

Official

TOWN COUNCIL MINUTES Regular Meeting Wednesday, February 16, 2011

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

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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

January 26, 2011 – *D. Boutin moved to approve the January 26, 2011 minutes as amended. Motion seconded by J. Levesque. Motion carried unanimously.*

January 26, 2011 Non-Public – *D. Boutin moved to approve the January 26, 2011 non-public minutes. Motion seconded by V. Lembo. Motion carried unanimously.*

February 9, 2011 – **Tabled.**

PUBLIC INPUT

Mike Sorel, 54 Cross Road: A few minutes ago I was asked to read into the records e-mails I received from various individuals.

M. Pischetola interrupted M. Sorel and stated public input is to state individuals' opinions not hearsay.

Chair Gahara stated he received the same e-mails. He permitted M. Sorel to read the e-mails.

M. Sorel read the e-mails for the record (see Town Council reading file).

He added he is in support of abolishing the Police Commission. A year ago I had a different position with respect to increasing the number of the Police Commission. The facts & the evidence are clear it is time to make a change. I am concerned that noisemakers become policy makers when a small group of very vocal people continue to hammer at you meeting after meeting. Please do not govern because a small group of people is making a lot of noise.

David Pearl, 79 Main Street: I'd like to thank Mr. Boutin and the rest of our legislative team for fixing Legislation 412, which was flawed. It had no way to be rescinded; now it does. Any law should have a provision by which it can be ended. I'd also like to thank the Council. You have done your job. You have presented a law the voters can decide. Now we are at a point where people can decide. It's imperative for the Council to make sure it happens. If the Police commission were abolished, this Council would have to oversee the department. Therefore, I think it's wiser to not be involved in any way. We also have a Councilor on this board, who has made allegations towards the Police Commission. I think that complicates things. That person should recuse himself because of unfounded allegations. The fact that the Police Chief is endorsing this, he's commenting on who he wants his boss to be. I would have had more respect for him if he had stayed out of it. I'd ask you not to put the warrant forward. People have until March 8th to file a warrant article petition. I think that's the correct position for the Council.

Todd Lizotte, 21 Post Road: I support retaining the Police Commission, at least until we get through this difficult time. As for F. Bishop's comments, I investigated the process and procedures utilized in hiring the

Police Chief and found no documents exist. No history, no documentation, no reference letters. Although Mr. Bishop referred to high praises when the Chief was hired, none exists in any type of file. With regards to the Chief's comments, I was at a recent Police Commission meeting where he actually said that the Police Commission did not have the authority to promulgate rules and regulations. And now he claims they do. This goes back to the basics of why you need oversight of the Police Department. The unfortunate aspect of the SRO is that, that SRO came forward and said, "I'd put my life out in public in order for you to understand what's going on here." That guy, basically, no money, jeopardizing his career to bring out what the truth was. What came out of the hearing was that the most fundamental right of a person is the right to due process. The fact that the Chief said he was not given due process. I believe this is the point of time to let the process go forward and let legal get settled. I believe the Police Commission encapsulates the problems that exist.

Nancy Comai, Budget Committee member: Mrs. McHugh and Chief Agrafiotis presented the budget to the Budget Committee. Mrs. McHugh mentioned she sharpened her pencil at least five times to get down to the 1% reduction in budget. Thank you, Mrs. McHugh.

Chair Gahara stated he receive several e-mails from individuals regarding the proposed Police Commission warrant article. Copies of the letters are in the reading file.

NOMINATIONS/APPOINTMENTS

Available Board Positions

Heritage Commission, Alternate, exp. 6/2012

Town Hall Preservation Committee

Conservation Commission – Council Representative

Discussion on the Conservation Commission, Council Representative.

SCHEDULED APPOINTMENTS

PSNH Project – Roadway Impact Waiver

Councilor Lembo recused himself as he is employed by PSNH.

PSNH will be building a large facility adjacent to the Safety Center. The project was presented to the Planning on December 23, 2010. The Planning Board voted unanimously to grant a waiver for the roadway impact fee. In lieu of the fee, PSNH will pay for the construction of road extension providing access to the property.

Dale Hemeon, Public Works Director concurred with the Planning Board's decision.

Nicholas Golon, TF Moran Project Manager: What we're asking for the project is that we may use the roadway impact fees generated by this project specifically to pay for the extension of the roadway. This is conditional on if the roadway impact fee exceeds the cost of construction. If the fee is not adequate to cover the costs, there are conditions with the applicant as well as the seller of the land who will pay for the difference but at no cost to the Town. We're looking for the Council's approval.

N. VanScoy moved to grant a waiver for impact fees. Motion seconded D. Boutin. Motion carried unanimously.

Heritage Commission Head School Update

Kathie Northrup, Chair of Heritage Commission presented an update on Head School preservation project. The renovation is complete. The dedication of the building was held in October, 2010. Critical to the success of the project was the formation of Head School Society, which is a group of mostly retired teachers. Last year, they held nine 3rd Grade classes. This year in addition to the 3rd Grade classes, they are preparing programs for eight 1st grade classes. The building hosted the Historical Society and the Town Hall Preservation Committee for meetings. They also have hosted Cub Scouts Troops. Before and after photos of the renovation are on display as well as artifacts found during the project.

The Council thanked Heritage Commission and Kathie Northrup for a job well done.

Acceptance of in-kind donations per RSA 31:95-e.

The Heritage Commission received a variety of furnishings for the Head School.

J. Gorton moved to accept the donation per RSA 31:95-e. Motion seconded by D. Boutin. Motion carried unanimously.

Acceptance of donation from Rebekah from historic marker per RSA 31:95-e.

After 105 years of service to the Hooksett community, the Pansy Rebekah Lodge #90 has given up its charter. They donated funds in the amount of \$1,955 for a historic marker to commemorate the former site of the Odd Fellows Hall on what is now Veterans' Drive.

J. Levesque moved to accept the donation of \$1,955 per RSA 31:95-e. Motion seconded by D. Paradis. Motion carried unanimously.

K. Northrup offered to do the State Registration application for The Pinnacle. She asked for permission to start the application process.

N. VanScoy moved to authorize Heritage Commission to move forward with the application process. Motion seconded by V. Lembo. Motion carried unanimously.

Perambulation Committee Update

Denise Pichette-Volk, Chair of Perambulation Committee gave an update of the perambulation.

D. Pichette-Volk thanked the current and past members of the committee. The law specifies that every seven years town boundaries and markers have to be verified.

A map showing the boundaries was presented. Allenstown boundary line is 5 miles long. Candia is 4.5 miles long. In terms of doing the work, history shows where the markers are but finding them has been a challenge. Some markings described are gone. It was a challenge to get to the location of the markings. A lot of water and swamps have changed the terrain as time goes by.

The committee has spent a lot of time working on Manchester perambulation. Manchester Department of Highways has done an extensive work on the perambulation and presented a preliminary report (see file). Everything after 1845 up to 1990 varied for various reasons, i.e., human error, transcription error, etc. The 1945 perambulation has a very clear description of the Manchester boundary on the Merrimack River. It is the only description that exists with enough feet to get to the river. It hasn't been right since 1945 but there is an opportunity to work with Manchester to correct this. Manchester is proposing, and D. Pichette-Volk is suggesting taking the 1945 perambulation description and physically laying it out on the land with stakes. The whole west side of the line, which is in need of work, has to be resolved before marking the boundary line. Manchester offered to place a marker at this location but will need authorization from the Council as the area is in need of work.

N. VanScoy asked about the missing markers and if they can be replaced and/or is there a need to replace the markers.

D. Pichette-Volk stated missing markers does not need to be replaced but it can be replaced and/or fixed with agreement from both Towns. Some markers cannot be replaced because of the location.

Chair Gahara thanked the committee for the hard work they have done and the thorough report.

OLD BUSINESS

Proposed Town Charter Amendments

A Public Hearing was held on February 9th. The public indicated further discussion on major amendments is needed. Significant items, such as changing the number of members of some boards, such as the Council, Planning Board, etc. and changing the Town Meeting date were tabled.

C. Granfield presented the technical amendments to be considered.

Chair Gahara stated for the record the Charter Review Committee is in support of the proposed technical amendments. The Committee was commended for their work.

N. VanScoy acknowledged the work the Charter Review Committee has done. She questioned the following proposed amendments:

Article 4 Sections 4.9 and 4.10

The Town Council Administrator shall appoint, based on merit and fitness with the advice and consent of Council, a Treasurer who shall have the powers and duties prescribed by this Charter and state law, provided however that in making investments of Town funds he/she shall follow the written investment policy as adopted or modified by the Town Council.

Explanation: The amendment clarifies that the Town Administrator appoints the Treasurer with the advice and consent of the Council.

C. Granfield explained The Town Administrator is responsible for those positions (Treasurer and Tax Collector). The positions, prior to appointment by the Council, is interviewed and reviewed by the Town Administrator and a recommendation is presented to the Council. After the Council's appointment, the evaluation and review of the positions is done again by the Town Administrator. In addition, the Tax Collector is a department head, therefore, reports to the Town Administrator. The proposed amendment still states "with the advice and consent of Council".

Article 3, Section 3.6, E

Upon passage, the ordinance shall be ~~published in a newspaper of general circulation in the Town~~ posted on the official Town website. The full text of the proposed amendment or ordinance need not be included in the notice if an adequate statement describing the proposal and designating the place where the proposal is on file for public inspection is stated in the notice.

Explanation: The amendment provides that upon passage an ordinance shall be published on the Town's website rather than published in a newspaper of general circulation.

N. VanScoy commented she is in favor of the change to post on the website but not in favor of the second sentence. By changing it to the website and requiring the full text to be posted is a more prudent act. It will allow the residents one easy place to go for the full text.

C. Granfield explained the full text would still be posted on the posted but this would eliminate the need to publish the full text in the newspaper, which would save the Town money.

Article 4 Section 4.7

Except as expressly provided elsewhere in this Charter, no councilor shall direct or request the appointment of any person to office or employment; removal; suspension; discipline; or adjustment in pay, benefits, or working condition; by the Administrator of any of the town department heads. However, nothing in this Charter shall be construed to prohibit the Council, as a body, from exercising any powers granted to it by statute or charter. Furthermore the Council may, by ~~majority~~ two-thirds (2/3) vote of the full Council,

overrule any action or lack of action normally under the control of the Administrator. Councilors may act as liaison with the Administrator on behalf of their constituents.

No Councilor shall give orders to or interfere with the performance of the duties of any of the ~~administrative officers~~ department heads or employees, either publicly or privately except that the council chairman in conjunction with the Town Administrator may direct any employee who is charged with assisting in the conduct of council business. Nothing contained in this section shall prohibit the Council from meeting with the Administrator to discuss the operation or conduct of any department head or employee and to recommend an investigation and report by the Administrator of any complaint nor shall anything in this section be deemed to prohibit any councilor and/or any employee from discussing the operations of the town government. Any violation of the provisions of this section by a Councilor shall constitute grounds for forfeiture of office under the provisions of Sec. 3.2.

Explanation: The purposed of the amendment is to require a 2/3 vote of the full council, as opposed to a majority, to overrule any act of the Town Administrator. The amendment further changes the term “administrative officers” to “department heads” and states that the council chairman may direct employees charged with assisting in the conduct of council business in conjunction with the Town Administrator.

N. VanScoy asked if the change was recommended by the legal counsel. It would be prudent to table this along with the number of Councilors.

C. Granfield stated because it's such a significant aspect on grievances, 2/3 requires a large number of individuals versus a majority.

Article 5 Section 5.9

Independent compliance and financial audits shall be made of all accounts of the Town at least annually and more frequently if deemed necessary by the Council. Such audits shall be conducted ~~according to auditing procedures of the American Institute of Certified Public Accountants, the National Committee on Government Accounting,~~ in accordance with auditing standards generally accepted in the United States and other such procedures which may be necessary under the circumstances by certified public accountants experienced in municipal accounting. ~~Abstracts of~~ The results of such audits shall be made public. At least once every ~~seven (7)~~ five (5) years the Council shall request that such audits be made by Certified Public Accountants other than those involved in such audits during any of the previous ~~six~~ four years. An annual report of the Town's business for the preceding year shall be made available to the public not later than sixty days after the close of the fiscal year.

Explanation: The amendment changes the standard by which audits will be conducted as stated in the amendment, reduces the amount of time between audits from seven (7) to five (5) years, and reduces the number of years from six (6) to four (4) in which a CPA may not have been involved in such audits.

N. VanScoy asked why the number of years to change auditors was changed from seven to five.

C. Granfield explained the reason was seven years is an extremely long period of time not to change an auditor. Five years is still a long period but was more reasonable.

Chair Gahara stated he finds it ironic that Section 3.6 does not require publishing the full text of an amendment or ordinance when there were some accusations at the public hearing that the Town did not publicize the Charter Review Committee enough. The Town publicized the need for charter members over a three-month period. Some of the board members are a bit disgruntled of the fact some of the significant changes they recommended were not approved by the public. Not everyone has a computer and yet the ability of publishing in a newspaper is taken out.

N. VanScoy added many people were happy with the work the committee did but thought it was prudent to have more discussion before making the major changes. She suggested forming a new committee with a new charge.

D. Boutin made the following suggestions:

Article 4, Section 4.7 – He is not in favor of changing the vote from majority to 2/3 vote. Most actions taken by legislative bodies are simple majority votes. The 2/3 majority is an unnecessary hurdle. He recommended leaving the section as it was.

He questioned why an elected Charter Review Committee was not needed.

C. Granfield stated the Town obtained two legal opinions from the Town's legal counsel and LGC and both opinions indicated unless there is a change in the form of government, an elected committee was not necessary.

D. Boutin stated he does not see any problems with the size of the committees. He had real reservations when the first report came in from the committee. He thought it went beyond what he understood the charge of the committee was. There were opportunities for people to be aware of the committee and to participate if they chose to.

He suggested changing the wordings on Article 1 from Board of Selectmen to Town Council.

C. Granfield explained the reason it was not changed is that it reflected what was done originally. It was referring back to when the Town had Board of Selectmen. Because the other changes were not going forth, that was not changed.

D. Boutin stated he is in favor of all recommended changes except Article 4, Section 4.7.

N. VanScoy was in agreement in removing amendments to Section 4.7 and 3.6.

Chair Gahara suggested putting the original language back on Article 3, Section 3.6 Paragraph E. Not everyone has access to the website.

Discussion on the matter ensued.

D. Boutin moved to amend the section and put back the original language and delete the sentence, "The full text of the proposed...". Motion seconded by NV. Motion carried unanimously.

Article 3, Section 3.6, Paragraph E amended language to read as follows:

Upon passage, the ordinance shall be published in a newspaper of general circulation in the Town and posted on the official Town website. ~~The full text of the proposed amendment or ordinance need not be included in the notice if an adequate statement describing the proposal and designating the place where the proposal is on file for public inspection is stated in the notice.~~

D. Boutin moved to put the original language under Article 4, Section 4.7, first paragraph. Motion seconded by N. VanScoy. Motion carried unanimously.

N. VanScoy moved to add an amendment under Article 3, Section 3.4 and change the amount of compensation for each Councilors to \$500 each and additional \$200 for the Chair. Motion seconded by M. Pischetola.

N. VanScoy explained other board members, such as Planning Board and Zoning Board of Adjustment receive smaller stipend/mileage. The Budget Committee is considering reducing these lines and requesting board members to keep track of and requesting for mileage reimbursement. By reducing the stipend for each Councilor, the current compensation for all other boards would be covered.

N. VanScoy removed her motion and asked for further discussion on an upcoming agenda.

D. Boutin moved to add the proposed technical amendments to the warrant. Motion seconded by J. Levesque. Motion carried unanimously.

Warrant Articles – Police Commission

Chair Gahara thanked Councilor Boutin for drafting the legislation. He also thanked Representatives David Hess, Frank Kotowski, Todd Smith and Molly Smith for supporting the proposed legislation. The discussion currently going on and the fact that the Council is looking for language to put on the warrant has absolutely no reflection on the current Police Commission. It is very important that this statement gets out there.

J. Gorton moved to add the proposed warrant article to the ballot. Motion seconded by D. Boutin.

“To see if the Town will vote, pursuant to 1975 NH Laws 412:3-a, to abolish the Hooksett Police Commission by rescinding the action of the Town of Hooksett Special Town Meeting held on September 16, 1975, and to further provide that if this article is adopted, the Hooksett Police Commission shall go out of existence on June 1, 2011.

Explanation: If this article is approved by a majority of the voters, the Hooksett Police Commission shall cease to exist. The duties previously performed by the Police Commission will thereafter be performed by the Town Administrator subject to oversight by the Town Council.”

N. VanScoy read a statement for the record.

“I am very happy that our state legislators and the governor have seen the need for this language to be added to the RSA. The Town Council and the people of Hooksett now have a way to dissolve the Police Commission, if appropriate. But like I was told, just because you have a hammer, doesn't mean you have to go around banging nails.

This tool should be put away and time given to the existing Police Commission to finish the job they have started. Two or three years ago the dissatisfaction with the Police Commission and the Police Department became very vocal. This Council has worked hard to appoint the right people to the Police Commission, who would work with the Council, improve public relations, bring respect back to the board and inspire confidence through their decisions. We looked for people who are unbiased, fair and want what is best for Hooksett. We have started building that commission and we are starting to see reform and changes. It would be prudent to allow the current commission to continue their work and complete the audit they started.

I believe it would be irresponsible to place this warrant on the ballot this year. Neither the Town Council nor the Town Administrator has provided a plan for how the oversight of the Police Commission would be carried out if the commission were dissolved. Our Town Administrator is doing a great job and I have full confidence in the task, she would be able to handle it. She has a full plate right now, diligently watching out for Hooksett, encouraging economic growth, working on department realignment, improving our documentation and introducing public relations plan. Adding another large department, with a known need for detailed oversight could result in less attention to these and other needs of the Town. The Town Council is not prepared to hold additional meetings each month to cover Police matters. Currently, commissioners are spending 3-4 hours a month in meetings plus additional hours preparing for those meetings.

I will not support this article to be placed on the ballot this year. I do think we should continue to monitor the situation. And when appropriate, if appropriate, at that time look to dissolve the Police Commission.”

V. Lembo: I had a lot of constituents call me, give me their opinions. I've listened to them and I value their opinions. But, I don't see any movement in the Police Commission, moving forward or getting the ability to straighten it out. So I would support putting this on the warrant article and let the people decide if they want to abolish it, instead of just nine of us.

M. Pischetola: I was very nice of the Chief to give us a history of the Police Commission (see file) but he didn't mention in 2010, if you recall, we went up to Concord to try to expand the Police Commission from three to five. He along with several other citizens of Hooksett put together a coalition to stop that and they did. If you recall, again in 2010, I made a motion to put on the ballot a question to eliminate the Police Commission. The Council voted to do away with the Police Commission. Mr. Sorel changed my warrant article on the floor and the verbiage ended up being, "To see if..." That made the ballot and it was a tied vote. What has changed in a year to make us do this? It seems now the table is reversed. They want to do it and some people don't want to do it. The same people who were against it last year are in favor of it this year. This will create dissention among all of us. We should leave it as a three men commission and work from that point. Improve the commission, change the commission but keep the commission. As Nancy said, there is no definite plan other than the Town Administrator handling the Police Department.

Roll Call Vote

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

NEW BUSINESS

Quarterly Financial Report

Christine Soucie, Finance Director presented the second (end of December) Quarterly Financial Report.

Budget should be roughly at 50% mark. Total operating budget came in at 47% and total revenues at 45% collected, slightly higher than previous two years. The Town should meet projected revenue by end of year.

Under expenditures, Administration is at 61% due to workers' comp and property liabilities. These two items are paid at the beginning of the fiscal year. This department should come in as projected, or a little overspent by end of year. In general, expenditures came in about the same as the last two years and should be on target by end of year.

Under revenues, Motor Vehicle Registration is at 46%. Building Permits have already exceeded projections for the year at 102% and anticipating additional \$10,000 to come in by end of year. Interest on Deposits did not meet projections. This line is expected to be about \$40,000 under budget. Current interest is under 1%. State Revenues came in as projected and Ambulance Services is doing better than expected and is projected to exceed budget by over \$70,000 by end of year. Tax Collection is down at 90% collected compared to previous two years.

V. Lembo commented on Family Services coming in at only 38% expended. With the economy, this was expected to be over-expended.

C. Soucie stated she feels the Town budgeted for this line. The department has been extremely busy but the Director (Joy Buzzell) utilizes other sources, i.e. Salvation Army, Food Pantry and donations.

Recreation Impact Fees

With the acquisition of The Pinnacle, Parks and Recreation is requesting utilizing some of the impact fees collected to build a road, parking lot and purchase of a sign for the area. Current impact fees balance is \$147,183.86.

Dale Hemeon, Public Works Director and Mike Horne, Parks & Recreation Advisory Board visited the park and came up with a plan for the area. The sale of the property will be closing in March and work should start in April/May.

M. Horne stated there is a break between property lines on Pinnacle Road and there's no place for people to park. This would improve the area and by summer, the residents could enjoy the park. Parks & Rec and the Conservation Commission are getting together to work on the plan. Parks & Rec Advisory Board is in support of using impact fees.

J. Levesque moved to authorize the use of impact fees in the amount of \$25,000 for The Pinnacle. Motion seconded by D. Paradis. Motion carried unanimously.

Berry Hill Reclamation Bond - \$33,044.08

The applicant has replaced this bond with an inclusive bond in the amount of \$122,446.68 covering additional units.

D. Boutin moved to release the bond in the amount of \$33,044.08. Motion seconded by N. VanScoy. Motion carried unanimously.

Telephone Contract Award

The Town issued a Request for Proposal (RFP) for Telephone Services in late December. Proposals were received from Bay Ring, Comcast, One Communications and OTT Communications.

C. Granfield recommended awarding the contract to OTT Communications.

J. Levesque moved to award the contract to OTT Communications. Motion seconded by J. Gorton. Motion carried unanimously.

Service Link

The Town received a request from Service Link to be included on a future agenda. N. VanScoy stated they provide services to the Town's senior citizens. She requested inviting Service Link to a future meeting.

Meeting with Town Boards

N. VanScoy requested for the Town Council to continue the policy of meeting with Town Boards on an annual basis.

TOWN ADMINISTRATOR'S REPORT

C. Granfield informed the Council of the following:

1. Recognized the recent great lifesaving work of the Fire Department.
2. The deadline for submission of Petition Warrant Articles is March 8th. It requires 2% of registered voters or 25 signatures, whichever is less.
3. She received an updated report from Mainstay Technologies. It summarizes what was accomplished and how to move forward. She added improvements have been tremendous.
4. Marc Miville, Budget Committee Chair is asking for the Council's guidance regarding Planning Board and ZBA members' compensation whether they are considered stipend or mileage. Mileage has to be submitted for reimbursement and not taxed. Stipend is subject to tax. C. Granfield stated the compensation appears to be a stipend.

N. VanScoy referred to Town Charter Article 6, Personnel Policies, Section 6.3, Compensation A. *"The compensation of all elected and appointed officials and department heads shall be established and modified by express resolution of the Council."*

She suggested moving forward with a resolution.

Discussion on the matter ensued.

N. VanScoy moved to keep compensation for each member of the Planning Board and Zoning Board of Adjustment in the amount of \$200 and \$100 for alternates and to make it an express resolution of the Council to refer to it as stipend, not mileage. Motion seconded by J. Levesque. Motion carried unanimously.

SUB-COMMITTEE REPORTS

Planning Board

1. Falcon Brook – Initially planned for work-force housing. It does not appear the Town needs additional work-force housing. It is now being presented as higher priced multi-unit housing.
2. Manchester Sand & Gravel's Head's Pond project approval period was extended until 5/9/11.
3. SNHPC published their most recent 10-year (2011-2020) Transportation Improvement Plan. These are projects they would like to see similar to the Town's CIP.
4. There was a discussion on how board members and the Town Planner, Jo Ann Duffy really pay attention to changes in the laws to keep the Town out of lawsuits.
5. There are two new developments on Route 3. McDonald's Restaurant will be tearing down the old building and putting up a new one. Heritage Credit Union is moving from their current location to across the street and will redevelop the lot. Both requested to retain current access to Route 3 and not be required to grant cross easements. No decision was made. They will have to come back before the board.

Budget Committee

The committee is currently working on the Town's budget. The School Deliberative session was held on February 11th. Only 27 voters attended the meeting. The School budget was approved as presented.

Zoning Board of Adjustment

Burl Logging – The board voted not to grant the appeal on a cease and desist order of grinding and processing stumps on the property. It was also discussed the owners may be receiving payment for removing stumps. This matter will be back on the agenda for next month.

Heritage Commission

Included in the update presented earlier. (See report from Chair, Kathie Northrup.)

Conservation Commission

Held a non-public meeting.

Parks and Recreation Advisory Board

Held a non-public meeting.

Economic Development Committee

The Budget Committee cut the EDC budget, substantially. Chair Gahara encouraged Councilors to get familiar with what the board does. He also encouraged everyone to attend the next Budget Committee meeting to support putting the funds back into the EDC budget.

PUBLIC INPUT

M. Sorel: I have a copy of the Police Commission warrant article. There is a question mark at the end of the sentence. I'm sure not sure if that was a typo.

C. Granfield explained it was a typo and will be changed to a "period".

M. Sorel commented he recently attended a Police Commission meeting at the Safety Center on a particularly cold night. There was cold air coming from the vent. The previous two days in a row the

pipes have frozen. This was beyond the norm and serious problems in the building. Maybe the Town could generate some publicity going to make the public aware of how serious the problem is.

D. Pearl: I am very disappointed with the Council not because the vote I supported failed but the fact that after all the discussion and controversy on this issue, we only had only two Councilors that were willing to discuss this and to answer any other concerns. As a member of the public, to find Mr. Boutin calling for the vote as quickly as he can, I am thoroughly disappointed. There are two problems you now face. A year and a half ago, Mr. Boutin admitted that the Chief was strong arming him about a legislation in Concord. That's never been resolved. I think it's a conflict now that Mr. Boutin will be overseeing him and had asked for that job. Another conflict is with Mr. Gorton who brought allegations of illegal meetings, who agreed to apologize of found to be wrong. The Council determined it was unfounded. Mr. Gorton has not apologized. Whether putting the warrant on the ballot is perceived by you as supporting it or not supporting it and letting the people decide will be perceived as this is what you want to happen. I think you missed your responsibility to explain to the public why you wanted this done.

Richard Sullivan, 7 Morgan Drive: It seems any solutions to questions about the Police Department are totally unacceptable to some people. I would like to commend this Council for taking a position. Three or four weeks ago I asked this Council to step up to the plate, take a direct action, eliminate the commission. I think you've done that tonight and I commend you all. A few people will be disappointed but the majority would be glad.

T. Lizotte: I am in agreement with Mr. Pearl. The decision does not make much of a difference that the voters will get to vote on this. The fact is the preamble Chair Gahara presented indicated that this is not a reflection on the current Police Commission. The commission is working hard and exercising the oversight that was lost over the years. You have dedicated people in place. Now this vote comes through. Most of the voters don't know the issue. What happens if it passes? The separation of the Police Commission and the Town Council is gone. If it's not a reflection on the Police Commission, then what are the voters voting for? You've taken the confidence out of a lot of people. Forget about the issues with the Chief, let's talk about the management. I think it is going to back fire.

David Hess, Conservation Commission Member: I am here to tell you the developments in the purchase of The Pinnacle and to secure a vote as to how you wish us to proceed because we have two alternatives. The Purchase and Sale agreement for The Pinnacle provides for a payment over 10 years of \$360,000, at no interest. The Town would be able to reap the savings of over \$20,000 in interests, based on rates at that time. \$160,000 in the first two years and \$200,000 spread over the remaining eight years. That was agreed by both the sellers and the Town. When I went to get a check from the Town Treasurer, I was told this looks very much like a promissory note and a borrowing, which binds the Town over a number of years and requires a 60% majority Town vote. I personally did not agree with that conclusion. The Town Administrator sought advice from the Town's legal counsel and received an opinion confirming it is indeed a promissory note. The issue was also submitted to an outside counsel for an opinion. They came to the same conclusion. Last night, the Conservation Commission voted to purchase the property right now and pay for the property in full, subject to the Council's agreement. The commission would like the Council's authorization to purchase the property and pay for it in full.

V. Lembo asked if the Town has the funds to purchase the property.

The Conservation Commission's Current Use fund would be used. No tax money would be used. The only money the Town would lose is the interest.

V. Lembo moved to authorize the Conservation Commission to pay for the property in full. Motion seconded by D. Paradis. Motion carried unanimously.

NON-PUBLIC SESSION

N. VanScoy moved to enter into non-public session under RSA 91-A:3, II.(d), "Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse t those of the general public."

Motion seconded by J. Gorton. Roll call vote carried unanimously.

M. Pischetola moved at 11:02 pm to exit the non-public session. Motion seconded by J. Gorton. Roll call vote carried unanimously.

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

The Council resumed the public session.

D. Boutin moved to reconsider the vote on the proposed Police Commission warrant article. Motion seconded by N. VanScoy.

Discussion on the matter ensued.

An affirmative vote means the matter could be brought up again in the future. A negative vote means it the matter could not be brought up again.

N. VanScoy withdrew her second.

J. Gorton seconded the motion.

Roll Call Vote

D. Boutin	No	D. Paradis	Yes	
J. Gorton	Yes	M. Pischetola	Abstained (stated no reason)	
V. Lembo	No	N. VanScoy	Yes	
J. Levesque	No	Chair Gahara	Yes	4-3-1 <u>Motion carried.</u>

ADJOURNMENT

The meeting was adjourned at 11:08 pm.

Respectfully submitted by,

Evelyn F. Horn
Administrative Assistant

Vincent F. Lembo, Jr.
Town Council Secretary