

Official

TOWN COUNCIL MINUTES Regular Meeting Wednesday, December 1, 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, George Longfellow, Daniel Paradis, Michael Pischetola, Nancy VanScoy, Chairman William Gahara and Carol Granfield (Town Administrator)

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

November 17, 2010 – *D. Boutin moved to approve the November 17, 2010 minutes as amended. Motion seconded by N. VanScoy. Motion carried.* M. Pischetola abstained, did not attend the meeting.

PUBLIC INPUT

David Pearl, 79 Main Street (handed out copies of RSA 275-E:2, Whistleblowers' Protection Act, <http://www.gencourt.state.nh.us/rsa/html/XXIII/275-E/275-E-2.htm>): This was mentioned at the last Police Commission meeting. When Commissioner Karolian asked the Chief why he told Councilor Gorton there was an alleged illegal meeting, the Chief's answer was that he reported something in good faith under this act. If he believes there's wrongdoing in the PC why did he report it to the Town Council when the Council does not have power over the commission. I don't understand why the Chief didn't answer the question. This is not like the 5th amendment. It does not give you protection not to answer. When asked why he didn't investigate, the Chief's answer was, "he couldn't investigate his boss", yet, he did get statements from two police officers and forwarded them to Mr. Gorton. I see that as a form of investigation. I just want to make you aware of it.

Marc Miville, 42 Main Street: At the last Council meeting, the Councilors pleaded for everyone to stay positive. Some Councilors suggested it was public that was the problem and requested that the public step back. Some Councilors suggested the newspapers showed negative and biased coverage. This is a false premise that if people stop talking, things will get better. This is not a public relations problem. This is a management problem. You can't blame the public. The public and media are just watching these all take place. You are ignoring the facts and occurrences, rather than using them to alleviate the citizens' concerns to resolve it. Don't disparage your own constituents for caring about their community.

NOMINATIONS/APPOINTMENTS

Available Board Positions

Heritage Commission – Alternate Member, exp. 6/2012

Conservation Commission – Council Representative

SCHEDULED APPOINTMENTS

Public Hearing - Acceptance of Emergency Management Performance Grant in the amount of \$19,937.50

Dan Pike, Emergency Management Director stated the Town was awarded a grant in the amount of \$19,937.50 to install an emergency generator at the Town Hall. Total cost for the project is \$27,767. Fiscal impact on the Town will be \$7,829.50.

Chair Gahara opened the public hearing.

No public comments.

The public hearing was closed.

D. Paradis moved to accept the grant in the amount of \$19,937.50 per RSA 31:95(b). Motion seconded by D. Boutin. Roll call vote carried unanimously.

D. Boutin commended D. Pike for a job well done.

Public Hearing - Acceptance of Communications Needs grant in the amount of \$6,600

D. Pike stated the Town was awarded a grant in the amount of \$6,600 for the purchase and installation of a multi-channel enhanced radio equipment and antenna for Fire Station 1, which was identified as the back up emergency operations center for the Town of Hooksett. The need for enhanced communication system came about after 9/11 when state and local agencies had problems communicating with each other due to inter-operability.

Chair Gahara opened the public hearing.

Todd Lizotte, 21 Post Road: Is it inter-operable between departments? There is a CIP request for Police Department communication. Can this be used to offset that cost?

D. Pike: The radio will be able to communicate with all Town departments. As far as the question regarding CIP, I don't know. This radio is a dedicated back up to an existing equipment.

C. Granfield explained this is a separate item from the Police CIP request.

T. Lizotte: Can the radio operate with both analog and digital equipment?

D. Pike: Yes, it can.

The public hearing was closed.

J. Levesque moved to accept the grant in the amount of \$6,600 per RSA 31:95(b). Motion seconded by M. Pischetola. Roll call vote carried unanimously.

OLD BUSINESS

Town Council / Police Commission Workshop

A workshop was held on November 17, 2010.

As a follow-up to the workshop, N. VanScoy requested to schedule two items on an upcoming agenda to have a discussion as to whether the Police Department falls under the Administrative Code and whether an independent audit should be conducted.

V. Lembo moved under Article 3 Section 3.13 of the Town Charter to open an investigation into the Police Commission and the Police Department in order to fully understand what is happening to create the hostile environment and very poor morale between the Police Commission, Police Chief, command staff, police officers and the support staff of the Hooksett Police Department and also the concerns of the Hooksett Citizens. Motion seconded by J. Levesque.

N. VanScoy stated in order to vote on the motion, she will need more information, i.e., who will conduct the audit, who will pay for it, what type of audit to conduct.

V. Lembo stated what he is suggesting is to put together a sub-committee of 2 to 3 members made up of councilors and the Town Administrator to look into the situation at the Police Department.

M. Pischetola stated he does not think the Council has the authority to do that. The matter should be referred to the Attorney General's office.

Discussion on the matter ensued.

Roll call vote

D. Boutin	No	D. Paradis	No		
J. Gorton	No	M. Pischetola	No		
V. Lembo	Yes	N. VanScoy	No		
J. Levesque	Yes	Chairman W. Gahara	No	2-7	<u>Motion failed.</u>
G. Longfellow	No				

NEW BUSINESS

Budget Overview

C. Granfield presented the budget overview as well as the schedule and the process.

The Town Administrator's proposed operating budget for fiscal year 2011-2012 is \$10,435,231 (not including Police and Sewer Department budget). This is \$124,965 (1.18%) less than last year's appropriated budget of \$10,560,196. 65% of the total recommended budget is for Personnel and Benefits, 30% for Operations and Maintenance and 5% for Debt and Leases. The Town revenue sources include, Property Taxes (59%), Licenses, Permit & Vehicle Registration (23%), State of NH (9%) and other sources (9%). Decrease in expenses primarily due to Firefighters one-year concession (\$59,800), Heating & Electricity (\$33,664), Road Maintenance Overtime (\$20,219), Tipping Fees (\$25,329) and other significant decreases in Assessing, Fire & Forestry and Bond Interests. Lower revenue attributed to decrease in Motor Vehicle Registration (\$100,000), Building Permits (\$5,000), Interest on Deposits (\$15,000) and for the second year in a row, there is no state shared revenue. A new source of revenue for the Town is the Ambulance Service (\$35,000).

D. Boutin asked if there are any proposed wage increases for employees.

C. Granfield stated the only wage increases would be a separate warrant article for non-union employees, which is to be determined. Police budget has not been submitted and Fire Department has no changes.

N. VanScoy commented a number of departments have high telephone bills. She asked if the Town has looked into voice over internet option.

C. Granfield stated the Town is looking into it and has sent out RFP's for telephone service.

M. Pischetola asked if all Town employees receive longevity pay raises.

C. Granfield stated non-union employees do not have raises other than merit, which is based on work performance. Fire Department has incorporated longevity into their contract. She was not sure about the Police.

D. Boutin stated across the budget, the Council is being asked to appropriate about \$50,000 for training, dues, magazine subscriptions, etc. He proposed cutting from these line items.

Administration

Total Administration recommended budget is \$936,762. Some of the major changes are with Technology, New Equipment and Legal. The Town has contracted with Mainstay Technologies for Computer/Technology Services. Legal are mostly for ongoing cases, i.e., Planning, Zoning, etc. The Town has extensively utilized LGC's free legal services. Slight increase in Liability and Workers' Comp.

Discussion on individual line items.

Chair Gahara suggested funding the entire cost of Volunteers Appreciation Night. Current proposed funding is \$500.

N. VanScoy suggested increasing Old Home Day line item. Current proposed funding is \$0.

Joanne Duffy, Town Planner spoke on the Farmer's Market budget request.

Original amount requested was \$3,500 but was reduced to \$2,000. Farmer's Market had a successful year last year. The organization is asking for appropriation to help pay for start-up costs. They expect Farmer's Market to be self-sustaining the following year. She also mentioned that the Community Development budget request decreased by \$17,904.

Chair Gahara suggested flagging the item for further review.

Discussion ensued.

D. Boutin moved to adopt the Administration budget in the amount of \$931,662 (\$5,100 reduction). Motion seconded by N. VanScoy.

D. Boutin suggested the following changes:

1. \$1,100 reduction from Training & Dues.
2. \$5,000 reduction from Legal Fees.
3. \$1,000 reduction from Amoskeag Rowing.
4. \$1,000 reduction from Economic Development.
5. Adding \$2,000 for Volunteers Appreciation Night.
6. Adding \$1,000 for Old Home Day.

G. Longfellow stated he is not prepared to vote on the budget and asked for more time to review the budget.

Council consensus was to give the Councilors more time to review the proposed budget.

N. VanScoy moved to table the motion. Motion seconded by M. Pischetola. Motion carried.

Budget discussion will be rescheduled for the next meeting on December 15th.

Bond Release – AV Hooksett

The Code Enforcement Officer recommended releasing the balance of \$1,000 cash surety for site compliance.

N. VanScoy moved to release the bond in the amount of \$1,000. Motion seconded by J. Levesque. Roll call vote carried unanimously.

Merrimack County Proposed Budget

D. Boutin commented on Merrimack County's proposal of 4.64% budget increase. He suggested inviting the County Commissioners to hear an explanation and voicing the Council's concern and displeasure with the increase when there is nearly 0% inflation rate.

Corriveau Drive Logging

D. Paradis reported Corriveau Drive logging is going very well. The general consensus with the residents has been positive. It should be done in a couple of weeks.

International Existing Building Code

D. Boutin informed the Council that there is a legislation being filed to adopt the International Existing Building Code. The Council could revisit the issue with regards to the Old Town Hall renovation.

TOWN ADMINISTRATOR'S REPORT

C. Granfield informed the Council of the following:

1. Three microphones in the Council Chambers were replaced. The others will also be replaced.
2. The 2nd Annual Benefits Fair was held this afternoon.
3. Holiday decorations contest has started. Judging will be held on Friday, December 17th.
4. The computer server will be changed on Friday, December 17th. Computer systems will be down for most of the day.
5. Closing on 21 Leonard Avenue is scheduled for Monday, December 6th.
6. The single stream recycling pilot program will start on Monday, December 6th and will go through March. Diane Boyce, Recycling & Transfer Superintendent will report an update to the Council at the conclusion of the program.
7. Mary Farwell, Chairman of the Hooksett Public Library Board of Trustees has been selected as the 2010 Lillian Edelman Trustee of the Year by the NH Library Trustees Association. The Hooksett Public Library will be hosting a celebration on Saturday, December 4th from 2 to 4 pm at the Public Library.
8. The DOT meeting on open tolling originally scheduled for Thursday, December 9th is cancelled. The funding is undetermined. It was to be funded by toll increases. The State is proceeding with the design.

D. Boutin added that the State budget approved last June included an item for DOT tolling study for a tollbooth at the Manchester Airport Access Road (MAAR). The proposal in general has not been well received. It is not expected that money will be appropriated.

9. For the holiday season, the Town offices will be closing at noon on Thursday, December 23rd. Friday, December 24th is a holiday. Thursday, December 30th is a regular working day and will be open from 8 am until 4:30 pm. Friday, December 31st is a holiday.

SUB-COMMITTEE REPORTS

Town Hall Preservation Committee

1. N. VanScoy requested to put the committee back on the list of nominations.
2. The committee needs to have stamped plans in order to proceed. The Town Administrator has a meeting scheduled with committee member, Russell Pelletier, the Code Enforcement Officer and Michael Hoisington (Fire Department) to go review the plan. The Fire Department has reviewed the plan.
3. The general consensus among members is to remove the second floor in order to get a certificate of occupancy for the building.
4. The committee is still hoping to have a warrant article appropriating funds for the Town Hall Preservation.
5. There is an independent study being done by SNHPC and Town intern, Barbara Stadtmiller.

Planning Board

1. The new Planning Regulations were adopted. There are major changes with regards to preservation of stone walls that border a road and/or delineate the border of a road. Architectural design was added. There was a discussion as to whether or not the Aesthetics Committee should fall under Planning Board. Aesthetics Committee was taken out of the regulations. Section on Architectural design was added. Changes were made on logging regulations.
2. CIP Committee – Everything is discussed thoroughly. The committee is looking at evenly funding every item over 6 years and the needs of the Town. They are not concerned with whether the Council or the voters will pass the items.

Perambulation

G. Longfellow asked about the status of perambulation.

This item will be added to the agenda.

Board of Assessors

1. The board signed off on two hardship abatements.
2. Discussed the ratios and found the Town is in line with State requirements.

Police Commission

J. Gorton was unable to attend the last meeting, which was held during the day.

J. Gorton provided copies of the documents given to him by the Police Chief. He was asked at a previous meeting whether or not he would apologize for accusing the two commissioners for allegedly holding an illegal meeting. He stated he will (reluctantly) not apologize, as he does not believe he is wrong based on the information he was given originally. He still feels there is a problem in the PD but he does not know how to correct it. He added it is not in his power. He also addressed the public comments that he did not give a complete PC report to the Council. He stated he covered every item on the agenda. He did not cover any of the Public Input, as in his mind, he's not required to. He asked the Council for directions whether boards' liaisons are required to report everything, including the Public Input section of the meeting. In his opinion, it shouldn't be.

Chair Gahara stated he believes liaisons are supposed to report strictly on business items only. That was what he was told and trained to do.

The Council agreed.

Budget Committee

1. The school budget was reviewed. There will be an all-day session on Saturday, December 4th to discuss the School budget.
2. The Budget Committee's budget went up slightly because of the change in the way the recording Secretary was paid.
3. The school plowing issue was discussed. Public Works Department has put together a proposal in case the School Department decides to get bids.

Heritage Committee

1. The committee's budget request is \$1,250, \$500 less than last year's.
2. There was a discussion with regards to Goffstown Road to be designated as a scenic road.
3. The committee started a school report project to gather, organize and archive all school reports for the last 100 years.

Parks & Recreation Advisory Board

They are looking into land and funding for recreational fields. Impact fees collected could be used to purchase land.

PUBLIC INPUT

D. Pearl: I'd like to take exception to Mr. Gorton's comments that he will stick to Police Commission agenda items. I would refer you to the October 17th minutes in his report, which was full of opinions and topped off tonight when he commented, "There's a lot of problems down there that I don't know how to fix." Tonight Mr. Gorton declined to apologize. I think it's incumbent upon this Council to have a finding. The council needs to weigh in on it. I don't think we can let it sit on the table forever.

M. Miville: I attended the meeting of the Police Commission on November 23rd. It was actually a budget workshop so there was no public input. There was new business, it may not be on the agenda, but new business items are brought up all the time. In talking about the Whistleblower Act, Mr. Karolian specifically asked the Chief and Commissioner Roy on their opinion of what transpired at the allegedly illegal meeting. That was not on the agenda but it was discussed. To limit the report to what's actually on the agenda is not an accurate report.

Chair Gahara interrupted Mr. Miville and stated the Council is not interested in hearing about the public input. The Council could read that in the minutes. The Council is interested in hearing about business items.

M. Miville: When the petition matter was brought up, there was discussion amongst the commissioners and Maura Ouellette. It seems to me that now becomes an agenda item and not just public input. My view of the minutes and the sub-committee report is that, if I wasn't there I'd know, based on the minutes as if I was there. To ignore a petition from 956 residents, I think is a derelict.

Todd Lizotte, 21 Post Road: The allegations of an illegal meeting, now with the Chief claiming Whistle Blower, brings it to a new level. The Chief is supposed to report to some type of a convening board. If he has an issue with the commission, he has to go one step further, that's not Mr. Gorton. Mr. Gorton made a serious allegation but did not afford Mr. Karolian or Mrs. McHugh the opportunity to have it placed in non-public. Everyone is afforded that chance. I think the commissioners were ambushed. A professional courtesy could have been given to them. The other thing is the plowing. If the plowing is done by the Town, the insurance aspects are covered by the Town. Commercial people get bonded only up to a certain level. The Town is opening itself to potential litigation.

NON-PUBLIC SESSION

D. Boutin moved at 9:20 pm to enter into 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 public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant."

Motion seconded by M. Pischetola. Roll call vote carried unanimously.

J. Levesque moved at 9:44 pm to exit the non-public session. Motion seconded by D. Paradis. Roll call vote carried unanimously.

The Council made a statement that they voted to seal the minutes of the non-public session and resumed the meeting in public session.

Police Commission/Department Issue

M. Pischetola brought up the subject of the Police Commission/Department issue and stated that the Council does not have the skills or the time to audit/investigate the Police Department. He suggested bringing the matter to the Attorney General's Office.

Discussion on the matter ensued.

D. Boutin moved to accept the Town Administrator's report to the Council, which indicated that no illegal meeting was held and the Police Commissioners did not violate the law. Motion seconded by V. Lembo. Motion carried with G. Longfellow opposed.

D. Boutin stated that Councilor Pischetola is exactly right. No matter what happens, even if the make up of the commission changes, it will never change. He thinks its time to abolish the Police Commission. The Police Department ought to be a department of the Town under the Town Administrator. The structure is broken and needs to be fixed. Someone has to act like an adult and that has to be the Council.

J. Levesque noted the Town had selectmen form of government and without a Town Administrator when the Police Commission was created years ago. The situation is different now.

D. Boutin explained that the Senate just adopted the timeline today. The deadline to submit new proposals for the house is this Friday, December 3rd and the Senate is December 10th. The matter will still have to be voted on by Hooksett voters.

V. Lembo moved to start the proceedings that would provide legislation to repeal the creation of the Hooksett Police Commission. Motion seconded by M. Pischetola. Roll call vote carried unanimously.

M. Pischetola moved to have the Town Administrator draft a press release. Motion seconded by N. VanScoy. Motion carried unanimously.

Police Chief Packet

There was a discussion regarding a packet of information delivered to Councilor Gorton from the Police Chief. Copies were provided to all Councilors.

ADJOURNMENT

The meeting adjourned at 10:20 pm.

Respectfully submitted by,

Evelyn F. Horn
Administrative Assistant

Vincent F. Lembo, Jr.
Town Council Secretary