

OFFICIAL

TOWN COUNCIL Regular Meeting Minutes Wednesday, December 17, 2008

CALL TO ORDER

Chairman Dickson called the meeting to order at 6:30 pm.

ATTENDANCE

Chairman D. Dickson, G. Longfellow, J. Gorton, D. Ross, P. Rueppel, W. Gahara, and N. VanScoy
P. Loiselle excused
M. Pischetola arrived at 6:35 pm.

APPROVAL OF MINUTES

November 19, 2008

J. Gorton motioned to accept the minutes of November 19, 2008. Seconded by G. Longfellow. Correction page 1 (hearth to heart) Page 7 D. Jodoin directed Nancy VanScoy to speak with the Fire Chief regarding the ambulance.

December 3, 2008

D. Ross motioned to table the minutes of December 3, 2008.

M. Pischetola asked the Finance Department to look into the \$1500.00, which was received in donation for the Safety Center sign.

Minutes of October 22nd

G. Longfellow stated that the Sewer Commission had an issue with spending money in the default budget. The commission wants this statement corrected in the minutes of October 22nd to read, " Legally, the Sewer Commission doesn't have to abide by the Town's Default Budget."

G. Longfellow motioned to make the correction to the October 22, 2008 minutes. Seconded by B. Gahara. Vote unanimously in favor

PUBLIC INPUT:

S. Oliver, 1465 Hooksett Road. I would like to thank the Town Council for allowing the Police Commission to go forward with the Safety Center sign. I read the Council minutes when the Budget Committee chair was here. I want to commend the Police Commission. The Oliver family did the plantings around the sign at no cost to the Town and that will continue with the permission of the Council and the police. Having been the chair of the Budget Committee, I heard bills weren't being presented to the financial officer. That is incorrect. As the past Budget Committee chair, we received the expenditure reports prior to the meetings. This was always available to the committee. If you are not getting a monthly statement with what is spent and what is still available, then you should speak with the Finance Department. The Budget Committee is here to look at the finances. If everyone works together, this Town will survive. People are having difficult times and it will only get worst.

H. Murray: When the two (2) people from the Budget Committee did their presentation, I had questions, but they left before public input. There was a statement that the town's people vote on the line items. I have never seen the budget go to the floor by line. It goes to the floor by department. It's a bottom line budget. I'm curious, has something changed?

M. Miville, 22 Main St.: I am not here as a Budget Committee member but as a citizen. I am not speaking for Chairman Pieroni. I've only been on the committee for a month. To address John's concerns and the Budget Committee's concerns, there is a lack of transparency. No disrespect to Mrs. Oliver but there was no accountability for the erection of the sign at the Safety Center. I did identify a

couple questions. Councilor Ross and Councilor Rueppel said nothing happens in darkness or in secrecy. Councilor Rueppel said it was all above board and because we weren't getting it done, the commission took care of it. The Council didn't follow the rules for appropriations.

I have prepared a list of questions, which I would like to address to the Council.

#1 Question: Did the Council vote to create, design and erect the sign for the Police Commission budget?

P. Rueppel. We did not get involved in the design. We got involved because when Chief Oliver retired, it was suppose to be erected in 1997. Sandra Oliver, Stu Werksman and George Longfellow were going to start fundraising. I said it will be very long before they raise enough funds. The Police Commission was asked if they had any money in the budget and they did.

D. Dickson: If you will leave the questions, we will respond. Public input is limited to 5 minutes.

M. Pischetola: Could you please define the word transparency so we know your understanding. If the police did something inappropriate, the Council will take action.

NOMINATIONS/APPOINTMENTS

Available Positions:

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

SCHEDULED APPOINTMENTS

Sen. Ted Gatsas re: Route 3 Improvements

T. Gatsas: I'm here to speak of the Benton Road and Route 3 reconstruction project.

A letter from Randy Pelletier was distributed which states, by end of business today, there will be confirmation on the repairs at Benton Road and it will be in writing.

A document was distributed from the DOT to put together a schedule so we know where we are going and how we will get there for Route 3 project. The project has been turned over for final design plans. They are looking to advertise for construction bids in 2009.

D. Dickson: Is the money being appropriated still there?

T. Gatsas: We met with DOT four (4) weeks ago and they said the project is moving forward and the acquisition is also there. The Benton Road funds are still there.

N. VanScoy: Should we be taking any action at this time?

T. Gatsas: There is a 30-day appeal process for the Benton Road Project. If no appeal is received within 30 day, we will move forward. The money is still there for Route 3 and we will finish the project from Benton Road to the K Mart lights.

J. Gorton: I recall a discussion that we were going to look at whether the Cabela's money could be earmarked and applied to this project so this could be completed in its entirety.

T. Gatsas: According to DOT, the answer is NO.

Dale Hemeon: I would like to thank Ted Gatsas and Michael Sidney without whom this wouldn't happen. Merchant gives us an easement and Senator Gatsas pushing this through in Concord.

D. Ross left the meeting at 7:00.

Diane Boyce, Recycling & Transfer Department re: Concord Regional Solid Waste Resource Recovery Cooperative

D. Boyce introduce Jim Presher and Liz Bedard from the Concord Region Solid Waste Resource Recovery who gave a presentation of Single Stream Recycling.

D. Boyce: Single Stream Recycling is a separate issue from automated pick up. Single Stream Recycling makes sense and will help us increase our capacity.

D. Dickson: With Single Stream you don't have to sort your recycling. It will then get sorted in Concord.

Slide Presentation by Jim Presher with the Coop. The Coop has been in existence for 25 year.

Liz Bedard: We need a signed agreement before the May meeting. We are trying to get the extra 10,000 tons.

G. Longfellow: Twenty-five years ago, Hooksett had the opportunity to join this Coop. Since then, we haven't been able to get in. Now you are saying we could join and get rid of our recyclables at the same rate of \$76.10. I'm not convinced it is worthwhile financially. We would have to change our system of pick up.

J. Presher: For single stream recycling, you don't need to change your pick up method. You simply have everyone drop off in one container.

G. Longfellow: We run an 8% recycling rate now.

J. Presher: With single stream, you should increase your recycling rate to 30%.

G. Longfellow: We looked into Pay-As-You-Throw and the recycling rate is the same, 30-40 percent.

J. Gorton: What is our tonnage for recyclables now?

Diane Boyce: It is about 8% and that isn't bad for a volunteer program. (450 tons per year)

G. Longfellow: I suggest we form an unbiased committee to look at three (3) options, Pay-As-You-Throw, The Current System and Automated Collections.

M. Pischetola: What is Diane Boyce's recommendation?

D. Boyce: I would join the Coop. The automated collection, which is a separate issue, is the future of handling solid waste.

B. Gahara: Regardless of what kind of pick up system is established, this will make sense and it is easier for the people in Hooksett and we will save money.

D. Boyce: We have a Transfer Station so there will be no additional labor or set up cost to implement Single Stream Recycling.

Meryl Johnson: I was here 25 years ago and at that time, we looked into consolidated recycling and now we are back. It makes sense now. The committee makes sense.

Dale Hemeon, Highway Manager, re: PSNH Warehouse Plan & Landscaping Bond Release.

Dale Hemeon recommended the Landscaping Bond for PSNH in the amount of \$3000 be released.

***G. Longfellow motioned to release the PSNH landscaping bond for \$3000. Seconded by N. VanScoy.
Roll Call unanimously in favor***

D. Hemeon: The Planning Board approved PSNH to construct a new warehouse behind their existing building. When Route 3 gets widened, we will need the right of way and they will lose all their front row

parking. We agreed to give them the town right of way, which will not affect our road, and we will have plenty of curbing. We need Council's approval to sign off.

G. Longfellow motioned to approve the agreement to give PSNH the Town Right of Way. Seconded by P. Rueppel.

N. VanScoy: How does that affect future expansion?

D. Hemeon: They will move the road over to the left and it will not affect us. The town's engineers have reviewed it.

Roll Call vote unanimously in favor.

D. Ross returned to the meeting.

OLD BUSINESS

P. Rueppel asked about the status of the MRI contract for the Town Administrator.

D. Dickson stated that five (5) Councilors signed the contract prior to the meeting and it has been returned to MRI.

N. VanScoy: I'm a little taken back because five (5) Councilors are a quorum but how does five (5) Councilors constitute acceptance by the entire Council. That constitutes a meeting, which was organized, and not everyone was told. I was not allowed to give my input.

D. Dickson: I went with getting this done before tonight in the same way that we did the Tax Anticipation Note. Since I knew P. Loiselle wouldn't be here tonight, when I bumped into him, I asked him to sign as well as four (4) other Councilors who also signed it.

P. Rueppel: I was assured that we would have an opportunity to discuss this again.

M. Pischetola: Why am I here if you only need five (5) people to sign.

D. Dickson: I followed with the same premise as the TAN.

M. Pischetola: You entered into a contract with five (5) people.

D. Dickson: The only agenda I had was to get things done. I had five (5) Councilors who agreed. We have a 10-day out. What are the concerns?

M. Pischetola: I wanted to discuss this.

D. Dickson: We can get the contract back and talk about it January 14th. We have a 10-day out. We signed it within the last 3 or 4 days.

B. Gahara: I'm confused; I think we all had a copy of the contract and we talked about it. I don't remember there being any concerns at the last meeting. I can understand the confusion and people feeling slighted because of the way it was signed, but I would like to know what the concerns are. There are concerns out there for other reasons beyond us entering into a contract. We did the math. This contract would stay within the guidelines of what we would pay Mr. Jodoin. In terms of trying to get things done, in light of the holiday, I don't see anything wrong with it.

J. Gorton: We were given a copy of the contract at the last meeting. If there were concerns, they should have been raised before tonight.

G. Longfellow: If we don't bring the contract back, this will fester. We should bring it back and that will solve the problem.

D. Dickson: It will be placed on the agenda for January 14th.

N. Vanscoy: My concern isn't with the contract, it is with the public's right to know and decisions being made outside the Council meeting. Councilor Rueppel has tried to bring up the contract for the last two (2) meetings relative to a spending cap and it was tabled twice. I am worried about the transparency of the Councilor making decisions outside the Council meetings.

D. Ross: Can we discuss it now?

D. Dickson: Lesson learned.

B. Gahara motioned to open up a discussion on the contract tonight. Seconded by D. Ross.

N. VanScoy: My understanding of the contract is open ended at 70/hr. We are leaving it up to the employee as to how many hours are needed. I don't think Mrs. Granfield is doing anything devious but I don't think we can afford 40 hours/week if the Administrator feels it is necessary.

C. Granfield: The contract, as written, says three (3) days a week, which is an average. The idea in speaking with MRI, was that some days there are more hours than others. Some days, I come in later, like today, where I stay late for a meeting. I was trying to stay within 24 to 32 hours per week. Some weeks there is more going on, like with the power outage issues. I can't say I will have 7 hours/day. We want to keep the cost in a range to get the work done that you want. I suggest, when I feel it is beyond a certain number, I can let you know. I have gone over the finances with Christine Soucie to see where you have money. From my perspective, we are trying to give you what you want within the cost limitations. You need certain things done. I recommend, if you are giving a cap, it should be on a monthly basis. We don't know how long it will take to get a permanent Administrator in place. Once the budget is completed, the demand may lessen.

P. Rueppel: I want to be responsible. We are running into an emergency with the Beauchesne development. I talked to Christine Soucie, and with David making \$90,000 plus retirement, that gives us \$97,000. I asked other people at your company (MRI) what they were working and they said Mike Farrell worked a 20-hour week. So if we can keep the range at \$80,000/year and add the cost of the search, it is \$93,000. We will have \$4200 for a slush fund. I wanted to put a cap of \$6700 per month. You (C. Granfield) can decide what you need. That gives you 21-hours/ week. You could possibly be here until May. I want to be responsible. We don't know what kind of emergencies we will have. Dale Hemeon told the Planning Board that the other side of Benton Road bridge is falling down.

D. Dickson: Your passion for savings is great and I hope this shows up at the Budget meeting on Saturday. With Carol Granfield looking at the resume and the experience she has, I don't think we need to micro manage her. She has explained what and how she wants to accomplish.

D. Ross: Being someone who is managing this town and the liaison between the department heads and being the go to person, my concern is we can be penny wise and pound foolish. If we don't like anything we have a 10-day out at any time. Coming out of a default budget, I don't think it is wise to tie her hands when we need a budget that will pass. I don't think there is anything wrong with this agreement. If there needs to be a cap, lets extend it to 90 days. To nail it down to a specific number of hours per week or month would be detrimental to the town.

B. Gahara: I signed this contract for three (3) reasons, the 10-day out, a maximum of three (3) days per week, and we will receive a detail bill of what was spent and done and we can review that at our Council meetings.

P. Rueppel: I think we should have discussed this at the last meeting. I don't like the fact that this contract was signed without the benefit of a meeting.

M. Pischetola: If this goes to May, how large will this bill be? Could it be \$100,000?

B. Gahara: By Pat's math, you have 12 months to expend that money.

D. Ross motioned to enter into an agreement with MRI to contract Carol Granfield. Seconded by N. Vanscoy.

Roll Call:

P. Loiselle	-	G. Longfellow	Yes
J. Gorton	Yes	D. Ross	Yes
D. Dickson	Yes	P. Rueppel	No
W. Gahara	Yes	N. VanScoy	Yes
M. Pischetola	Yes		

Vote 7:1 motion carries.

N. Vanscoy motioned to put a cap based on the agreeable rate of \$7000 per month, to be reviewed on an as needed basis by the Council at their regular meetings. Seconded by P. Rueppel. Roll Call unanimously in favor.

Old Town Hall

M. Pischetola: What is being done with the building?

C. Granfield: Economic Development is looking at utilizing it. It has been winterized.

Alternative Energy

N. Vanscoy: What is the status of RSA 76 for alternative energy?

C. Granfield: Our assessor, Todd Hayward has been on vacation. That report will be available at the next Council meeting.

N. Vanscoy: Was there any information regarding how the motion should be made?

C. Granfield: That information will be brought forward with the assessor's report at the next Council meeting as well.

Beauchesne Development

B. Gahara: We need to be kept in the loop on the progress of the drainage study.

C. Granfield: They don't have the final figures on the study. At a Sewer Commission meeting, we learned that some of the GPS has been done.

ZBA and Planning Board

J. Gorton: I attended a meeting, as a follow up on a decision made by ZBA, relative to the Severino Trucking project. I came away with a dire need for procedures and a path of communication between staff, town engineers and boards. No one could answer the question of whose responsibility what issue was. The person who places applicants on the agenda should make sure that everything being presented is complete with all the pertinent information, and if it is not there, should not be on the agenda. Don't sandbag the board with a stack of letters from Town Engineers, attorneys, and other departments and then the board doesn't have time to decide. It is up to the Council to put forth an edict that these procedure must be generated and if they exist, they must be followed. The comment was made this afternoon that the Zoning Regulations should be reviewed. It isn't up to the Zoning Board members. For example, Severino shouldn't come before the Zoning Board to issue a permit for mining. This makes the Zoning Board a board of origin and not a judiciary board. The engineers hired by the town are willing to come to any meeting, zoning or planning, understanding there is money involved. Professionals' input is imperative when the boards are asked to make these decisions.

At a meeting this week, there was an applicant that came before the board for elderly housing and after leaving the meeting, I read the elderly housing requirements, which say they must have town water and

town sewer. This project is proposing being hooked up to Berry Hill Estates' water tower. If that's the case, that is a violation of our own Zoning Regulations. I don't know if the Building Department has a say or if they need to work more with Stantec.

D. Ross: These are issues that were brought up by the Economic Development Commission and the need to develop a handbook. This can be directed to B. Sirak.

C. Granfield: There are things that can be looked at procedurally with the departments to help the process. Also the Zoning and Planning Board should meet. The result was the Zoning Board wanted a meeting as a round table session with the Council Chair facilitate that meeting. Each group would come up with a listing of what they would like to discuss.

J. Gorton: The Conservation Commission should be involved as well. They have an impact on development.

N. Vanscoy: Since joining the Council, I have attended many meetings. I continually hear this theme of communication and working together. I want to reiterate this is something that should be addressed by the Town Council, whether we are addressing the protocol or the solutions. I don't think it is the Council that should set up the protocol.

NEW BUSINESS

P. Rueppel: Nancy VanScoy has agreed to replace me as the Town Council representative to the Planning Board.

D. Dickson: The Council will address this at the next meeting.

D. Ross: I receive a call, that in the event of future emergencies; when we have citizens that aren't mobile could we have access to the school buildings. We have school buildings that are heated and we have people that are there whether we have school or not. We should open those facilities for public to use the showers. If the Council could pen a letter to the School Board, it would be helpful. I spoke to Maura Ouellette, Chair of the School Board and they were receptive to the possibilities. The elderly are reluctant to venture to the college where it may be difficult to find their way around the many buildings.

H. Murray: I made arrangement for shelter at SNHU. This is a certified shelter. They are set up to do that. At Emergency Management meetings, they say the worst place to have these shelters is at a public school. The University has better control. We also made arrangements to transport people, which we did from Birch Hill by wheel chair. There is no reason you would need to use any schools, however they are available in an emergency. Emergency Management is where people should call. On Friday, the police and fire were going door to door giving out papers with information for the shelter. We also made arrangement to have crates brought in for the animals and SPCA would board the dogs.

M. Pischetola: I recommend, when you open the EOC, you notify the Council members.

H. Murray: The Council is notified because the Council Chair signs the paper. The college had showers and they were housing 80 people. We currently have 183 homes in Hooksett without power and all roads are now open with the exception of Bicentennial Drive.

N. Vanscoy: Is there a need for us to make the Town Offices available to our seniors, not just in an emergency, but for our citizens to be warm during the daytime hours? Is there a need and is it something for the Council to consider? At one time, Peg brought forward the "Keep Warm" program, and we should open the Town Offices throughout the winter.

H. Murray: We have already addressed this issue. They can go to the library. Al Dionne called her (Peg) and she never returned our call. We had addressed this issue before she proposed it on an informal basis.

TOWN ADMINISTRATOR'S REPORT

Power Outage

Harold Murray provided storm update and commended the staff for a great job. PSNH kept the Town advised on the status. The Town Offices had two-thirds power and it has been repaired.

Landfill Agreement

Authorization is needed to enter into an agreement with ECS for the landfill in the amount of \$9750. There are three (3) proposals and it is recommended that we go with ECS who has done the work in the past.

G. Longfellow motioned to approve the annual landfill maintenance and enter into an agreement with ECS. Seconded by Nancy VanScoy.

Roll Call vote unanimously in favor.

Sound System Contract

The proposal for the sound system contract was provided in the Council packets. Councilor Ross' feedback was provided. This will include microphones for speakers and presenters. The cost is \$3825 with Malloy Sound and Video. (No motion required by Council to expend under \$7500)

N. VanScoy: Were there any other bids?

C. Granfield: Malloy was the only company that would come out and quote without charging the town.

N. VanScoy: I see bill upon completion. Does this include post installation support?

C. Granfield: No, but it will be tested upon installation.

Holiday Closings

The Town Offices will close on December 24th at noon and will reopen on Friday, December 26. We will also close at 3:00 PM on New Year's Eve and reopen on January 2nd.

Motion to endorse EDC

A motion made at the last Council meeting to endorse the EDC was a legal action. After speaking with an attorney at the LGC, they indicated that since this issue was on the agenda as a scheduled appointment, and not raised under new business, it could be acted upon at that meeting.

Heritage Commission Donation

The Maurice Family made a \$75 donation to the Heritage Commission for the Historical Marker Program.

D. Ross motioned to accept the \$75 donation to the Heritage Commission per RSA 674:44-b.

Seconded by B. Gahara.

Vote unanimously in favor

Furniture Donations

At a department head meeting, I stated I would contact two (2) locations I worked with in the past to inquire about the availability of donated furniture. Unfortunately, they have nothing available at this time. If anyone from the public has anything they could donate, the Town does need items.

Emergency Management Director, Al Dionne

Governor Lynch appointed Al Dionne to the Home Land Security Council.

VanScoy asked about a legal issue regarding Councilors performing work for the Town. Per legal counsel, they are not precluded from doing work with the Town, however should recuse themselves if there were action taken by the Council. That letter will be issued.

The next Council meeting is Saturday, January 3rd for an all day budget meeting. We have modified the proposed budget and the Finance Department will have the books available for the Councilors to pick up on Friday, December 26th. The next regularly scheduled Council meeting is Wednesday, January 14th.

TAN

We did not need a TAN (tax anticipated note). We had sufficient funds.

C. Granfield: I will not be here next week, December 22nd through December 26th.

P. Rueppel thanked Carol Grandfield for having the covers installed on the Council tables.

SUB-COMMITTEE REPORTS

B. Gahara –Budget Committee

The Budget Committee met on Saturday for an all day workshop. Dr. Littlefield and the School Board did a great job presenting and addressing all the issues. They are \$60,000 below the default budget.

G. Longfellow – Sewer Commission

At the Sewer Commission meeting, they complained about their budget. They are up to \$14.5 million in their expansion program and they only have \$7 million. They are trying to sell the 200 extra gallons to raise more revenue. The original \$9 million estimate is up to \$14.5 million

P. Rueppel - Planning Board

Stantec has begun the review of the water issues in the Beauchesne Development.

N. VanScoy – EDC

There was a very informative workshop held with Pittsfield. There is a need for a comprehensive web page. Our web page is not user friendly. I would like to see the town web page put on the next Council agenda.

G. Longfellow: The EDC is looking into that.

N. VanScoy: We have a town web page that has inaccurate information. Evelyn Horn has stated she does not have the necessary access she needs to make updates. I am not happy with the website as a user.

We have a comprehensive Master Plan, which is now out of date. If the EDC Plan and Master Plan are not consistent, we will not meet our goals.

***J. Gorton motioned to extend meeting 10minutes. Seconded by P. Rueppel.
Vote unanimously in favor.***

PUBLIC INPUT

S. Agrafiotis: After the last Council meeting, I looked at the e-mails and found an error in my statement. J. Pieroni stated that they requested a report, and Christine did request a report on July 30th. At the Police Commissioner's meeting in August, we asked what the request was about. In September, we asked Paul Loiselle if he knew what it was about and he didn't know. The Police Commission felt that this may be part of an ongoing problem with the finance department from June, so they decided not to provide new information to finance.

The Budget Committee mentioned transparency. While people may not have been at the meeting, there are minutes and these were public meetings. I would like to know what the definition is of transparency.

Mike Pischetola spoke to me during the break and reminded me of an incident with a police department in south where someone was chasing a lady and she couldn't find the police department because the sign wasn't lit. She sued the town. That is an example of the town's liability. Family Court has designated the Safety Center as the drop off location for custodial issues. There is a need for signage and proper lighting.

Sandra Oliver mentioned all the approved bills are sent to the Finance Director; therefore, they should know what is spent. Why would we send the Finance Department a quarterly report of what is in their cabinet and what we have already sent? The Finance Director provides a monthly report of expenditures for us and I assume all departments. Since the Finance Department sends us this report, why wouldn't Finance know what is spent if they generate the report? When you hear Finance doesn't know what is going on for expenditures, I don't know how that can be.

NON-PUBLIC SESSION

B. Gahara motioned to enter into non-public. Seconded by J. Gorton.

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."*

ADJOURNMENT

Respectfully submitted,

Lee Ann Moynihan

Nancy VanScoy
Town Council Secretary