

## Official

### TOWN COUNCIL MINUTES Regular Meeting Wednesday, March 10, 2010

#### **CALL TO ORDER**

The meeting was called to order at 6:35 pm

#### **ATTENDANCE**

Chairman William Gahara, David Boutin, James Gorton, Paul Loiselle, George Longfellow, David Ross, Nancy VanScoy, and Carol Granfield (Town Administrator)  
Michael Pischetola arrived late  
David Dickson excused

#### **APPROVAL OF MINUTES**

February 17, 2010

***P. Loiselle motioned to approve the minutes of February 17, 2010. Seconded by J. Gorton  
Vote 8:0 as amended G. Longfellow abstained***

February 17, 2010: Non-Public

***N. VanScoy motioned to approve the non-public minutes of February 17, 2010. Seconded by P. Loiselle  
Vote 8:0 G. Longfellow abstained***

July 8, 2009: Non-Public

***G. Longfellow motioned to approve. Seconded by N. VanScoy  
Vote 8:0 1 abstained***

M. Pischetola arrived at 6:45 pm

#### **Public Input**

Marc Miville, 42 Main Street distributed written comments.  
M. Miville thanked the Town for replacing the old tattered flag.  
I am speaking as a citizen. Read from statement (see file).

Todd Lizotte: New member of the community. 21 Post Road

My participation at the Police Commission meetings and discipline hearings has provided an interesting retrospect on how the command staff operates. A saving grace of the department is the patrol staff and the sergeant staff. With my interaction with the officers, I have been impressed with their professionalism, courteously and follow up. There is talk of staff and filling positions, there seems to be a plateau of effort when trying to meet those numbers. In my career, I do analysis and it seems to plateau at 24 police officers. With regard to legal fees, they have a contradiction with excess costs. They could use these funds for team building or training. It is hard to be motivated in an organization that doesn't gain. There is a malaise in the department. These officers choose a career in law enforcement to follow that interest. The failure to thrive is easy to see using the benchmark for the equity raises. I sent an email to the Police Department for statistics, which are in the public report, and I wanted explanation for the aggregate of the data. I was told to submit a Right to Know request. I dealt with that. I was told that recently someone wanted the number of internal investigations and was told that is confidential. I went to Goffstown and found that number on their website and in what department and rank as well as the offenses. They don't list the person but they are open and transparent. The idea is metrics of measurement and how well they are operating. If you look at Goffstown Police Department management, it is under the accreditation and taxpayer-funding growth is nurtured. Our taxpayer funds only maintain the status quo and the programs like canine are removed. We are at a crossroad. Do we make them to prove their ability to turn around this department or do we cut their funding. I verified some of the comments made by the Budget Committee regarding Goffstown. It is time for this Police Department to prove their worth.

Hooksett Town Council Meeting  
Minutes of 3/10/10

D. Ross: Can we ask who told this citizen they needed the Right to Know form for the statistic?

Todd Lizotte: I was told by the Chief and I copied Mrs. McHugh.

D. Ross: How long between the request and the denial transpired.

Todd Lizotte: I sent an email for the statistics and within 2 weeks I was told to file a Right to Know and I got the information through logs.

### **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

### **PRESENTATION**

#### **Boston Post Cane (Mrs. Blanche Latouche)**

B. Gahara honored Mrs. Blanche Latouche born on Mary 19, 1912 as the eldest citizen in Hooksett with a commemorative plaque.

### **SCHEDULED APPOINTMENTS**

Public Hearings

#### **Building Code Ordinances: Cancelled**

#### **Floodplain Ordinance**

***D. Boutin motioned to amend the Floodplain Ordinance as presented. Seconded by G. Longfellow  
Vote unanimously in favor***

#### **Solid Waste Ordinance**

D. Boyce: The only thing added were definitions, which were changed over the past years. In Section II Permit, I replaced my name for Advisory Committee. This is to handle day-to-day operation of the facility. The rest is to update changes that were effected.

***G. Longfellow motioned to accept the Solid Waste Ordinance as amended. Seconded by D. Boutin.  
Vote unanimously in favor***

### **OLD BUSINESS**

#### **Facility Advisory Committee Report**

C. Granfield: All the members of the committee are present. In December, the Chair, Mike Reed, presented the Facilities Report to the Council. At that time, the Council stated they wanted the committee to come back for questions. Recommendations, which have already been implemented, include:

- The Greeter/Reception which is filled by volunteers
- We are pursuing leasing out space in the Town Hall.
- Evaluation of the load capacity on the second floor at the Town Hall at no cost to the town.
- The Storage issues at the Police Department and the mezzanine area at the Fire Department are being addressed with the availability of space at the Town Hall.
- The School Suspension Program has moved to the Town Hall from the Library.

The Old Town Hall was not evaluated and the committee could do that if the Council wishes.

Mike Reed, Chairman of the Facilities Committee introduced the other members of the committee including, R. Pelletier, M. Comai and D. Boutin (Council Rep)

Mr. Reed stated they are available to answer any questions of the Council.

#3 Evaluating the load – what did you find?

Hooksett Town Council Meeting  
Minutes of 3/10/10

C. Granfield: When the committee evaluated this building there was a concern with the load from the heavy file cabinets. We are in the process of getting a report from Stantec. The Police Department is currently leasing off site storage space so they will store items that are not security items at the Town Hall. This room will be locked.

P. Loiselle stated that the Old Town Hall should be evaluated.

N. VanScoy: The Town Hall Preservation Committee is active and Russ Pelletier was also a part of this committee. The report will be presented at the next meeting on Wednesday.

C. Granfield: The warrant article to lift the restriction on the Village School deed passed.

P. Loiselle: We need clarification on the deed restrictions for the Old Town Hall.

C. Granfield: EDC was going to go to probate court on the deed, but it never went forward.

N. VanScoy: There is a generalized agreement that as long as it used by the Town and the Town is still the owner, it is not breaking the deed. It has been rented out by committees for year and is the history of the building. We are looking at the different options and until you know what you are going to do with the building, you can't ask the court to act. You need a definitive use planned in order to ask.

M. Reed requested a copy of the deed restrictions and covenants. Unless I understand the full wrath of those restrictions, I cannot complete my report.

**Police Commission Authority**

B. Gahara: I recently received a phone call about how to abolish the Police Commission. I received an email from two (2) Councilors to discuss that subject and we found we wouldn't have a quorum. It was also suggested that we do a phone pole. We can do that under an RSA for an emergency. This did not constitute an emergency. The other issue is, we've been looking at legal for suggestions and guidance on different issues. We have legal opinions that say the commission can be abolished by a charter amendment and an opinion that it must go through the legislature. We got legal advice and from speaking with Mrs. McHugh, they got an opinion as well. I also wanted to let you know, from my perspective, what I'm charged with as Chair. I get all the facts and don't move in haste. That haste has brought a lot of hurt to this town. I will not as chair bring any additional hurt to this Town. We will need to find a way to work in the best interest of the Town. I had a conversation with J. McHugh and they have a legal opinion that they are not willing to share with us. Tonight, I want a motion that would ask the Administrator to draft a letter to the Commission so we can request their legal opinion be shared with the Council.

***P. Loiselle motioned to have a letter drafted by the Administrator to request the Police Commission present their legal opinion to Council. Seconded by D. Boutin.***

D. Boutin: I would like to have included in the letter the request is under the Right to Know Law.

M. Pischetola: Do they have to provide that. If they say no, what then?

B. Gahara: Hopefully, we won't have to go there. We want some dialogue and we would like to develop a working relationship with the Commission. The Commission isn't here tonight because we are gathering questions and when the offer was presented to the Commission, one could not be here and one would not come without seeing the questions ahead of time. Next week, I will review the questions with the Chair. I will them bring them in for a dialogue.

D. Ross: Regarding the letter from their legal, I'm discouraged that none of them saw fit to attend tonight.

***Vote unanimously in favor***

***M. Pischetola motioned to put a non-binding referendum on the May ballot to see if the Town is in favor of abolishing the Commission and placing the authority back with the Town Council.***

Are you in favor of abolishing the Police Commission, this is advisory only.

Hooksett Town Council Meeting  
Minutes of 3/10/10

**Seconded by D. Boutin**

D. Boutin: This is a disgrace in light of this economy. There is so much anger in the community and I'm disappointed with the Commission for not coming here tonight to discuss this with us. They have refused to suspend those raises. For that reason, I support the motion.

J. Gorton: I cannot support this because even if the vote comes back yes, we don't know if we can do this. We have two opinions from two different law firms. I can see this town ending up in court for a lot of money. If the people say yes or no, then what will you do? The general consensus is abolishing the Commission and I'm not sure that is a good reason to do this. As a Council at Large, I have received no emails or phone calls and have had no comments in person on my route. I have never entered into a discussion about the Police Department raises, outrage, or anything else. When the sewer bills came out however, it took me six (6) hours to deliver my mail vs. my normal two (2) hour due to public outrage.

B. Gahara: That is a reason why I have been working with Carol to get the opinions.

M. Pischetola: I've been in an out of public places and stores and have received many comments and Hooksett Issues has 60-70 people who are yelling and screaming about the pay raises. I got phone calls tonight. I believe that the people should decide what they want and what direction to send this Council in. If the voters say that they don't want to change the structure of the PD, I accept that. If they want it changed, we should change it regardless of the legal issues. We may spend some good dollars to stop some bad dollars.

N. VanScoy: Do we already have a question on the ballot to raise the Commission from 3-5 members?

D. Boutin: That is at the State level. It is at the House and they are behind in their work.

N. VanScoy: I'm not a fan of non-binding referendums. People don't realize after they have read it, that it should be gone. I would be concerned if we have two (2) questions regarding the commission on the ballot. I'm not going to raise the number of members if I think it should be abolished. I'm concerned with adding any additional questions. We've talked a lot about not acting hastily and there has been a continuum but adding another question is hasty. We are putting it out there because some of us have heard from people and some haven't. I'm not comfortable with this question going on now regardless of my opinion if the Commission is right or not. The people spoke 38 years ago and said they wanted a Commission.

D. Boutin: Given where things are in the legislative process, it will not be available to be put on the warrant and it still needs to go to the Senate, which will not happen for a couple weeks and then, if passed, still has to go to the Governors' table. It is not going to happen this cycle.

D. Ross: I speak in favor of the motion because I'm in favor of people voicing their opinion. It is not in conflict with increasing the number of police commissioners. Instead of increasing it to five (5), we would be increasing it to nine (9) Councilors. When the Police Commission was created, there wasn't a nine-member Town Council and the concept was to take politics out of it. A nine-member body does just that and no one person can push their weight around and get their views done. The voters should have their say.

G. Longfellow: I will vote for this but all we are doing is getting the people's thoughts. They say we agree that the Council should work to abolish the Commission; we are looking at a year down the line unless we have a special town meeting and then we put it to the vote all over again. I'd like to find out what the vote would be and how the public feels. My opinion is I would like to see it abolished.

**Roll Call**

<b>D. Boutin</b>	<b>Yes</b>	<b>G. Longfellow</b>	<b>Yes</b>
<b>J. Gorton</b>	<b>No</b>	<b>M. Pischetola</b>	<b>Yes</b>
<b>P. Loiselle</b>	<b>Yes</b>	<b>N. VanScoy</b>	<b>Yes</b>
<b>B. Gahara</b>	<b>Yes</b>	<b>D. Ross</b>	<b>Yes</b>

Hooksett Town Council Meeting  
Minutes of 3/10/10

**7:1 (Gorton)**

D. Boutin: We should clarify for the voters that in abolishing the Commission that the Police Department will become a functioning department under the Council and reportable to the Town Administrator first and then the Council.

The daily operation of the Police Department would be under the Administrator like other departments.

**NEW BUSINESS**

Purchase of 100-Yard Trailer

D. Boyce: We have known this trailer was close to replacement for a while and the Highway will not put a sticker on it. It is a 1985 trailer and it is time to replace it.

Bid preference – Spector Manufacturing, they are local and they have treated us well. The difference of \$500 is worth the reliability.

G. Longfellow: This trailer was not in this year's budget.

D. Boyce: It is due to be replaced in the CIP.

G. Longfellow: Where is the money coming from?

D. Boyce: The money is coming from the new disposal fees.

G. Longfellow: That money was to be used to replace equipment. If you spend \$50,000 and encumber \$50,000, rather than going into the general fund in 2010, it will impact the tax rate \$50,000, which is .03 cents on the tax rate.

D. Boyce: The last live bottom trailer purchased was in 2005.

***P. Loiselle motioned to authorize the purchase of a new trailer from David Devito for \$51,800.***

***Seconded by M. Pischetola***

***Vote unanimously in favor 8:0***

**TOWN ADMINISTRATOR'S REPORT**

Yesterday was the last day to accept petition warrants articles, and none were received.

The Planning Board approved the zoning warrant articles Monday.

Candidate filling period is March 21<sup>st</sup> to April 2.

The Office of Energy and Planning published the Block Grants. We applied for a Transfer and Safety Center grant, which we did not receive. We did receive word from DOT that following an inspection of Benton Road and Hooksett Road; there will be a new arrow signal installed for safer travel.

A letter of thanks will be drafted and sent to the DOT.

C. Granfield: Warrant Article #4 regarding the deed change for the Town Hall was approved by the voters on March 10th. We can now go forth with a lease on the space. We have one school waiting and another school that may be interested in the old town hall.

The School Suspension program has moved into the building and is working out well.

G. Longfellow: A citizen approached me and asked why the lights weren't illuminated on Merrimack Street and the Connector Road. I went down and couldn't find the lights.

C. Granfield: We are working to get that resolved with the State. I believe they are talking about the streetlights.

We, at the staff level, had a concern with Cinemagic traffic at prime time. It was discussed at the Planning Board and a meeting was held with the owner. They have taken steps to address the issues and the State has agreed to have traffic control there at peak times. The Police Department said they couldn't do it. We will have a contracted service (New England Certified) at the property owner's expense.

**SUB-COMMITTEE REPORTS**

Hooksett Town Council Meeting  
Minutes of 3/10/10

Planning Board - N. VanScoy: Public Hearings were held for the Zoning Warrant Articles. The Village Mixed Use was approved to be placed on the ballot by a vote 4:2. There was a lot of public at all three (3) meetings on the Village District. Workforce Housing change is needed to clean up last year's ordinance, which leaves us vulnerable to interpretation. Input was received from an attorney. An interesting outcome was we don't need workforce because we meet our minimums. We have had it looked at and in our single-family homes, 61% fit into our workforce housing numbers. We don't know the rental levels and what % would fit into workforce housing. The Article contains a provision for denial based on adequate housing.

I have concerns with the way members of the Planning Board addressed members of the public at the last public hearing. The one that struck me the worst was when a constituent spoke and then got up, a member said, "Sit down, we're going to have a conversation". I'm concerned with the way they speak to developers and members of the public.

The Council will address this at a future meeting.

Town Hall Preservation – N. VanScoy: We are scheduled to meet next Wednesday.

Budget Committee - M. Pischetola: I attended one budget meeting.

Zoning Board of Adjustment – J. Gorton: We met last night and heard three (3) applications: Peterbrook which was granted with conditions, The Pizza Man which was granted and Cranton Vernon which was denied a variance to allow 7 workforce housing units on 2.5 acres.

Conservation Commission - D. Ross: The last scheduled meeting was cancelled with no quorum.

Police Commission - P. Loiselle: The Police commission tried to address the \$350,000 taken out of the Police budget by the Budget Committee. They discussed the overtime line and vehicle maintenance shifting to the Highway Department.

## **PUBLIC INPUT**

David Pearl: I thank the Council for their action on the police issue. I attended the last Police Commissioner meeting where there was one commissioner missing, so they couldn't take action even if they wanted. Mrs. McHugh understanding the level of concern regarding the recent raises, tried to get something done. When she asked the Chief, he told her to talk to the staff. He should talk to his staff and making recommendation and support his staff. He is the manager. He was not managing and we are suffering from a lack of leadership.

Todd Lizotte: One thing that a lot of people are concerned about is the economic climate. Unfortunately, I travel so I miss a lot of meetings. I got involved because of Jay Defina. I saw a young veteran marine with the department ten (10) years and I'm a good judge of character and I saw someone targeted and taken out. I did more investigation and found commendations and 2<sup>nd</sup> in his sergeant exam. I saw a whistle blower pushed into a corner. I looked at personnel files used for other purposes other than training. It is equivalent to beatings where you don't see bruises. As a citizen, one reason we don't approach this is we vote in people to do this and we look at fiduciary responsibility. There is a thing called omission of facts. Mrs. McHugh mentioned, "If I knew they got a 2.5% raise in July, I would have acted differently". No one said that was the case and an act of omission is a lie. Is it a commission of three (3) or is it a commission of two (2) against one (1). My father was a Commissioner in Claremont. The Commissioners can't be friends of the Chief and they have to make the Chief justify. There is no transparency. They won't give you things. They are hiding things, why? He is the Police Chief. My wife says, "why do you do this, he is the Chief"? Some people say don't get involved. We had a situation where the police approached a legislature and said if you present this legislation I will hang out Hooksett's dirty laundry. The Chief didn't go to the State.

Norman Forest, 16 Pine Street: I'm concerned with the Police budget, especially where the legal cost is \$150,000. Why is that? Can you explain?

G. Gahara recommended that Mr. Forest direct that question to the Budget Committee.

Hooksett Town Council Meeting  
Minutes of 3/10/10

Norman Forest: The Chief, I don't know him but I know of him. If I was the Chief, I would turn that money back in. There was a lack of communication. Last year we had a budget that was less than the default budget, so why did my taxes go up 2.5 %.

P. Loiselle: If the State does not return the money to the town and the revenues go down, the taxes go up.

M. Sorel: I am a past member of the Planning Board and Budget Committee and I know you can't tell an independent board what to do. A few years ago you had an ethical policy and after someone made a complaint under that, you rescinded it. That may be a solution and I thought you were going to do another one. Has that been done?

B. Gahara: It is complete and called a Code of Conduct.

M. Sorel: I'm concerned that a great deal of information that comes to this Board from a small vocal minority is inaccurate. It is dangerous to speak with out knowledge and it is irresponsible to speak without knowledge. My concern is that no one rebuts what comes forward. They don't have the knowledge. My concern is noisemakers will become policymakers. The Internet is a safe haven for liars, charlatans and fools and we have a website that isn't in the best interest of the town. Those same people that complain about the Commission meetings are rude and I think you need a balance. We have a good Police Commission and a system that works well. This is not the first Council that has questioned the Council's authority over the Police Commission. Mike Farrell has correspondence regarding this. Police Commissions were formed to keep the politics from running Police Departments. These are politicians. I'm concerned that you get a balance of information and seek all the information that is there.

M. Miville: I have never lied as a citizen of Hooksett. Having been here or at a Police Commission meeting or CIP, and I was personally invited to attend Commission meetings to learn the process. I resent that I am personally attacked. I have a Constitutional right to speak. I am a citizen first and have a right to speak to any official. Not once has Mr. Sorel disputed what I've said other than to say you're wrong. I became involved two (2) years ago because I got emails from past and present police officers which brought me to tears and forced me to get involved and make things right. The Police Commission may have nothing to do with how they run their authority but it does have to do with our taxes. I go to Police Commission based on minutes and if I see process wrong I ask them to correct it. The Safety Center sign costing \$33,000 was done without a vote from this Council. They have bought vans and encumbered funds without budget approval. I went to find the process and I can't leave now because of the mess. They are discussing exit interviews for the 12 officers who have left and more to come. I'm not making this up; it is fact. The Commission did this themselves and there will be a trial for Officer Defina. I submitted Right to Knows and never got a response for a month and got it 15 days later. I didn't get angry, I went back two (2) months later and it took three (3) times to get those answers. I submitted questions and never got answers. Rules and procedures are being broken. I urge Councilors to attend these meetings. It is outrageous. Criticizing me for talking is not going to solve the problems. Don't criticize me for what is happening. This is truly happening. If you haven't seen the Internet, we are a laughing stock. This is serious stuff. I'm hearing this because people are seeing what I'm doing and I have the courage to do what is right. This is a citizen-based commission and they are not doing the job of the citizens of Hooksett.

V. Lembo, 56 Main: Who authorized the Chief to buy that sign?

P. Loiselle: The sign was on our budget for \$5000. It was in May or June and he offered to work in conjunction with the Fire Department to take over the responsibility. He offered to do it and we agreed and he understood the line item we had was \$5000. I don't think there were three (3) bids. There was one bid and that was handled by the Police Commission.

V. Lembo: Who pushed for that sign? Sandy Oliver, as Chairman of the Budget Committee wanted that sign put in and the Chief said he'd do it under the direction of the Council.

P. Loiselle: He offered and he knew the line was \$5000. The Council agreed and he bought a \$33,000 sign.

Hooksett Town Council Meeting  
Minutes of 3/10/10

G. Longfellow: I was on the Sign Committee and the original Committee was looking for donations for the whole thing and Sandy Oliver said some of her family would donate money for the sign. I don't think there was a line item of \$5000. It started being donated and I don't know where the money came for the sign on the building that was done and the granite sign was done. I talked to Sandy after about the sign out front and she said, "don't do it, I'm happy with the two (2) signs and the Sign Committee was disbanded. From then on, the Chief took over. The next thing this Council heard was what he paid for it.

V. Lembo: The Council put the sign into the Chief's hand and the Chair of the Budget Committee, Sandy Oliver asked for this. He returns money to the Town every year and he took money to make Sandy happy and at the direction of this Council. I had a conversation with Rep. Hess and he agreed that he heard the same and was sorry he jumped the gun.

P. Loiselle: There was a budgeted number of \$5000.

V. Lembo: She wanted a sign in lights for her husband and she got it and now they're beating the Chief up over this. Maybe he spent a little too much but he turns a lot of money back into the general fund every year.

Dick Sullivan, 7 Morgan: I thought I heard the Chairman's acknowledgement of the difficulties with the Police Commission and he would meet with the Commission and move forward in a deliberative fashion.

B. Gahara: Not exactly. I said I asked the Councilors to put together questions if the Commission comes in and because they didn't come, I will sit with the Chair to discuss those questions.

D. Sullivan: We then end up going for a referendum on the ballot to see what the citizens will say. That is one of the worst ideas I've heard from this Council in eight (8) years. How will that be worded? I suggest running several hearings on the topic of how to elect or appoint the Commission. Have several public hearings rather than a piece of paper where people don't know what it means makes sense. How will anyone know what it is about? We just had an election where 279 people voted. I agree with former Governor Sununu, who said that SB2 is a failure. I think if you have the hearings, you might get better input and direction. I see the 3-member commission has worked for every other community. It keeps the department going in a consistent direction. In towns where selectman are responsible, you see things in the Union Leader and the Chief spends more time settling political problems than running the department. Mr. Sorel made no indication that Rudy was telling lies. If anything was done incorrectly in his opinion, it goes on the list. That is not positive. Mr. Lizotte stated that in his dealings with officers at the line level, he has found them competent. How do we get professional people at the line level without command being competent? Recently, the Council asked Representative Boutin to put a change in for the law. Why don't we wait and see what that brings before we go forward. It hasn't been acted on yet. I don't think that the PD is in such bad shape that we have to act in a month. I'm stunned that the Council put a referendum on the ballot. Let's see what the Legislature does with the first thing before we ask the question.

D. Boutin: I want to sing the praises for the Fire Department. After the Storm, I went to the Fire Department to see if I could help and Harold invited me along and we traveled around town. These people did a top-notch professional job. I want to thank Harold and the people he works with for the great job to help people in the community.

B. Gahara reminded the Council that a new Police Commissioner will be appointed in June and it would be beneficial to start the process early. This will be an agenda item on the 24th of March.

**ADJOURNMENT**

The Chair adjourned the meeting at 9:10 pm.

Respectfully submitted,

Lee Ann Moynihan

Nancy VanScoy  
Town Council Secretary