

Official

**TOWN COUNCIL MINUTES
Regular Meeting
Wednesday, March 23, 2011**

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

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

Note: Council David Boutin submitted his resignation from the Council.

J. Levesque moved to reappoint D. Boutin to the Council until the end of the term. Motion seconded by V. Lembo.

G. Longfellow: This is my last hurrah anyways. I think this is vote-rigging in the raw sense. All they want to do...Mr. Boutin has resigned from the Council. Somebody has talked to him because they know how he's going to vote on a warrant article and they want him seated there so they can get his vote. I think it's just vote-rigging. I'm going to vote against it. Nothing personal, David, but that's the way I feel.

D. Boutin: So I can go home early, then.

N. VanScoy: I do certainly would like to speak on this. While I know this is normally a rubber stamp and right back on. I would like to propose two questions to each of us while we're making this decision. First, I would like to ask you if you agree that the Hooksett Town Councilors are honorable citizens elected by the people to engage in polite debate in order to make a decision that are in the best interest and in the best benefit of the municipality. That is my first questions. My second question is how is stopping debate when there are others who wish to speak benefit Hooksett? Many of us is very good at sounding polite using terms like, your honor and respectfully requesting. But, politeness is judged by actions not words. Since Mr. Boutin has joined the Council, I've witnessed more political games than I ever had before. For example, Mr. Boutin often feels the need to call the question, which immediately stops discussion. That's a political tool to stop debate. This act is disrespectful to the position and to those he is serving with. He has introduced political games to the Council with motions to reconsider reconsiderations. At the same time, I would also like to draw your attention to the work Mr. Boutin and the party he is proud to serve and the work that they are doing at the State House. Changes that will ultimately hurt municipalities and the people of Hooksett. The GOP has introduced bills to remove the State's minimum wage, to repeal funding for kindergarten, to not require licensing for hair dressers and barbers, to reduce the school drop-out age, to repeal the shoreline protection act, to eliminate gun licensing, to require drug testing for welfare recipients and reestablish property tax exemptions on taxes paid on telecommunication pool. At the same time repealing carbon emission reductions. They're looking to cut essential services and relaxing licensing laws and repealing sources of funding that will increase local property taxes. I propose that we do not need a career politician on this Council and we will be better served without his influence.

Roll Call Vote

V. Lembo	Yes		
J. Levesque	Yes		
G. Longfellow	No		
D. Paradis	No		
M. Pischetola	No		
N. VanScoy	No		
Vice Chair Gorton	Yes	3-4	<u>Motion Failed.</u>

PLEDGE OF ALLEGIANCE

RECOGNITION

The emergency response teams from Hooksett Fire-Rescue, Allentown Fire, Hooksett Police and Tri-Town Ambulance were recognized for their heroic actions in saving the life of Kelly Dwyer. Ms. Dwyer fell through the ice the night of February 13, 2011 while snowshoeing behind her home.

Acceptance of Donation of Trailboggan from the Dwyer Family to Fire-Rescue Department per RSA 31:95-e

Ms. Kelly Dwyer and her family thanked all emergency personnel involved in the rescue efforts and presented a trailboggan to the Hooksett Fire Department.

J. Levesque moved to accept the donation of trailboggan per RSA 31:95-e. Motion seconded by V. Lembo. Motion carried unanimously.

The Council held an attorney/client meeting with Town Attorneys Steve Buckley and Jay Hodes.

CONSENT AGENDA *(All matters under the consent Agenda are considered by the Town Council to be routine and will be enacted by one motion. Any Town Councilor may, however, remove an item from the Consent Agenda by request. Items removed for separate discussion will be considered after the motion to approve the Consent Agenda.)*

Approval of Minutes

- a. March 9, 2011
- b. March 9, 2011 Non-Public
- c. March 15, 2011

Acceptance of Donations to Fire Department per RSA 36:95-b

- a. \$3,100 (\$2,500 from General Electric; \$500 from Manchester Sand & Gravel; \$100 from Brox Industries) for membership in the South East NH Hazardous Materials Mutual Aid Compact.
- b. \$300 from David R. Cawley Builders' Club in honor of Kelly Dwyer.
- c. \$1,000 from The Joseph Higgins Revocable Trust in honor of Kelly Dwyer.

Acceptance of Donations to Cemetery Commission from Hooksett Boy Scout Jacob Murphy

- a. \$500 per RSA 31-95-b.
- b. Installed sign valued at \$520 per RSA 31-95-e.

D. Paradis moved to approve the consent agenda. Motion seconded by J. Levesque.

N. VanScoy requested to remove March 9, 2011 and March 15, 2011 minutes from the consent agenda.

D. Paradis amended his motion not to include the March 9th and March 15th minutes. Motion seconded by J. Levesque. Motion carried unanimously.

The March 9, 2011 minutes was approved as amended.

J. Levesque moved to approve the March 15, 2011. Motion seconded by M. Pischetola. Motion carried. N. VanScoy abstained.

PUBLIC INPUT

David Pearl, 79 Main Street commented on the Council's vote to remove the Police Commission warrant article from the ballot. RSA 41:131 states that in the absence of a petition, the Council could add any warrant. D. Pearl added in this case, there was no absence of a petition.

NOMINATIONS/APPOINTMENTS

Available Board Positions

District 1 Councilor, exp. 6/2012

Heritage Commission, Alternate, exp. 6/2012

Heritage Commission, Full, exp. 6/2013

Town Hall Preservation Committee

Conservation Commission – Council Representative (meets on 1st Tuesday of the month)

SCHEDULED APPOINTMENTS

Public Hearing re: School District Maintenance Warrant Article

Warrant Article #19

Shall we adopt the provisions of RSA 31:95-c to restrict 100% of revenues from Hooksett School District for snow plowing & grass mowing to expenditures for the purpose of Public Works provided maintenance and equipment for the school's parking lots and grounds, including plowing, sweeping, mowing, painting of fields etc.? Such revenues and expenditures shall be accounted for in a special revenue fund known as the Parking Lots and Grounds Maintenance fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of the revenue. Majority vote required."

The public hearing was opened at 7:50 pm.

Mark Miville, 42 Main Street expressed his concerns about the School District maintenance warrant article. He stated it appears to be a double taxation.

D. Pearl stated he agreed with Mr. Miville's statement. It averts the CIP process.

JR Ouelette, 3 Summerfare Street asked the Council to reconsider the warrant article. It is not transparent and deceitful.

Michael Sorel, 54 Cross Road commented on the Budget Committee Chair, Mark Miville's letter to the Town Administrator and the Council. The letter does not represent the view of the Budget Committee and needs to be substantiated.

Tom Keach, Pinnacle Street, Budget Committee Vice Chair stated there was no consensus on the issue at the Budget Committee meeting. Mr. Miville did say to him the letter represented his personal opinion and not of the board.

Nancy Comai, 21 Elmer Avenue stated as a point of order that this is a public hearing on the warrant article. What transpired has nothing to do with the public hearing.

The public hearing was closed at 8:05 pm.

N. VanScoy moved to reconsider Warrant Article 19. Motion seconded by G. Longfellow. Roll call vote carried unanimously.

N. VanScoy moved to rescind Warrant Article 19 from the ballot. Motion seconded by G. Longfellow. Roll call vote carried unanimously.

OLD BUSINESS

Request to Use Safety Center Property for Ceremonial Park

This was first presented to the Council in October, 2009.

FF Earl Lincoln, Co-Chair of the Ceremonial Park Committee asked for approval to use the property to be able to start fundraising activities. The Ceremonial Park will be used for both Fire and Police events. The project will take about a year to complete.

D. Paradis moved to grant the request to use the property. Motion seconded by G. Longfellow. Motion carried unanimously.

Town Warrant and Meeting Date

C. Granfield explained as a result of the warrant not being posted on Friday, March 18th, the Town Meeting date had to be moved to April 9th.

V. Lembo moved to hold the Town Meeting/Deliberative Session on Saturday, April 9, 2011 at 9 am. Motion seconded by G. Longfellow. Motion carried unanimously.

On March 15th, Atty. Jay Hodes attended the Special Town Council meeting. At that meeting, he advised the Council that according to the bill enacted to rescind an action creating the Hooksett Police Commission, a warrant has to be submitted – by virtue of a petitioned warrant article as provided in RSA 39:3.

Atty. Hodes stated he misled the Council by giving them an incorrect advice. He based his comment on the special act passed giving the Town the power to abolish the Police Commission. He failed to mention another statute, RSA 31:131, “Any question which an enabling statute authorizes to be placed in the warrant for a town meeting by petition may also be inserted by the selectmen, even in the absence of any petition.” Under the Charter the Town Council has the same if not more power than a Board of Selectmen. There are two ways to place the warrant article, one by petition and one by the Council’s action.

Currently, the Town Warrant does not include the Police Commission warrant.

V. Lembo moved to reconsider the motion. Motion seconded by J. Levesque.

M. Pischetola clarified someone who voted in the affirmative has to make the motion to reconsider.

The motion and second were withdrawn.

No motion was made.

NEW BUSINESS

Warrant Articles – Motions & Seconds

The Council assigned who will make the motion, second and speak on each warrant.

TOWN ADMINISTRATOR’S REPORT

C. Granfield informed the Council of the following:

1. Regarding the sewer disks incident, information was added on the website. She has met with the state and other officials. The Town contracted with Enpro Services, Inc. with the cleanup. Emergency Management Director, Dan Pike is the point of contact for the Town. Disks showed up in MA. There were reports that disks also showed up in NY but these were not Hooksett sewer disks.
2. Sign up period for Town Offices is March 23rd – April 1st. There are 6 Councilor slots available.
3. Effective immediately, the Town Council minutes will reflect a summary and actions rather than verbatim. Lately, there have been a lot of dialogues in the minutes. Meeting tapes are available for up to three years as a backup.

N. VanScoy stated she is against providing less detail in the minutes.

4. Fire Captain Gary Lambert is retiring April 1st after 25 years of service. A plaque will be presented to Capt. Lambert at the retirement ceremony.

N. VanScoy made a statement with regards to the three special meetings held. She was not informed of the special meeting. She requested in the future, if a special meeting is called that all Councilors are contacted and messages are left. She also commented on the sewer disks incident. The first public statement released from Hooksett about the incident was just sent out yesterday.

V. Lembo commented on the letter sent by the Budget Committee Chair to the Town Administrator and the Council. He stated he was upset that the letter was sent to the Council when it was not discussed at the Budget Committee meeting.

SUB-COMMITTEE REPORTS

Recycling & Transfer Advisory Board

G. Longfellow informed the Council the Single Stream Recycling system is going well. The department is pushing for the automated collection system and hoping the warrant article passes. The recycling rate they are projecting is very hard to accomplish. G. Longfellow added he estimates it will increase expenses by at least \$125,000 a year.

PUBLIC INPUT

D. Pearl requested that the Council consider whether Councilor Gahara is still the Chair or not. He resigned and was re-appointed as Councilor but not re-appointed as Chair. He asked if the two lawyers were paid to attend the meeting tonight. He pointed out that at the meeting on the 15th Atty. Hodes said the article should be brought by petition.

Regarding the letter sent to the Council, M. Miville explained that the letter was written as a citizen, not a Budget Committee Chair. Lee Ann Moynihan brought up the issue as a citizen of the Town, not the Budget Committee minutes taker. It was discussed with a few members of the Budget Committee individually, not as a committee. He also commented on how he feels he is constantly attacked personally for comments he makes when he is merely addressing the issues.

V. Lembo stated that the letter insinuated that there was a discussion at the Budget Committee meeting.

M. Sorel stated Mr. Miville signed the letter as Chairman of the Budget Committee and referred to the "majority" of the Budget Committee twice. He requested for Mr. Miville to be responsible for what he writes and what he says in public.

Todd Lizotte, 21 Post Road stated his opinion on the matter. He defended Mr. Miville and stated Mr. Miville is doing a good job as the Chair of the Budget Committee. In the future, a process to go by should be adopted by the Council on the basis of transparency.

Donna Lapointe, 4 Debbie Street commented on the Hooksett sewer disks incident. The fact that Hooksett's first press release was just issued yesterday was unacceptable. She added there should be a place where people could post questions/comments and/or sign up to volunteer for clean-up. She asked why the alarm system was not installed.

C. Granfield explained all press releases were sent out directly from NHDES. The State will start scaling back on press activity. The Town now has a direct link to NHDES' website. She also added Dan Pike Emergency Management Director is the point of contact for the Town. His contact information will be posted on the website. Regarding the alarm system, C. Granfield stated it couldn't be installed because they were waiting for the software program to connect it to. The alarm is now in place.

NON-PUBLIC SESSION

N. VanScoy moved at 9:45 pm to enter into non-public session per RSA 91-A:3, II (c) and (e). Motion seconded by J. Levesque.

RSA 91-A:3, II (c) "Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting.

This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.”

RSA 91-A:3, II (e) *“Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph.”*

Roll call vote carried unanimously.

D. Paradis moved at 10:16 pm to exit the non-public session. Motion seconded by v. Lembo. Roll call vote carried unanimously.

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

ADJOURNMENT

The meeting adjourned at 10:17 pm.

Respectfully submitted by,

Evelyn F. Horn
Administrative Assistant

Vincent F. Lembo, Jr.
Town Council Secretary