

## Official

### **TOWN COUNCIL MEETING Regular Meeting Wednesday, February 17, 2010**

**CALL TO ORDER:** Chairman Gahara called the meeting to order at 6:25 pm.

**PRESENT:** David Boutin, David Dickson, James Gorton, Paul Loiselle, George Longfellow (excused), Michael Pischetola (arrived at 6:30 pm), David Ross (arrived at 7:05 pm), Nancy VanScoy, Chairman William Gahara and Carol Granfield (Town Administrator)

#### **PLEDGE OF ALLEGIANCE**

#### **OLD BUSINESS**

##### Alternative School Suspension Program

Chairman Gahara opened the discussion for anyone who would like to speak on the issue.

Jack Mudge, 57 Sterling Ave: My son used this program. He got a lot out of it. Bethany did a great job with him putting him back on the right track. I can't say enough good things about it. I hope the program stays in place.

Sarah Windhousen, 110 Mammoth Rd: I was in the program and learned a lot from it.

Maria Deprofrio, 1465 Hooksett Rd: I went to the suspension program years ago when I was in High School. I was with the wrong group of kids and had some problems with substance abuse. Bethany would take me to meetings. When you are a teenager, you don't want to listen to your parents. Bethany and the program helped me. You definitely should keep the program around. I think it's a great program.

Stephen Philbotte, 134 Mammoth Rd: I was in the program a couple years ago during my freshman year at West High Scholl. Bethany helped me switch it around. I'm graduating this year.

Barbara Brennan, 29 Pleasant St: To keep the program would continue to benefit the community. To keep it here at the Town Hall would help a lot.

***P. Loiselle moved to proceed with the agreement. Motion seconded by N. VanScoy.***

D. Dickson: I hope the school has an alternative just in case this does not work out.

Becky Burke, School Board: I am confident that there will be no need for an alternative.

N. VanScoy read a prepared statement in support of the program.

*As a councilor it is important that we support this program and understand the service it provides to the taxpayers of Hooksett. The program is for Hooksett students that have been suspended from school. Each of those students is a piece of a Hooksett family. Each of these students is a part of a Hooksett family, which we are here to represent. This program is not a free pass for parents to not take responsibility but a tool we can offer parents to help them help their children. The program does not take on the role of parent, it offers the student a adult role model that is impartial. Becoming an adult is not easy it is no secret that a person's teenage years can be turbulent. Success and failure are everyday occurrences, new feelings are experienced, the teenage brain start using logical thought and they are facing new responsibilities and pressures. We are talking about our constituents and their children. We are talking about the generation that will take our place. This is our chance to say Hooksett is a community; with government, school and citizens working together to make our future better. It is in everyone's best interest to sow responsible, educated and caring citizens. The program has been running for 10 years, successfully. This program works because it gives the schools and parents a tool*

*they can use to help our children. We have letters from people we all know, people we respect testifying to the success they saw from the program, how the program helped them and their child. We are not being asked to fund the program, we are not being asked to hire personnel. We are being asked to give the program a place where it can serve our Town.*

**Motion carried unanimously.**

**APPROVAL OF MINUTES**

**December 16, 2009 – N. VanScoy moved to approve the December 16, 2009 minutes as presented. Motion seconded by P. Loiselle. Motion carried unanimously.**

**January 13, 2010 – M. Pischetola moved to approve the January 13, 2009 minutes as presented. Motion seconded by N. VanScoy. Motion carried unanimously.**

**January 27, 2010 – P. Loiselle moved to approve the January 27, 2009 minutes. Motion seconded by M. Pischetola. Motion carried.** D. Boutin abstained, not present at the meeting.

**PUBLIC INPUT**

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

*Hi, my name is Maura Ouellette, 3 Summerfare Street. Thank you for the opportunity to speak tonight. As most of you know I have been very outspoken in recent years regarding what I feel is the mismanagement of the Hooksett Police Department under Chief Agrafiotis. And unfortunately tonight will be no exception. I would like to speak about the substantial pay raise that the police department command staff recently received. While I'm certain many of you are probably already aware of this I am speaking tonight to be certain that this is on the record. On July 1, 2009 all non-union personnel of the police department were given a 2.5% increase. Which fell within the range that was overseen by the Town Council, the Budget Committee and ultimately approved by the Hooksett voters. On January 4th, 2010 the Police Commission held a non public meeting with Chief Agrafiotis and granted the Chief, the two Captains and one Lieutenant their second pay raise for this fiscal year which began their next pay period. The combined totals break down to the following:*

*The Chief's increase represented a 9.59% total increase.  
One Captain's increase represented an 11.76% increase.  
The other Captain's increase represented a 12.70% increase.  
And the Lieutenant's increase represented a 10.12% increase.*

*I think now you can see why I'm here and why I attended the Police Commission meeting last night to address this issue. In these tough economic times this reckless spending occurred with no consideration to the struggling taxpayer, many of whom are desperately trying to keep food on the table and in some instances trying to keep their homes. This increase was never presented to the Town Council, the Budget Committee and most importantly the taxpayer was not granted the opportunity to approve or disapprove this. The Commission will tell you it's a bottom line budget and they have the authority to do what they see fit with the budget. While this may be technically accurate, it's not morally acceptable to me. The School Teachers in town agreed to a freeze which for them means no COLA's and no step increases for next year. When I asked the principals what they would be receiving next year for an increase I was told, since the teachers were not getting a raise they could not in good conscience receive one either. The Budget Committee recently voted not to recommend a 2% increase for all town employees citing this was no reflection on their job performance, we're just in tough economic times. I would certainly be the first one to tell you that given all the turmoil within the police department and the mass exodus of officers that we are currently experiencing no raises should be awarded to the command staff. They are currently funded for 28 officers and are presently down to 23 certified officers. The last two that have left were supervisors. The Chief is quick to blame the high turnover on officers leaving to make more money in other agencies, or they about to be fired and his latest excuse they had mental issues. I do not believe the claims of officers leaving for higher pay and they have personally told me this. If in fact the Chief does truly believe his statement and was interested in the betterment of the department I would think he would be in front of the Commission arguing a case for more pay for the patrol officers not himself. Ironically, the patrol officers have just negotiated a new one-year contract for a 1.5% increase. This 1.5% increase will be scrutinized by the Council and the Budget Committee and ultimately*

*the taxpayer and unfortunately I fear will not survive again, not based on a job performance, just a bad economy. Although I realize your limited jurisdiction over the Police Commission I would appreciate your consideration into this troubling matter. Thank you.*

### **NOMINATIONS/APPOINTMENTS**

#### Available Board Positions

Planning Board, alternate member, exp. 6/2012

Zoning Board of Adjustment, alternate member, exp. 6/2010

Trustee of the Trust Funds, exp. 6/2012

### **SCHEDULED APPOINTMENTS**

#### Public Hearing re: Proposed Graffiti Ordinance

#### SECTION 1 PURPOSE AND INTENT

The purpose and intent of this chapter is to establish means to prevent, prohibit and remove from structures and surfaces on public and private property in the town.

#### SECTION 2 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AEROSOL PAINT CONTAINER.** Any aerosol container which is adapted or made for the purpose of applying spray paint, or other substances capable of defacing property.

**FELT TIP MARKER.** Any indelible marker or similar implement with a tip which, at its broadest width, is greater than of an inch, containing ink or other pigmented liquid which is not water soluble.

**GRAFFITI.** Any inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, engraved on or otherwise affixed to or on any surface or structure on public or private property within the town, to the extent such is not authorized by the owner or occupant thereof.

**GRAFFITI IMPLEMENT.** Any aerosol paint container, a felt tip marker, gum label, paint or graffiti stick, etching tool or any other device capable of scarring or leaving a visible mark on glass, metal, concrete, wood, or any other surface.

**PAINT OR GRAFFITI STICK.** Any device containing a solid form of paint, chalk, wax, epoxy or other similar substance capable of being applied to a surface by pressure and upon application, of leaving a mark at least of an inch in width.

#### SECTION 3 GRAFFITI DECLARED PUBLIC NUISANCE

The Town Council hereby declares and finds graffiti to be a public nuisance subject to abatement according to the provisions and procedures established herein. Graffiti defaces and damages both public and private property. Moreover, graffiti, whether on public or private property, is often visible to the general public and thereby detracts from the aesthetics of the town.

#### SECTION 4 PROHIBITED CONDUCT

- (A) No person may apply graffiti to any surface or structure on public or private property within the town.

- (B) No person shall possess any graffiti implement with the intent to violate the provisions of division (A).

SECTION 5  
PENALTY

Any person violating any provision of this chapter shall be guilty of a violation and may be subject to a fine up to \$1,000. A separate offense shall be deemed committed each day during or on which the violation occurs or continues.

Chairman Gahara opened the public hearing.

C. Granfield stated that the Town Legal Counsel has reviewed the ordinance as well as the Police Department. The Town Counsel offered a legal opinion as to the authority of the Town Council to make bylaws and the use of the Criminal Mischief Statute , RSA 634:2 to prosecute. As far as punishment, the Legal Counsel advised that the authority to impose restitution rests with the Court having jurisdiction over the violation as provided in NH RSA 651:51-a.

The public hearing was closed.

***P. Loiselle moved to accept the graffiti ordinance and to include a reference to RSA 634:2. Motion seconded by D. Boutin.***

**Motion carried unanimously.**

**OLD BUSINESS**

Warrant Articles

***Article D***

*To see if the Town will vote to approve the cost item included in the collective bargaining agreement reached between the hooksett Police Commission and the Hooksett Police Union which calls for the following increases in salaries, taxes, retirement and other benefits at the current staffing level:*

***Estimated Increase Over Prior Year***

<u>Fiscal Year</u>	<u>Salaries</u>	<u>Taxes, Benefits &amp; Retirement</u>
2010-11	\$16,080	\$2,987

*and further to raise and appropriate the sum of \$19,067 (Nineteen Thousand Sixty Seven Dollars) for the current fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits over those of the appropriation at current staffing levels in the prior fiscal year.*

*Note: Estimated tax increase is \$0.01.*

*Reflect a 1.5% increase.*

***Article D-1***

*Shall the Town, if article #D is defeated, authorize the governing body to call one special meeting, at its option, to address article #D cost items only?*

C. Granfield informed the Council these are the last warrant articles to be approved. The contract reflects a 1.5% increase.

***N. VanScoy moved to accept the warrant articles. Motion seconded by J. Gorton. Roll call vote carried unanimously.***

C. Granfield stated all warrant articles have been presented and approved. There was one questions regarding a Fire Engine. The Council asked to verify if impact fees collected can be used. C. Granfield informed the Council that the impact fees could be utilized for this item. There is \$200,000 in impact fees. The cost would be a little over that amount.

The Council is supportive of this idea.

Default Budget

C. Granfield stated that the default budget for 2010-11 is \$16,228,947, which is less than 1% over the 2009-10 budget.

***N. VanScoy moved to accept the default budget in the amount of \$16,228,947. Motion seconded by D. Boutin. Roll call vote carried unanimously.***

Personnel Plan

C. Granfield stated that this plan was worked on by Human Resources Coordinator, Liz Dionne and Town Clerk/Tax Collector, Leslie Boswak. They reviewed the current plan, which was outdated to comply with State Law and to make the document more user-friendly.

***P. Loiselle moved to accept the personnel plan as presented. Motion seconded by D. Dickson. Motion carried unanimously.***

Classification Pay Plan

This item will be discussed at the next meeting on March 10<sup>th</sup>.

**NEW BUSINESS**

Designation of Community Revitalization Area

Robert Tourigny and Jennifer McCourt of NeighborWorks introduced themselves to the Council and gave an overview of the organization's project.

NeighborWorks is a non-profit organization designed to enhance people's lives and the community environment by providing access to quality housing services, revitalizing neighborhoods and supporting opportunities for personal empowerment. They received an approval from the Planning Board for a 16-unit workforce housing project. The \$3 million project will be developed using tax credits. In order to strengthen their funding application, they are requesting Town designation of the project site as a Community Revitalization Area.

Discussion on the matter ensued.

***D. Boutin moved to approve the designation of community revitalization area. Motion seconded by N. VanScoy.***

**Roll call vote**

D. Boutin	Yes	M. Pischetola	No		
D. Dickson	Yes	D. Ross	Yes		
J. Gorton	Yes	N. VanScoy	Yes		
P. Loiselle	Yes	Chairman W. Gahara	Yes	7-1	<b><u>Motion carried.</u></b>

Waiver of Impact Fees – NeighborWorks

The Planning Board waived a roadway impact fee for this project in the amount of \$13,920, pending Town Council approval, contingent on the applicant granting a 15' widening along By-Pass 28 and a 10' widening along Whitehall Road easements to be granted to the NHDOT.

***D. Boutin moved to waive \$13,920 in roadway impact fees for the NeighborWorks workforce housing project at 36 Whitehall Road in exchange for owner granting a permanent easement Whitehall Road and Bypass 28 as shown on a plan entitled, Grading & Erosion Control Plan Prepared for NeighborWorks – Greater Manchester, Bypass 28 and Whitehall Road, Map 25, lots 39 and 39-1, Hooksett, NH, dated December 2009, last revision date 2/3/10. Motion seconded by M. Pischetola.***

D. Boutin: If the Town of Hooksett was to pay for the easement it would cost more than \$13,920.

**Roll call vote**

D. Boutin	Yes	M. Pischetola	No
D. Dickson	Yes	D. Ross	Yes

J. Gorton      Yes      N. VanScoy      Yes  
P. Loiselle    Yes      Chairman W. Gahara    Yes      7-1      **Motion carried.**

Boston Post Cane Recipient

The cane presentation is a tradition that dates back to the early 1900's to honor the Town's eldest citizen. The new recipient of the cane is Mrs. Blanche Latouche, who was born on May 19, 1912.

***P. Loiselle moved to present the cane to Mrs. Blanche Latouche at the next Council meeting on March 10, 2010. Motion seconded by D. Boutin. Motion carried unanimously.***

Police Commission Wage Adjustment

Councilor Pischetola requested for this item to be discussed.

M. Pischetola has learned that the Police Commission approved a pay increase for the Police Department's upper management, namely, the Chief of Police (7% increase or \$6,843.20), Captain (9% increase or \$7,300.80), Captain (10% increase or \$7,654.40) and Lieutenant (7% increase or 5,075.20).

On January 4, 2010, during a non-public session, the Police Commission voted unanimously to give pay equity adjustments in the wages of the Police Department's command staff. The wage increases were to be effective at the next pay period, after the January 4<sup>th</sup> approval. The pay adjustments are the second pay increase in the same fiscal year. The management staff received a 2.5% pay increase effective July 2009. The Commission explained the increases resulted from a wages survey of the Goffstown Police Department and are coming from funds not spent on unfilled officer positions.

Discussion on the matter ensued.

M. Pischetola: Someone did a study and found that our Police Department management was paid less than the Goffstown Police Department. Who did the study? Was it the Chief, someone involved in the pay raise? Which towns did they include in the study? I would like to have the Human Resource Coordinator gather some information from towns same size as Hooksett, for this Board so we can conduct a study ourselves.

C. Granfield: Based on the authority of the Police Commission, they deal with hiring and compensation. So the Town Council really does not have a role on that. They can request for information.

M. Pischetola: Maybe the suggestion of abolishing the Police Commission isn't such a bad idea.

Chairman Gahara: If you recall, we had a meeting with our legal Counsel who advised us on what our jurisdiction is and what we can and cannot do. I have asked the Town Administrator to draft a letter to ask the Police Commission to come in on March 10<sup>th</sup> and speak with us. We will discuss with them various issues and suggestions we recommend. I would ask all Councilors to put together a list of what they would like the Police Commission to do on their behalf. We would hope that the Commission would go back and have discussion on those things.

D. Boutin: Whatever communication we send to the Police Commission should include that we request that they suspend the pay raises until they come before the Council and justify the pay raises. In light of today's difficult economic times, we need to hear a legitimate reason.

***D. Boutin moved to send a letter to the Police Commission requesting to suspend pay raises until the Police Commission comes before the Council and justify the raises. Motion seconded by M. Pischetola.***

D. Ross: For us to encourage them to comply with our wishes can only be served by eliminating the funds from their appropriation. That's an authority we have given them. I would concur with M. Pischetola that perhaps it is time to abolish the Police Commission. We have the authority to do that.

N. VanScoy: One of the things I try to do is respect those who volunteer. We have three good Police Commissioners, most of them have volunteered for the Town for years. We owe them the respect to hear

why they made this decision. We make this rash decision because of our emotions. These are the people who have been given that responsibility.

M. Pischetola: With all the problems that the Police Department is having, giving out pay raises is a slap in the faces of the Councilors and the taxpayers. There's no justification for these pay raises.

**Roll call vote carried unanimously.**

D. Boutin requested to verify the process to amend any Warrant Articles during the Town Deliberative Session.

**TOWN ADMINISTRATOR'S REPORT**

C. Granfield updated the Council on the following:

1. The program has been successful so far. We have healthy recipes and tips every week. LGC will do an article on their magazine.
2. Congratulations to Councilor Boutin for winning the State Senate race on Tuesday.
3. We have the Police Commission agenda item regarding authority for March 10th. Will have to wait for confirmation if Police Commission members are able to attend.
4. We have applied for 2 of the energy grants with stimulus funds, for the Safety Center and the Transfer Station,.
5. The Budget Committee will continue reviewing the Police Department's budget on Feb. 18<sup>th</sup> at 6:30 pm. They have yet to adopt a budget. They did approve limited warrant articles.
6. The Fire Station study has begun. The final report will be presented at the April 14<sup>th</sup> Council meeting.
7. Route 3 road project updates – The Dalton Brook box culvert drainage project from 28 By-Pass to Benton Road is being advertized March 23<sup>rd</sup>. The construction is slated to begin spring/summer of 2010. No road closures are expected. The 28 By-Pass will be detoured through K-Mart driveways. 2-way traffic will continue. Work will be done on Merchants property. The roadway widening is schedule to be advertised in February 2011, construction to begin in spring/summer 2011. Right turn on Benton Road heading South will turn into a thru right. Also checking on signage.
8. Some information was sent to the Council regarding the ambulance write off policy.

Discussion on how actual figures compare to projected revenues from ambulance. C. Granfield stated she thinks the Fire Department is on track with what they projected. The Town could gain some revenue by revisiting the write off policy. The Town Administrator will gather the information and present it to the Council.

P. Loiselle suggested reviewing the write off policy. This will be an agenda item for future meeting.

**SUB-COMMITTEE REPORTS**

Planning Board

There will be a workshop on the proposed Village Zoning Amendment on Thursday, Feb 18<sup>th</sup> at 7 pm.

ZBA

- Crown Communications had been granted an appeal a month ago. The appeal took place last night. The ZBA gave them an approval. The residents that were there were quite upset.
- There was an application for the condemned motel on Route 3 for a variance to have mixed used allowed in the performance zone. This was continued.

Conservation Commission

Working on a Management Plan for the new acquisition.

Board of Assessors

The board finalized all pending items this afternoon.

**PUBLIC INPUT**

Harold Murray asked the Council to respect the audience. He requested the Councilors use the microphones and to make sure that the audience could follow along in the discussion.

**NON-PUBLIC SESSION**

***D. Boutin moved at 8:27 pm to enter into non-public session per RSA 91-A:3, II. (a), (b), (c), (d) & (e). Motion seconded by P. Loiselle. Roll call vote carried unanimously.***

***N. VanScoy moved at 8:52 pm to exit the non-public session. Motion seconded by D. Ross. Roll call vote carried unanimously.***

**ADJOURNMENT**

The meeting was adjourned at 8:55 pm.

Respectfully submitted by,

Evelyn F. Horn  
Administrative Assistant

Nancy VanScoy  
Town Council Secretary