a conflict of interest implies only the potential for bias. 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

Amended: November 19, 2008