

Official

TOWN COUNCIL MINUTES Regular Meeting Wednesday, May 13, 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, Patricia Rueppel (excused), Nancy VanScoy, Chairman David Dickson, Carol Granfield (Interim Town Administrator)

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

April 22, 2009 – J. Gorton moved to table the April 22, 2009 minutes. Motion seconded by G. Longfellow. Motion carried unanimously.

PUBLIC INPUT:

John Pieroni, Budget Committee: I congratulate you on the election results. I am here to urge you to rescind the Code of Ethics and produce a simple Code of Conduct with recommendations on how people should act. Leave out the words, "Code of Ethics" and anything that would conflict with the Town Charter, particularly the ability to conduct hearings on any appointed officials. I would say that would include the Police Commission. There's nothing in the law that would prohibit that. At the last meeting, there was a discussion with regards to the land for the new school, that the Town should have the title. I strongly disagree with that. Any land for school should go to the school district. I see no reason why the Council would want to get involved with any responsibilities for the land and any issues that may arise from it. The School District have their function, the Council has its function. I'm concerned that's an attempt for the Council to override overall issues in Town. Interestingly enough, the only group in Town that has overriding power is the Budget Committee. Although it is very limited to the budget. This brings me back to why the Budget Committee should not be reviewed by the Council in terms of behavior, it does have responsibilities in Town.

Michael Sorel, 54 Cross Road: Perhaps George Longfellow could help with my memory but it's my understanding that the land for the Cawley School belonged to the town, acquired for unpaid taxes. The Town gifted it to the school.

G. Longfellow: The land was bought from an individual and was not taken for taxes. I believe the school paid about \$300,000 for the land.

M. Sorel: I'd have to do some research but I seem to remember the Town held it for many, many years. The Town needed to build a school and that's how they acquired that. The other thing I'd like to mention is that the Budget Committee Chair came to you a while back to give his report. At that time he informed the Council that the committee was full but he didn't give you the names of the members. I don't know why he didn't give you the names that evening but subsequently, those same people serving on the committee have caused some controversy in the community. He reported mostly on the problems he perceived with the Police Commission and not so much about what the committee was doing. Another question I have for you, when I was voted on the Budget Committee I didn't know what my responsibilities were and I didn't know what my authority was. There is a seminar paid for by the Town. That's where I learned what my authority was, what my responsibilities were and what my conduct was expected to be. The Chairman went and all new members went. I'm not aware if the new members or the current chair have been to that seminar. It's a valuable seminar and they can learn a lot from it.

Chair Dickson: We were just talking about that. When new members come in for the next fiscal year, seminars will be scheduled.

C. Granfield: It's through LGC and we'll get some information.

ANNOUNCEMENT

Chair D. Dickson announced that the Council had an agreement in principle to hire Carol Granfield, who's been serving as an Interim Town Administrator, permanently starting June 29th.

NOMINATIONS/APPOINTMENTS:

Nomination

P. Loiselle nominated Keith Moon and Mike Reed to the Economic Development Committee.

Appointment

W. Gahara moved to appoint Corri L. Wilson to Parks & Recreation Advisory Board as a fill-in, alternate member, exp. 6/2010. Motion seconded by G. Longfellow. Motion carried unanimously.

SCHEDULED APPOINTMENTS:

Safety Center Assessment Report

C. Granfield introduced Mr. James A. Spiegel of H.L. Turner Group, Inc. His company was contracted to conduct an assessment of the Safety Center complex through a Request for Proposal (bids) process. There have been substantial issues with the facility. The Council authorized taking steps for remediation.

As a background, the building was erected in 1996 and has continually experienced a variety of problems. While the problems occurred on a regular basis, the Town attempted to fix the problems temporarily and did not seek to take action against the contractor for faulty construction. The statute of limitation has expired and the Town cannot seek costs from the contractor.

Mr. Spiegel highlighted some existing conditions and assessment of the facility. The primary cause of the issues is due to poor building construction with no provision for air sealing at the building's perimeter. Mold development, degradation of masonry assemblies, water infiltration, air exfiltration, ice damming, failing pipes and insect infiltration has occurred and will continue to degrade the building and pose a serious treat to life safety of the occupants.

He outlined recommended different ways to correct the issues. He provided different options with costs ranging from \$500,000 to \$3.3 million.

C. Granfield stated there may be some grants the Town could look into. It could also be done in phases. She encouraged the Council to consider what was presented.

P. Loiselle: When the building was built originally, there were different contractors. When problems started arising there were a lot of finger pointing. Can H.L. Turner, Inc. accept the responsibility of managing the construction process?

J. Spiegel: Absolutely.

Gym Use Policy

C. Granfield: We had been discussing to develop a policy for use of the gym. There wasn't a consistent procedure prior to that. We have provided a policy whereby there is a fee schedule for opening and closing. \$25 for non-profit users and \$45 for profitable organizations. There is also a \$60 refundable janitorial fee. They would have to provide a check for \$60, which would be returned if the place is in good shape and didn't need to be cleaned up after the event. The nominal fee is to cover the cost for having an employee come in to open and close the gym. The actual overhead cost would be evaluated but at this point we only have these fees in place. The policy will be implemented starting this month.

M. Pischetola suggested requiring users to provide insurance that covers the Town from any liability.

Dale Hemeon, Parks & Recreation Department Superintendent stated they had planned on asking for insurance waivers but he could add the insurance requirements to the application process.

D. Ross: I think the policy should be reviewed by the Legal Counsel.

C. Granfield: Once things are finalized, we'll send the policy to our attorney for review. It is a good idea to have insurance. We'll follow through with that.

P. Loiselle: The original intent when the school was deeded to the Town was to be used as a Town Hall and a community center. I think that needs to be satisfied.

Discussion on the matter ensued.

Recreation Trail Signs

D. Hemeon: There is no signage currently posted on the trails. We need to get signs posted to inform people on what they are allowed and not allowed to do on the trail. To get a good reflective sign will cost about \$50 per sign. These costs could be absorbed by Parks & Recreation Department. The Kiwanis Club also offered to help pay for the signs. One problem is the hunting issue. No one hunts on the trails but south and north of the trail are known hunting areas. It has slowed down because there are no vehicles allowed. Local sportsmen are urging the Town not to put up the hunting sign.

D. Ross: I think hunting would be a huge conflicting use of the intended purpose of these trails. They are walking trails for families and kids. I think hunting on these trails or within a certain distance is a terrible idea. We should consider this carefully.

D. Hemeon: I don't think they are hunting on the trails. I'm referring to the easement Manchester Sand & Gravel are going to donate to the Town. You're taking recreation away from a lot of people. There are a lot more people besides people that walk and hike. In recreation, we have to think of everybody including the sportsmen.

Discussion on the matter ensued.

W. Gahara suggested adding a "Caution" sign during hunting season.

D. Hemeon: I'm not worried about the trail. I'm worried about off the trail. I have no problem posting a sign, "No hunting within 300 feet of the trail." I just want to make sure that the sportsmen are not forgotten.

Michael Horne, Kiwanis Club & Parks & Recreation Advisory Board Chair: A lot of the suggested prohibited uses, like "No Fires", "No Hunting" came from Manchester Sand & Gravel, the land owner around the trail. The Town only has so many feet of easement that we can regulate. We don't have ordinances. The main concern is to place the signs timely especially, "No Motorized Vehicles".

Harold Murray, Forrest Fire Warden suggested making the trail wide enough for the fire trucks and emergency vehicles to go through. He also stated that in the State of NH anyone with a license could hunt on anyone's property unless it is posted. You have to be at least 300 feet away from an occupied dwelling to discharge a firearm.

Parks & Recreation Impact Fee

C. Granfield: The committee has advised the Council that the deficit has been met. The Council needs a letter from Parks & Recreation Advisory Board that the deficit has been met to be able to expend funds from impact fees collected. Currently, there is \$159,406 in impact fees available. Now that the deficit has been met, the committee could move forth with expending these fees. The Council will have to authorize to expend the funds.

M. Horne presented a letter to the Council which states that the Parks & Recreation Advisory Board had voted unanimously in agreement on February 17th, 2009 that the recreation deficit has been met and can start expending funds.

C. Granfield: There was discussion about possibly expending funds towards a Dog Park. The Council will have to authorize to move forth.

D. Hemeon presented a fenced-in 200 X 100 (under a half acre) area for the proposed Dog Park. There is room for an acre park. With the Council's approval, a public hearing will be scheduled. Plans and actual costs will be presented to the Council for approval.

P. Loiselle motioned to approve the Dog Park pending the public hearing. Motion seconded by G. Longfellow.

Discussion on maintenance ensued.

Motion carried unanimously.

PROCLAMATION:

Harold Murray, Emergency Management Deputy Director and Forrest Fire Marshall was recognized and honored for his 50 years service to the Town of Hooksett.

M. Pischetola left at 8:00 pm.

OLD BUSINESS:

Fund Balance Policy

C. Granfield: At the last meeting, a draft policy was presented recommending an undesignated fund balance at a minimum of 5% of the general fund including County and School appropriations and a target balance of 8% to be achieved over five years.

N. VanScoy moved to adopt the fund balance policy. Motion seconded by J. Gorton. Motion carried unanimously.

Petitioned Warrant Article – Public Access Television

The petitioned warrant article for Public Access Television failed at yesterday's election. The same warrant article was presented to the voters and failed each time for the last 4 years.

N. VanScoy moved to remove the franchise fees from Comcast Cable contract. Motion seconded by D. Ross.

D. Ross: This will have to be reviewed by the Legal Counsel.

J. Gorton: Anybody that signs up with Comcast is aware of the fact they will be paying franchise fees. If someday in the future the voters decide to have public access television, we will have to reinstitute the collection of the fees, which may be difficult. It's there now and as a Comcast subscriber, I have no problem paying the fees based on the fact that I would hope someday we do have public access television.

P. Loiselle: The fees depend on the type of service you have, which goes directly into the general funds. Without the fees, taxpayers will have to make up the difference in form of taxation.

D. Ross: I would urge to withdraw the motion and get more information on how to put it back on if needed.

N. VanScoy: It's been on the warrant four times and failed all four times. It basically comes down to a sales tax. We do not have a choice of cable service. It's unfair and the taxpayers have told us over and over they do not want public access television. I will not retract the motion at this time.

There was a discussion with regards to the fees being a form of taxation for the select few.

Roll Call:

P. Loiselle	No	G. Longfellow	No		
J. Gorton	No	D. Ross	Yes		
D. Dickson	No				
W. Gahara	No	N. VanScoy	Yes	2-5	<u>Motion failed.</u>

Code of Ethics

P. Loiselle moved to eliminate the current code of ethics and have the Town Administrator draft a code of conduct to replace the code of ethics to be presented to the Council for approval. Motion seconded by W. Gahara.

D. Ross presented a draft code of conduct to the Council. (See file.)

D. Ross stated the motion should be to amend the code of ethics and not to eliminate it entirely.

Roll Call:

P. Loiselle	Yes	G. Longfellow	Yes		
J. Gorton	Yes	D. Ross	No		
D. Dickson	Yes				
W. Gahara	Yes	N. VanScoy	No	5-2	<u>Motion carried.</u>

At the last meeting, the Council requested to draft a letter to be sent to the complainant, Mr. Vincent Lembo. C. Granfield presented the letter to the Council and asked for their approval and signature.

P. Loiselle moved to send the letter to Mr. Lembo. Motion seconded by N. VanScoy. Motion carried unanimously.

D. Ross personally apologized to Mr. Lembo. He stated that the Code of Ethics was flawed.

NEW BUSINESS:

Hooksett Heritage Day

N. VanScoy reminded the Council of the Hooksett Heritage Day to be held on May 31st.

Property at Route 3

N. VanScoy inquired about the property on Route 3A. Half of the building has fallen over. She asked what was being done to the property.

J. Gorton stated the property has been condemned and the landowner is waiting to hear from the insurance company.

The Code Enforcement Officer will be asked to check on the property.

TOWN ADMINISTRATOR'S REPORT:

1. C. Granfield expressed her appreciation for being hired permanently. She requested extension of the MRI contract through June 28th.

N. VanScoy moved to extend the MRI contract for the Interim Town Administrator through June 28th. Motion seconded by P. Loiselle. Motion carried unanimously.

2. The Town's Health Officer, Peter Rowell has been working with Emergency Management Department, Fire Department and other State offices on the H1N1 virus issues.
3. It was previously reported that the Food Pantry was being moved to the Town Hall in the gym kitchen area. The Town was contacted by an Eagle Scout to do the process for a project.
4. There were meetings scheduled on the Beaubesne Development Drainage project but have to be cancelled. An agreement with the Town will be drafted relative to funding, approximately \$150,000 and timeline. Stantec is also working with Highway on evaluating drainage. They submitted an update to the Town.
5. She received a letter from the Town of Dunbarton regarding perambulation. The Town is required every 7 years to review the boundary lines. She will research what was done in the past and will update the Council.

P. Loiselle stated there used to be a sub-committee. A few years back there were some discussion on Manchester/Hooksett perambulation. A survey was done and presented to the City of Manchester but was never formally accepted. P. Loiselle suggested doing the boundaries via GPS and have it registered with the State.

6. She met with Nate Lindquist of Tracey Edwards Company. The new website will be launched next week. Website maintenance training will also be scheduled.
7. The invitations are in the process of being sent out for the Volunteers' Appreciation Dinner to be held on Saturday, June 20th, 2009.
8. The encumbrances will be presented to the Council in June.
9. A press release will be sent out to seek members for the new facility committee.
10. She recently received some correspondence from Arleigh Greene and his attorney regarding the site for the Fire Station. They indicated that they did not feel there is an obligation to provide the land. Mr. Greene had previously offered a parcel but was found unsuitable for building. He would be willing to sell another parcel for the difference in assessed values. Assessing Department will provide information on the two parcels.

J. Gorton suggested for the Council to advise the ZBA of their position on Mr. Greene's proposal. ZBA is in the process of reviewing Mr. Greene's project on Kimball Drive.

SUB-COMMITTEE REPORTS:

Recycling & Transfer Advisory Board

G. Longfellow and P. Loiselle will be going to MA to visit a single stream recycling system facility.

Conservation Commission

TF Moran presented the plans for clear-cutting mitigation (re-planting) off Quality Drive along the river. They are also proposing to turn that area into residential lots.

Economic Development Committee

They received the report from SNHU, which will be presented to the Council at an upcoming meeting.

ZBA

There was a seminar held on May 2nd attended by the Planning Board, ZBA and land use committees. Hooksett and Rochester had the most number of attendees.

Heritage Commission

They contracted a company to replace the tin ceiling at the Head School/Chapel.

Planning Board/ZBA

A joint meeting was held regarding the proposed over 55 development on Nancy Lane.

PUBLIC INPUT:

Vincent Lembo, 56 Main Street: Thank you, Mr. Ross, for the apology and I accept it. Can anybody tell me what's going on with the complaint? Is that something I have to see in the mail? Is the Council going forward with the complaint?

N. VanScoy: Because of the nature of the complaint, most of the discussions have been done in non-public. There is an apology in order. The Council does not feel it's in their power to address this issue.

V. Lembo: Would the Council consider instructing the Town Administrator to forward the complaint to the Attorney General's office?

N. VanScoy: As a Councilor, I would be willing to discuss the matter with you. There are things where my hands would be tied because the discussion took place in non-public.

Richard Sullivan, 7 Morgan Drive: Regarding the Beauchesne Development issue, the funding mechanism for this project would require commitment on the Council's part. What's the time frame for that study to be completed? There are folks out there who are having some difficulties because of the mold issue.

C. Granfield: The study should be completed within the next month.

NON-PUBLIC SESSION:

N. VanScoy moved at 9:26 pm to enter into non-public session per RSA 91-A:3 II (d) "Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community." Motion seconded by W. Gahara. Roll call vote carried unanimously.

N. VanScoy moved at 9:45 pm to exit. Motion seconded by W. Gahara. Roll call vote carried unanimously.

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

ADJOURNMENT:

The meeting adjourned at 9:50 pm.

Respectfully submitted by:

Evelyn F. Horn
Administrative Assistant

Nancy VanScoy
Town Council Secretary