

## UNOFFICIAL

### TOWN COUNCIL MINUTES Regular Meeting Wednesday, April 22, 2009

**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 (excused), Patricia Rueppel, Nancy VanScoy, Chairman David Dickson, Carol Granfield (Interim Town Administrator)

#### **PLEDGE OF ALLEGIANCE**

#### **APPROVAL OF MINUTES:**

April 8, 2009 – ***N. VanScoy moved to approve the April 8, 2009 minutes as amended. Motion seconded by W. Gahara. Motion carried.*** Chairman D. Dickson and P. Rueppel abstained.

#### **PUBLIC INPUT:**

David Pearl, 79 Main Street: (He distributed DVD's of the Police Commission public hearings held on April 13<sup>th</sup> and 15<sup>th</sup>.) An incident happened in the second public hearing where Chairman Gagnon made an off colored remark during the proceeding and refused to apologize for it. I attended the Police Commission meeting last night at the Safety Center. I was shocked to see the way the meeting was run. People were being interrupted during public input. I was disappointed with the structure of the meeting and surprised. I hope you would consider these issues when you make appointments for the Police Commission.

Maura Ouellette, 3 Summerfare Street, read a prepared statement for the record.

*I'm here tonight because I have some very serious concerns with the current situation within our Police Department. Over the last few months, we've all seen it and heard it and read about it. The sad truth is that the tumultuous environment in the Police Department has been going on for quite some time. It is all just coming to a head in recent months. While I understand that the Council needs to remain neutral in these types of situations, my question is, at what point do you get involved? The concerns are with the upper management within the Police Department as well as the Police Commission. So if you don't get involved, who does? Who has that authority? How many more employees do we have to lose? The Hooksett Police Department is currently authorized for a full complement of 29 officers and is currently funded for 28 officers. The current staffing is at 27 officers, with one of those 27 uncertified at this time; therefore he cannot go out on the road alone. We also have one officer out on leave due to stress. So this means that we currently have 25 officers available to go out on the road. There are several officers that are in various stages of the hiring process in other Police Departments. In a small amount of time, it would not be unrealistic to be down to 22 or 23 officers available and that's if there are no suspensions or anyone else out on leave. So my question is, at what point will this be considered a crisis within our Police Department? My solution that I would like to offer you tonight is to have the Council authorize and oversee an independent evaluation or audit of the operations of the entire Police Department as well as the Hooksett Police Commission. Let's see where the issues lie and where the current deficits are. Hooksett is a great community that I care deeply about but unfortunately right now it has a huge black eye. We need to remedy this and allow this community to heal. Thank you.*

Vincent Lembo, 56 Main Street: I was at that meeting last night. I'm in defense of the Police Commission and the Police Department. At one time a lady raised her hand and asked permission to speak, Mr. Pearl interrupted her. I think the Police Department is getting beat up here way too much. They're doing a

great job. They have inter-personal problems that should be kept within the Police Department. They handled the meeting properly and I think they did a great job last night.

**NOMINATIONS/APPOINTMENTS:**

***G. Longfellow moved to appoint Jim Maloney as a fill-in full member of the Parks & Recreation Advisory Board, exp. 6/2009. Motion seconded by M. Pischetola. Motion carried unanimously.***

***W. Gahara nominated Corri Wilson as a fill-in Alternate Member of the Parks & Recreation Advisory Board, exp. 6/2010.***

Note: Stuart Werksman was nominated at the last meeting for the alternate position. Per Town Charter Mr. Werksman is not eligible to serve on any board for a year after his term on the Council, therefore, he cannot be appointed until June.

**PROCLAMATION:**

Public Service Recognition Week

C. Granfield read the proclamation for the record (see file).

C. Granfield: On an annual basis in the month of May, there is a week designated to recognize public service. I am pleased that the Town is having this proclamation and encourage the public to thank public service providers that you see that week and recognize them for their hard work.

***P. Loiselle moved to sign the proclamation. Motion seconded by N. VanScoy. Motion carried unanimously.***

This will be posted in Town offices and published on the Hooksett Banner.

**SCHEDULED APPOINTMENTS:**

Public Hearing - Acceptance of FEMA Funds

The public hearing was opened at 7:00 pm.

C. Granfield: The Town is required to hold a public hearing to accept funds in the amount of \$5,000 or more. The Town's eligible costs are \$83,819.78 from the September 2008 flooding and 52,824.40 from the December 2008 ice storm. The Town received reimbursements in the amounts of \$41,490.79 for the September 2008 flooding and \$36,618.31 for the December 2008 ice storm. These represent 50% cost reimbursement for the flooding and 75% for the ice storm.

The public hearing was closed at 7:05 pm.

***N. VanScoy moved to accept FEMA reimbursements in accordance with RSA 31:35(b) in the amount of \$41,490.79 for the September 2008 flooding and \$39,618.31 for the December 2008 ice storm. Motion seconded by W. Gahara. Roll call vote carried unanimously.***

W. Gahara was excused at 7:06 pm.

Public Hearing - Petition Warrant Article

Public hearing was opened at 7:08 pm.

C. Granfield: This is a requirement to hold a public hearing to establish special revenue fund in accordance with RSA 31:95-d(b). A petition warrant article was received to restrict 100% of revenue from Comcast franchise fees to establish and operate public access television. This is petitioned warrant article #20 that was placed on the ballot and discussed at the Deliberative Session on April 4<sup>th</sup>. The Town collects \$122,000 annually for franchise fees and placed in the general fund. If the funds are allocated to a special revenue fund, they can only be utilized for public access television and couldn't be applied to reduce taxes.

Harold Murray: All the other warrant articles indicate what the cost will be to the taxpayers. This is the only warrant article that didn't have the tax impact. I was wondering why.

C. Granfield: Because it was a petitioned warrant article and all the others were recommended or not recommended by the Council and the Budget Committee. On a petitioned warrant article, it is up to the petitioner to provide all information.

D. Pearl: I am the person who initiated the petition. As far as impact on the taxes, this money is now being collected as franchise fee originally intended for public access. I feel it is unfair if you leave it in the general fund. I would hope that we'd use it for public access or remove it from the bill and tax everyone equally. I think by having public access television would help people see what actually happens in a public meeting and not rely on other people's impression. I hope we could gain the support of the Town to bring this to Hooksett.

Richard Sullivan, 7 Morgan Drive: I'd like to speak strongly in favor of the public access television. Most of us rely on newspapers for information. That's going away rapidly. Reliable newspapers and reporters are rapidly going away. If you have the public access television, citizens get all information unfiltered. You don't have to worry about being misquoted. For these reasons and some of the obvious ones, I think the community could benefit from this. I urge the community to get behind this and institute it as soon as possible.

Public hearing closed at 7:14 pm.

No action required from the Council.

P. Rueppel: I have been an advocate of this for years. It got voted down soundly last year and the year before. What are you two gentlemen going to do to promote it?

R. Sullivan: I'd be happy to formulate one and present it to the Council.

D. Pearl: I have been video taping some of the meeting and posting them on the internet. There is no official committee right now.

N. VanScoy: I do support this and supported it for years. If it is not adopted, I believe we should take the franchise fees off the Comcast bills. It is indeed a way of taxing select taxpayers. Councilor Gahara talked about the behavior of the boards. People's behavior improves when they know they are being recorded. I do have a problem with the term in operating public access television. I think it should be to improve transparency in Hooksett government. If anything would be expended it should be to provide communication from the Council or the Town to the public.

N. VanScoy requested to put this matter on the agenda for the next meeting.

#### Quarterly Financial Report

C. Granfield: I have spoken with the Finance Director to start doing this on a quarterly basis to update the Council. She will also talk about the fund balance policy. The Town does not have one right now.

Christine Soucie, Financial Director stated that the Council regularly receives monthly expenditures report. In addition to these reports, she will be giving an update on revenues and expenditures on a quarterly basis. Overall the FY 2008/09 operating budget is in good shape coming in at 67.25% spent to date. She presented Administration's 3-year operating budget history. She explained that the figures do not include the Library, Police, Sewer and other major capital purchases. On the average, Administration spends about 70% of the budget at this time of the year. She noted that Family Services Department and Town Building are overspent. The Town has \$88,000 in reserve for the Town Building Maintenance fund. The Town could tap into this reserve to make up what is overspent. The three major Town revenues come from motor vehicle registrations, building permits and interest on deposits. All three revenues are lagging behind expectations. Property taxes are not considered revenue. The difference between

expenses and revenue is the amount raised from property taxes. When budgeted expectation for revenues is not met, the result is a shortfall. Shortfall reduces the amount of money that goes into Unreserved General Fund Balance (The difference between net assets and net liabilities.) Unreserved fund balance is not money in the bank but simply an accounting term. This figure is determined by the Town's external auditors. There are two allowable uses of unreserved balance without voters' permission, (1) contingencies or emergency expenses per RSA 31:11 with Budget Committee and DRA approval, and, (2) Council can vote towards reducing the tax rate at tax setting time. For the last eight (8) years, over \$1 million per year have been used to reduce tax rate. There is guidance as to how much should be retained in this fund. DRA says between 5 and 10% of total appropriations including school and county appropriations. According to the Government Finance Association, it should be between 8 and 17%.

C. Soucie presented a draft Fund Balance Policy for the Council to review and adopt. It requires the Town to retain an Unreserved Fund Balance of 5% and a target balance of 8%, which should be achieved over a five-year period. Currently, the Town retains 5%.

C. Granfield: It varies from community to community. I support within the range of 5 to 10%. I think 8% is a good target. If you go below 5%, you may have problems on "rainy days" and it affects the Town's bond rating. The more you have the better.

M. Pischetola: What if you don't make the 5%?

C. Soucie: There is no penalty but the Town's bond rating will be reduced.

G. Longfellow: It looks like we're putting it in and taking it out. Why not just use the money to pay bills?

C. Soucie: That's part of the tax rate setting process. Everything is an estimate when budget is set. We have to be able to offset shortage in revenue and we have to be able to provide regular cash flow to pay for the Town's financial obligations whether we collect taxes or not.

G. Longfellow: Where does tax abatement figure out?

C. Soucie: When taxes are set. It's figured out as \$100,000.00 overlay. *(Note: The correct amount of overlay used for the 2008 tax rate was \$350,000.)*

To summarize, C. Soucie stated that the Town will have enough funds for expenditures but will not be able to meet the revenue expectation for this year. The difference will be made up from Unreserved Fund Balance at year-end on June 30<sup>th</sup>.

#### Website Presentation

The Town contracted with Tracey Edwards Company to design the website to make it more user friendly and to allow the Town to add and modify the website.

C. Granfield introduced Nate Lindquist of Tracey Edwards Company to the Council.

Nate Lindquist introduced himself and his associate Younus Khan to the Council. They presented the new and improved Town website. The new website will show a larger Town seal and an Economic Development link on the home page. Different key elements were added to be able to find it faster and easier. The contents of the website can be modified by Town staff by using CMS (Content Management System). Y. Khan demonstrated how to edit the website.

N. Lindquist added that every piece of software was custom-created for the Town and licensed but will be sold to other towns. Changes can be made after launch and during the training process. Training schedule will be coordinated.

P. Loiselles inquired if the town would be able to track website activities, and identify who visited the website.

N. Lindquist stated that the website is not designed for that but this feature could be added.

The Council thanked Mr. Lindquist and Mr. Khan for a great presentation and for working with the Town.

**OLD BUSINESS:**

Granite Street Property

C. Granfield informed the Council that the Town was contacted by US Real Estate regarding possible deeding of property that is under foreclosure. The property has been in a damaged condition since the flood in 2006. The Code Enforcement Officer has ordered the structure removed. US Real Estate was asked to consider taking down the structure prior to deeding it to the Town. They indicated they will not remove the property. The Town has no use for the property. C. Granfield recommended not to accept the property.

***W. Gahara moved to direct the Town Administrator to inform US Real Estate that the Town is not interested in having the property deeded to the Town. Motion seconded by G. Longfellow. Motion carried unanimously.***

Charge for Town Facility Advisory Committee

At the last meeting, C. Granfield presented a draft of the charge for Town Facility Advisory Committee. The Council requested a few changes. She presented the amended charge as the Council requested. She recommended adopting the charge and proceed to solicit candidates for the committee.

***N. VanScoy moved to adopt the charge and proceed to solicit candidates for the committee. Motion seconded by J. Gorton. Motion carried unanimously.***

C. Granfield stated that the charge will be posted and encouraged anyone who knows of an individual with these expertise to contact the Town.

Code of Ethics

A Code of Ethics is in place for boards and committee members. The Council had a discussion at the last meeting regarding a complaint that was filed by a resident against board members in violation of the Code of Ethics. C. Granfield recommended that the Council decide whether they would like to rescind, or modify the code of ethics and finalize the complaint.

N. VanScoy: I think we should go into non-public session if we're going to discuss the complaint. I would also like to discuss the Code of Ethics. I read the document again and again. The Council discussed the subject for along time. The Code of Ethics went through a lot of amendments.

She pointed out parts of the document, which should be kept, eliminated and/or amended.

P. Rueppel: I am assuming we are requiring all board members to sign this document? Am I right on that assumption?

N. VanScoy: I don't think it has to be signed. This is just saying what the Council expects. If they don't want to honor that, that's fine. But, if someone were to bring a complaint against a board member, this document would help the Council on how to proceed.

P. Rueppel: How do we handle a violation?

N. VanScoy: I think a violation is something that should be an accusation of a violation. It should be brought to the Council's attention. It should be looked at.

M. Pischetola: Why don't we just do away with this code altogether?

P. Rueppel: I thought one of the reasons we started this is to put some teeth into something. We can't do anything about it. It's a waste, as far as I'm concerned.

G. Longfellow: I think all complaints should go directly to the Council and not go through anyone else.

J. Gorton: I agree that this should be torn up and do away with. If someone from a board has an issue, it should be handled by the appropriate Council Representative of that particular board. I see it as creating more and more problems as long as it exists. Whatever it is called, someone will take it and pick it apart. It has bogged the Council down.

N. VanScoy: When we consider whether to rescind it or not. I do like the idea for all complaints to go through the Town Council Representative.

Council consensus is to add this to the next agenda and vote on it when all Councilors are present.

#### Acceptance of Donation to Parks & Recreation Department

Bast Hatfield General Contractors & Construction Managers of Halfmoon, NY who are building the new Walmart have donated four cement benches worth a total of \$3,296.00 to the Parks and Recreation Department.

***W. Gahara moved to accept the donation of \$3,296.00 in the form of cement benches to Parks & Recreation Department per RSA 31:95-b. Motion seconded by J. Gorton. Roll call vote carried unanimously.***

A thank you letter will be sent out.

#### **NEW BUSINESS:**

##### Public Access Television

***N. VanScoy moved to waive the rules to act on a new business item. Motion seconded by P. Loiselle. Roll call vote carried. G. Longfellow opposed.***

***N. VanScoy moved for the Council to support the Warrant Article for public access television. Motion seconded by P. Rueppel.***

#### **Roll Call:**

P. Loiselle	Yes	M. Pischetola	Yes		
J. Gorton	Yes	P. Rueppel	Yes		
D. Dickson	No	N. VanScoy	Yes	5-2	<b><u>Motion carried.</u></b>
G. Longfellow	No				

#### **TOWN ADMINISTRATOR'S REPORT:**

C. Granfield informed the Council of the following:

1. Clay Pond Project – Last year, the Council approved to enter into an agreement with DES for water protection area grant in the amount of \$30,000. The agreement was signed by the previous Town Administrator. The completion date needs to be extended. It was determined that the Council will need to authorize the Town Administrator, C. Granfield to sign the extension.

***P. Loiselle moved to waive the rules. Motion seconded by N. VanScoy. Motion carried unanimously.***

***P. Loiselle moved to authorize the Town Administrator to sign contracts on behalf of the Town to accept DES funds and enter into an agreement with DES. Motion seconded by J. Gorton. Motion carried unanimously.***

2. The Town Administrator received a legal response from the Town Counsel regarding the proposed Demolition Ordinance. At the last meeting, the Council voted to hold a public hearing. Upon legal review, it was determined it cannot go forward as proposed. It would need to be an amendment to the Zoning Ordinance and will have to go before the voters. The proposal came from Mr. David Boutin of the Heritage Commission. He has been advised of the legal opinion.
3. Recently, the Council discussed the status of a variety of signs throughout the community. The Code Enforcement Officer has advertised that beginning April 15<sup>th</sup>, the Building Department will be aggressively enforcing the sign ordinance. A notice has been published in the papers.
4. C. Granfield attended a meeting coordinated by Congresswoman Carol Shea-Porter with regards to Rural Development funds. Hooksett does not qualify for grants based on total population and median income but it does qualify for various low interest loans ranging from public safety equipment, fire trucks, new buildings, etc. There are also some economic development opportunities for businesses in the community that may qualify to receive some grant funds. She will advise the Economic Development Committee and provide them with contact information.
5. The Town's sewer funds request has moved up on the list of items to be funded through Economic Stimulus package. It is now included in the list to be funded.

P. Loisel stated that the sewer fund warrant article is the key issue for the Town this year. He added that the Council should inform the voters of the importance of the article being passed.

6. This weekend the Highway facility had an open house where they had all their equipments out on display. This was tied with Earth Day at the Transfer Station.
7. She will be presenting a proposal to utilize the gym facility. A process will be in place for both profit and non-profit to use the facility. The Council should receive a proposed procedure from Parks & Recreation Department in the next few weeks.

P. Rueppel asked if its possible to put an exercise room for the employees.

C. Granfield stated that the Town has funds left over from insurance. The Media Center/Wellness Area is going to be finished. Highway/Parks & Recreation and Recycling & Transfer Departments staff will be able to finish the room. LGC is supportive of health awareness. The room will be utilized as an employees' fitness room or for some other purposes.

C. Granfield also added that the Town is working towards moving the food pantry into the gym kitchen area.

G. Longfellow: There was a question whether the Council could interview applicants for the Police Commission under non-public session. We should be able to interview anyone in non-public that we choose to.

Chair D. Dickson: On the day of nomination in June, I will offer opportunities for all candidates to introduce themselves and for the Council to ask questions.

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

##### High School Committee

The committee met a few weeks ago. SAU Superintendent, Dr. Charles Littlefield gave the committee a different charge so they are back to "square one".

N. VanScoy: How does the Council would like to handle the land donation from MS&G for the high school? The School Board wants it dedeed to them and I don't believe that is the correct way to handle that. Who is keeping track to make sure that this deed is not signed over to the school? They could be

on negotiations right now getting ready to sign the contract. I think it's something that should be checked on.

This issue would be revisited.

#### Police Commission

Police Commission Chair Gagnon requested a full investigation of the Hooksett Police Department by the Sherriff's Department.

N. VanScoy asked what the meeting was about.

P. Loiselle: Basically, it boils down to whether the information from the school was correct or incorrect.

#### ZBA

No meetings have taken place since the last report. There will be a joint meeting on Thursday, April 23<sup>rd</sup> between Planning and Zoning regarding the proposed over-55 development on Nancy Lane.

J. Gorton: Is it in the Town's best interest to have the proposed Town common deeded to the Town in the middle of a residential area to maintain forever? I don't know all the details except for what I've seen in the Town Planner's comments in the minutes of previous meetings.

#### **PUBLIC INPUT:**

D. Pearl: After listening to the Code of Ethics discussion, I just want to add my two cents. I've been active with the school. This year I decided to join the Budget Committee. I think there's a reason behind people moving into public service. I was personally frustrated about school spending. I voted for the school budget but had I voted against it, I wouldn't want anyone to accuse me of "conflicts of interest" because of public statements I've made about school spending. If you do maintain this code of ethics, it is important that you define what "conflicts of interest" violation would be so the person deciding to fill a position would know what the guidelines were before they started. To make sure board members are not stepping on it.

V. Lembo: The Council had the Code of Ethics in place. It took 18 months to draft and put in place. I heard that the vote was 6-3 in favor of it. I hear tonight that the majority of the Council is leaning towards doing away with it. Would it still be active if someone didn't put a complaint in? Would you consider getting rid of it if there was no complaint? Is the complaint causing you not to want to deal with it?

J. Gorton: My personal opinion is, yes, it would have been brought up for one reason. Everyone I heard from has refused to sign it. Same discussion would have taken place. This matter would have been brought up anyways because too many members refuse to sign off the document.

P. Rueppel: I originally supported it. But if there's no power on it why have it? What can we do make people adhere to it?

V. Lembo: The Town Administrator was supposed to look into the legality of it. Did she do that?

C. Granfield: Yes, I did. The legality as written, it was okay but there are flaws within it, but no penalties associated with it. It's written, it's there, but how it's implemented is questionable.

Harold Murray, Fire Warden: On the website, I use the website everyday for the tax maps but it's not updated. If there's a fire and the property is leased, I have to have a letter from the owner so I know it is leased. The only way to find out is to check the tax maps. Once a month I get a thick book with all the information. It would help if the tax maps on the website is updated on a regular basis.

Mr. Murray informed the Council that there will be a fire training in Concord. He also asked for the status of the Town Administrator's position. The Council informed him that it is in process.



R. Sullivan: On Code of Ethics, if you go round and round about the potential legalities, there will not be one until my grandchildren have graduated from college. Perhaps the approach should be that it is meant as a guide. Nobody has to sign it.

**NON-PUBLIC SESSION:**

***J. Gorton moved at 9:20 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 N. VanScoy. Motion carried unanimously.***

***G. Longfellow moved at 9:45 pm to exit the non-public session. Motion seconded by P. Loiselle. Motion carried.***

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

**ADJOURNMENT:**

The meeting was adjourned at 9:50 pm.

Respectfully submitted by,

Evelyn F. Horn  
Administrative Assistant

Nancy VanScoy  
Town Council Secretary