

Official

TOWN COUNCIL MINUTES Regular Meeting Wednesday, October 27, 2010

CALL TO ORDER: Chairman Gahara called the meeting to order at 6:30 pm.

PRESENT: David Boutin, James Gorton, Vincent Lembo, Jr., James Levesque (excused), George Longfellow, Daniel Paradis, Michael Pischetola, Nancy VanScoy, Chairman William Gahara and Carol Granfield (Town Administrator)

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

September 22, 2010 Non-Public – *M. Pischetola moved to approve the September 22, 2010 non-public minutes as amended (discussed during non-public session). Motion seconded by D. Paradis. Motion carried unanimously.*

October 6, 2010 – *N. VanScoy moved to approve the October 6, 2010 minutes. Motion seconded by J. Gorton. Motion carried.* G. Longfellow abstained, not present at the meeting.

October 13, 2010 – *D. Paradis moved to approve the October 13, 2010 minutes. Motion seconded by V. Lembo. Motion carried.* M. Pischetola abstained, not present at the meeting.

October 13, 2010 Non-Public – *N. VanScoy moved to approve the October 13, 2010 non-public minutes. Motion seconded by V. Lembo. Motion carried unanimously.*

PUBLIC INPUT

David Pearl, 79 Main Street: In January 2010, the Police Commission granted raises to the management averaging 10%. This was not done through the budget process and done in the year when all other employees got zero. Following this, Town Councilors made many statements in this chambers. There were call to repeal the raises, sending the Police Commission a letter to meet. The newest to be a workshop. But the raises remain. Then the Police management attempted to form a union to protect their raises. It was shut down by the Public Relations Labor Board. Meanwhile HPD management continues practices that are not deserving of these raises. The wrongful firing of Officer Defina has cost this Town thousands of dollars. I understand the Town Council has limited powers over the HPD, however, something needs to be done. We continue to pay these people more and we continue to rack up huge legal bills. I ask that this Council authorize a full audit of the Hooksett Police Department. Thank you.

Harold Murray, Forest Warden: An article in the newspaper about two weeks ago stated the State of NH did not enforce the Timber Harvest Law. That couldn't be further from the truth. Part of my duty as a warden is to notify the ranger of any harvesting that's going on or any infractions of the rules. If you own the wood lot, you have the right to harvest timber with the exception of the basil area along great ponds, water body, a state or a town road. You have to maintain 150 feet back. You are allowed to cut 50% of the basil area. Basil area is determined by a tree at 4 ½ feet above the ground and its measured in square feet to the acre. In fact, there is one logger that's going to court tomorrow morning for violations in the Town of Hooksett. Once you decide to cut you have to file an intent to cut permit with the Assessing Department. When permit is issued, the only way the Town can stop from cutting is if the property taxes have not been paid. Owners have the right to cut right to the lot line. The town has 30 days to notify the owner as to why they are denied the right to cut.

Marc Miville, 42 Main Street: I just received the press release on the new tax rate. There is a \$0.52 increase in property taxes. The Council directed all departments to cut their budgets by 1% or more and have limited warrant articles. At the last Police Commission meeting, the Police Chief presented his first draft budget of over a million his current budget, a 30% increase to \$4.5 million. The commission has started to chip away at it. Apparently, the Police Department did not get the memo. I'd like to ask the Council to monitor the compliance to lower the budget by 1% or more.

RECOGNITION

Eagle Scout Court of Honor – The Council presented a citation to John Arthur Lessard for attaining the highest rank of Eagle Scout.

D. Boutin stated he had the honor of presenting John Lessard a Senate Resolution and Representative Frank Kotowski also presented him with a House Resolution.

NOMINATIONS/APPOINTMENTS

Available Board Positions

Heritage Commission – Alternate Member, exp. 6/2012

Town Hall Preservation Committee

Charter Review Committee

Economic Development Committee

Appointment

Charter Review Committee – ***J. Gorton moved to appoint Richard Bairam to the Charter Review Committee. Motion seconded by N. VanScoy. Motion carried unanimously.***

SCHEDULED APPOINTMENTS

No scheduled appointments.

OLD BUSINESS

Quarterly Financial Report

Christine Soucie, Finance Director presented the first quarterly finance report for the year. The total operating budget is about 25% expended and total revenue is at 14% of actual projected.

Administration is at 42% expended due to liability insurance being paid during the quarter and legal expenses.

Motor Vehicles Registration is coming in as projected. The Town did not receive State Shared revenues in 2009 and 2010. The increase in Meals and Rooms tax and the Highway Block grants have made up for the loss of State Shared revenue.

The 2010 property tax was set at \$21.16, which breaks down as follows: Municipal-\$6.05, School-\$10.62, State-\$2.35 and County-\$2.66.

D. Boutin requested for a comparison of projected and actual revenue for 2006 through 2010.

Right-of-Way Request - Corriveau Drive

At their regular meeting on September 22nd, the Council discussed a right of way request from Dennis Demers to get to his property to harvest timber.

Since the harvest concern was brought to the Council's attention, the Town Administrator has implemented additional review process when an intent to cut permit is requested. Assessing will now seek input from Public Works and Code Enforcement prior to issuing the permit.

Additional information/concerns were received from various Corriveau Drive residents.

Dennis Demers, (owner) LLC Manager stated he intends to do an aggressive cut not clear cut.

If the Town Council approves the request, Dale Hemeon, Public Works Director recommended not cutting more than 20 feet wide. The 160-foot ROW is currently covered with trees. He also recommended that 17 white pine trees be planted within the 160-foot ROW that are at least 6 feet tall and planted every 10 feet with two pines at the entrance. The applicant must apply for a roadway exaction permit, pay the \$100 fee and put into place a \$5,000 street opening bond. The applicant also agreed to place a \$25,000 cash bond. Once the project is complete and the site has been inspected and all conditions have been met, the Town will release the \$25,000 cash bond.

M. Pischetola asked who pays for damages that exceed the \$25,000 cash bond.

D. Hemeon stated the Town would pay.

Mike Carter, MBC Timber stated the property is landlocked. Mr. Demers is here to petition the Council to access his property to harvest timber. The property slopes to the east away from any property. The Town has to take some ownership of the current condition of the road. None of the work they've done has put this road in the condition it's in. The wood lot owner shouldn't be required to bond for a new road. His company will be prudent in the use of the road. They do not typically work in days of repeated inclement weather.

G. Longfellow stated the Town does not stand to gain anything from this and he intends to vote against it.

Dan Hoy, 90 Corriveau Drive stated no one in the neighborhood wants to tell Mr. Demers that he can't log his land. What they are requesting is for the Council to put reasonable restrictions to ensure the safety of the children in the neighborhood and to ensure that when they are finished the Town will not be stuck with a big bill to repair the road. Mr. Demers has a right to his property but he does not have the right to cause the Town tens and thousands of dollars. If the Town is looking into establishing the rules, they are suggesting making it analogous to the master plan.

Discussion on the matter ensued

D. Paradis moved to grant the applicant the ROW request to harvest timber subject to Dale Hemeon's recommendations. Motion seconded by N. VanScoy.

D. Paradis amended the motion to include a truck speed limit of 25 mph. Motion seconded by N. VanScoy.

Roll call vote

D. Boutin	Yes	D. Paradis	Yes		
J. Gorton	Yes	M. Pischetola	No		
V. Lembo	No	N. VanScoy	Yes		
G. Longfellow	No	Chairman W. Gahara	Yes	5-3	<u>Motion carried.</u>

Police Commission Workshop

The Council will schedule a public workshop with the Police Commission.

NEW BUSINESS

Municipal Safety Plan

Diane Boyce, Joint Loss Management Committee Chairperson presented the amended Municipal Safety Plan for the Council's approval. The original plan was adopted in 1995 when the Joint Loss Management Committee was established.

D. Boutin moved to approve the amended Municipal Safety Plan. Motion seconded by J. Gorton. Motion carried unanimously.

Charter Review Committee Charge

The Town Administrator presented the Council with three options for the Charter Review Committee charge.

OPTION A

The Charter Review Committee is charged by the Town Council to thoroughly review the Town's Charter and make recommendations for a complete rewrite of the Charter or a modification of the sections required due to inconsistencies or streamlining of responsibilities for improved efficiency. A report with recommended changes is requested to be provided to the Town Council in January so a public hearing can then be held.

OPTION B

The Charter Review Committee is charged by the Town Council to thoroughly review the Town's Charter and make recommendations for a complete rewrite of the Charter. A report with recommended changes is requested to be provided to the Town Council in January so a public hearing can then be held.

OPTION C

The Charter Review Committee is charged by the Town Council to thoroughly review the Town's Charter and make recommendations for modification of sections required due to inconsistencies or streamlining of responsibilities for improved efficiency. A report with recommended changes is requested to be provided to the Town Council in January so a public hearing can then be held.

There was a discussion with regards to when the committee would be presenting its recommendation to the Council.

D. Boutin moved to adopt Option A for Charter Review Committee charge to be amended to state, "interim or final report with recommended changes to be presented to the Town Council by January 26, 2011". Motion seconded by N. VanScoy.

Discussion on the matter ensued.

Motion carried unanimously.

Meeting with Planning Board/CIP

Per Town Charter, the Town Council has to meet with Planning/CIP once a year. This will be added to the agenda for the next meeting on November 3rd.

Town Newsletter

G. Longfellow suggested for the Council to review the Town newsletters prior to sending them out. C. Granfield stated this would be done.

Technology Services Bids

A couple of bidders are questioning how the bidding is done. Some feel they were left out of the bidding process. They indicated the top firms chosen had higher bids. C. Granfield explained the Town received six (6) proposals, which were reviewed by a panel made up of the Town Administrator, Finance Director, Fire Chief and Derry's IT Manager. The panel chose the top three to be interviewed and will recommend a firm to be awarded the bid. The Town does not have to accept the lowest bidder. Cost is just one factor.

TOWN ADMINISTRATOR'S REPORT

C. Granfield informed the Council of the following:

1. A press release was sent out on the new 2010 property tax rate. The tax rate will be \$21.68 (Municipal-\$6.05, School-\$10.62, State-\$2.35, County-\$2.66), a \$0.52 increase from last year's rate.
2. A press release was also sent out on the Hooksett Gateway update. No commitment was secured for the proposed development. The Town will continue its efforts to develop Exit 11.

3. The Town received the new health insurance and workers' comp rates for this year. Health insurance's average increase is 11.3% and worker comp rate increased by 6%. These have been incorporated with the budget.
4. All Town departments including the school have been advised of the Council's recommendation 1% budget reduction and to have limited number of warrant articles.
5. Election day is Tuesday, November 2nd at Cawley Middle School. Polls will be open from 6 am until 7 pm.
6. There will be a regular Town Council meeting on Wednesday, Nov. 3rd at 6:30 pm.
7. The Town has received preview of how the website would look like. This was forwarded to all Councilors. Still anticipating going live by January.
8. The Town will be issuing RFP's for Telephone and copier lease.
9. The Town received bids for Technology Services and Assessing Services. Recommendations for Technology Services will be presented to the Council at their meeting on Wednesday, November 3rd and recommendations for Assessing Services will be presented on November 17th.
10. DRA had indicated that the Council could make a motion to authorize the Town Administrator to sign forms on behalf of the Council.

D. Boutin moved to authorize the Town Administrator to sign all DRA forms and provide the Council with copies of signed documents. Motion seconded by J. Gorton. Motion carried unanimously.

11. The water main work at the Library was completed. Mr. Neville had filed an injunction, which was approved, because the water line to Mt. St. Mary's will be cut off tomorrow. The water will not be cut off until he is connected to the main line.

SUB-COMMITTEE REPORTS

Budget Committee - School

1. An overview of the school budget was presented to the board.
2. The newly hired Math coordinator made a presentation.
3. School plowing issues was discussed.

Recycling & Transfer Advisory Board

1. There is a facility in Billerica that accepts single stream recycling. They will pay \$10/ton, if the Town will deliver. They will charge extra to do pick up.
2. The Superintendent is proposing a \$240,000 warrant article. This will be presented to CIP. G. Longfellow stated he does not think it belongs to CIP because you have to have a six-year plan. They have about \$700,000 in the fund. They want to add the \$240,000 warrant article to the fund to purchase the truck and the barrels needed for single stream recycling.

CIP

Recycling & Transfer Department will be presenting their CIP requests on November 9th.

Town Hall Preservation Committee

1. The regular meetings are changed to 2nd and 4th Mondays.
2. The committee will update the Council at the next meeting on Wednesday, November 3rd.

Police Commission

J. Gorton has attended the meetings since he was appointed as the Town Council representative in June. He brought up some concerns with the Police Commission's conduct. He feels if they are not advised, they will open the Town to a huge liability. To his knowledge, two of the three commissioners have held at least two illegal meetings. There are only three members. It takes only two of them to form a quorum. On two occasions this past week, two commissioners appeared at the Police Station requesting to go through the files looking for information on legal fees. Their charge is to oversee not mandate. They are trying to mandate the reinstatement of Officer Defina as an SRO. The Chairman, on numerous occasions stated that because she has been privy with previous information, she would have to recuse herself from the hearing, and yet, she sat on it then made a decision.

J. Gorton also stated he reviewed the Police contract a minimum of six times and there is no place in the contract that states the employee is entitled to a pre-termination hearing. He said not to take his word for it but to get a copy of the contract and read it and talk to other people. Get some information other than the bloggers and get the other side of the story. He's talked to a lot of people involved in this Town for a long time. He's asked a lot of people to get involved and attend meetings. The Chief no longer has any spending authority. Everything has to go through the Police Commission for approval.

D. Paradis stated he has spoken to a lot of residents with same concerns.

NON-PUBLIC SESSION

V. Lembo moved at 9:05 pm to enter into non-public session per RSA 91-A:3, II (e), "Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member hereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settles. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph."

Motion seconded by D. Paradis. Roll call vote carried unanimously.

D. Boutin moved at 9:15 pm to exit the non-public session. Motion seconded by N. VanScoy. 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 9:16 pm.

Respectfully submitted by,

Evelyn F. Horn
Administrative Assistant

Vincent Lembo, Jr.
Town Council Secretary