

Official

TOWN COUNCIL MINUTES Regular Meeting Wednesday, April 6, 2011

CALL TO ORDER: Councilor Lembo called the meeting to order at 6:30 pm.

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

PLEDGE OF ALLEGIANCE

J. Levesque moved to appoint Councilor Gahara as Chair until the end of this year's term. Motion seconded by D. Paradis. Motion carried unanimously.

CONSENT AGENDA

- Approval of Minutes
March 23, 2011
March 23, 2011 Non-Public
- Acceptance of Donation to the Fire Department from Hooksett Memorial School in the amount of \$215 in the name of Kelly Dwyer per RSA 31:95(b)
- MTS Associates Reduction of Security

J. Levesque requested to remove the minutes from the consent agenda.

V. Levesque moved to approve the consent agenda. Motion seconded by N. VanScoy. Motion carried unanimously.

N. VanScoy moved to approve the March 23, 2011 minutes. Motion seconded by D. Paradis.

J. Levesque requested to add more details to the minutes.

Approval of March 23, 2011 was tabled. A revised copy of more detailed minutes will be made available.

J. Levesque moved to approve the March 23, 2011 non-public minutes. Motion seconded by N. VanScoy. Motion carried unanimously.

PUBLIC INPUT

Joann McHugh, 14 Jefferson Drive, Police Commissioner requested to look into an issue with Police union negotiations. She is looking for advice from the Council with regards to what is going on in the State level. She spoke to the Chief but he did not feel he should be advocating for or against it. She requested for the Council to inquire.

Mary Farwell, 24 Grant Drive, Library Trustee read her letter on behalf of the Library Trustees into the minutes (see file). The letter is regarding a Congestion Mitigation and Air Quality grant received by the Town to provide sidewalks on College Park Drive. The letter commends Town Planner, Jo Ann Duffy for her initiative in recognizing the need for sidewalks and finding the grant to make it possible.

David Pearl, 79 Main Street commented on recent changes on Town Council minutes. He stated it's reached the point of ridiculous as far as abbreviation goes. They are not doing the job of reflecting what actually happened at the meeting. He also commented on lawyer-client privilege and asked the Council to look at what it means. He requested for the Council to come up with a policy to state what is in fact protected and what is not. He is concerned with non-public meetings. The rules of what could be

discussed under non-public are very specific. There's no way of knowing if it's being followed. He hopes that the rules of non-public are being strictly followed.

Peter Farwell, 24 Grant Drive shared an incident that happened at the Workout Club at K-Mart Plaza. There was a medical emergency and he does not know if the gentleman survived. It took about 15 minutes for the first fireman to show up. After a few more minutes an ambulance from Manchester finally showed up. He asked why Hooksett Ambulance was not there. He requested for the Town Administrator to look into it.

Marc Miville, 42 Main Street commented on the Town Council meeting minutes. It should reflect the tone of what happened at the meeting, such that if a person was to read those minutes, whether they were there or not, those minutes should be written as if they were actually there observing in person. It is also important for future research, legal purposes or for other official Town business. After persistent prodding of the Police Commission, they have improved on providing better minutes. Now the Town Council has gone backwards with less transparency at a time when they should be improving their accountability.

NOMINATIONS & APPOINTMENTS

Councilor-at-Large Appointment

There is an open position on the Council as a result of Councilor Jim Gorton's recent resignation.

C. Granfield stated those interested should submit résumé and/or letters of interest by April 13th. She noted that due to a Town Charter restriction that restricts having more than one at-large Councilors from the same district, residents from Districts 1 & 2 are not able to seek appointment because the Council already has Councilors at Large from those districts. The Council will accept letters of interest and/or résumés until April 13th.

G. Longfellow suggested inviting those who have expressed interests on Saturday at the Deliberative Session since there is not enough time for the Council to review applications and interview.

The deadline for submitting applications is April 13th. It was decided it would be unfair to invite just those who have expressed interests up until now.

SCHEDULED APPOINTMENTS

Sewer Disks Update

The Town Administrator received a call from DES on the afternoon of Saturday, March 12th. She notified all Councilors of what transpired via e-mail. The following day on Sunday, she and the Sewer Commissioner met with DES and Homeland Security officials. It was determined that DES would coordinate the information news release to avoid conflicting articles. The situation was beyond the realm of everyone involved. Dan Pike, Emergency Management Director was appointed as point of contact for the Town and Incident Commander.

Dan Pike (EM Director), Bruce Kudrick (Sewer Superintendent), Sid Baines (Sewer Commissioner) gave an update of the situation.

D. Pike informed the Council the event happened the evening of March 6th and continued into the morning of March 7th. 2 ½+ inches of rain fell in the area. Along with the disks released, approximately 250,000-300,000 gallons of partially treated sewage was also released into the Merrimack River. Initially, it was thought approximately 100,000-200,000 disks were released into the river, which was manageable. On March 11th, the Town started receiving reports that the disks have washed up on NH and MA beaches. The event started becoming more serious but it was still manageable. It was first thought utilizing volunteers was enough to resolve the issue. It was successful in NH. It was met with some resistant in MA. During the week of March 14th, it was determined between 10-20% of the disks approximately 4-8 million disks were actually released. On March 18th, a contract was signed with ENPRO, Inc. to do clean-up for \$125,000. Other bids were solicited. One bid was over \$1 million, another was a little less. It was decided to stay with ENPRO. Last week, they were given one week extension of the contract to clean up. They are operating under the Sewer Department. They have 6 crews and 2 boats working along the

Merrimack River. At this point in time, there is a better handle of the situation. Incident command system was adopted. Impacted areas were divided into 3 sectors. The disks are being aggressively picked up. Finance is handled by Sewer Commission. The coastal areas are more or less under control. Cape Cod was impacted, no additional reports of disks further south. According to UMass Dartmouth model data, there are two possibilities where the disks could end up: (1) Loop current on Mass. Bay and Cape Cod Bay and will keep on circulating. There are possibilities the disks could end up in Nova Scotia and Prince Edward Island. (2) Heading out to sea and will stay far off coasts and drift around.

N. VanScoy asked why was the plant overwhelmed and what is the likelihood it would be overwhelmed again.

B. Kudrick explained the plant was not overwhelmed. The facility is under construction and Krueger Construction was running the plant. The Superintendent was following instructions. The alarm system was initiated back in December but the change order usually takes 3 months. Due to the stimulus funds involved in the project, there are certain rules to have change orders qualified. The alarm was discussed at one of the monthly meetings held with the construction engineer, DES and the Sewer Commission.

S. Baines added the alarm would have shut the pumps off and alerted the Superintendent the level was rising. Contingency plans would have been set in motion.

B. Kudrick stated no other facility uses an alarm system. The Sewer Commission decided to add the alarm system. The plant never had an overflow before this incident.

M. Pischetola asked how much money it would take to clean up.

S. Baines explained the first contract with ENPRO, Inc. was for 7 days for \$125,000 paid for by the Sewer Commission. The other parties are Kreuger Construction, Graves Engineering and Penta Corp. (contractor). The second contract for \$88,000 was paid for by Kreuger. The final contract to finish it up is for \$561,000. There is no end to the contract. If disks show up a year from now, they will take care of it. Town Insurance will pay only up to \$10,000 because it involves hazardous materials. Sewer Commission is preparing for litigation.

V. Lembo asked about the possible fines.

S. Baines stated there is \$25,000 fine for EPA. There's a possibility they are waiting to find out who is at fault. The Commission is in the process of obtaining bids to conduct a study that would determine what happened. The court of law will decide who's at fault. If none of the other players step up, the Town will pay for it. Sewer Commission has \$400,000 available.

C. Granfield added the Town will appeal the insurance and it has applied for FEMA fund. The Town has not been denied nor approved. If approved, the Town could receive 75% of the costs.

N. VanScoy asked about the 250,000-300,000 gallons of partially treated sewage.

B. Kudrick explained EPA is not concerned about that amount of untreated sewage going into the river. Big cities like Manchester and Nashua have a combined sewer system. Storm drain and sewer going into the same line. The treatment plant takes in as much as the capacity, the rest goes into the river, untreated. The EPA knows it and has allowed it. EPA has started asking towns to separate the sewer and storm systems.

S. Baines stated 2 disks were tested in NH. One came up with e-coli. Over 50 disks were tested in MA. None had e-coli. According to the engineer, once it hit salt water and sun, bacteria is eliminated.

D. Pike added this is now being handled as litter that could be picked up and disposed of in regular household trash.

N. VanScoy commented on how the Town could have controlled some of the hysteria had the Town issued press releases a lot sooner.

OLD BUSINESS

Town Council Rules and Regulations

N. VanScoy requested to add on the agenda a discussion on Rules and Regulations to allow the Council Chair to be more involved with discussions.

NEW BUSINESS

Town Council Minutes

The Council voted to change the way minutes are kept as minutes are becoming too long.

M. Pischetola moved to change back to a more detailed minutes and to take them out of Consent Agenda. Motion seconded by D. Paradis.

C. Granfield explained she proposed to shorten minutes as a lot of the public input was getting to be voluminous and to get away from total verbatim.

D. Paradis, J. Levesque, N. VanScoy and G. Longfellow all agreed minutes should have more details and provide more information.

Roll call vote carried unanimously.

TOWN ADMINISTRATOR'S REPORT

C. Granfield informed the Council of the following:

1. The Town Deliberative Session will be held this Saturday, April 9th at Cawley School starting at 9 am in the cafeteria.
2. There will be a Special Town Council meeting on Wednesday, April 13th at Cawley Middle School from 8:30 – 10:30 am. This is a part of the school's Government Classes program, which started in February.
3. Invitations will be sent out this week for Volunteers' Appreciation Dinner. It will be held on Saturday, May 7, 2011, 6 pm at Southern New Hampshire University Dining Center.
4. Based on news articles and right to know requests, there have been some concerns raised regarding contracts that have been awarded to MRI. The Town Administrator commented the Town has utilized MRI for years long before she was hired as Town Administrator and probably long after she's no longer employed with the Town. MRI provides a variety of services to municipalities not offered by any other company. C. Granfield initiated the RFP procedures and has followed them. She has not awarded contracts for her own benefit.

SUB-COMMITTEE REPORTS

No sub-committee reports.

Planning Board meeting for April 18th was cancelled due to not having enough items on the agenda. They will hold a joint workshop with the Town Council and Conservation Commission.

PUBLIC INPUT

M. Farwell asked how the Council is planning on publicizing the warrant articles particularly, the Safety Center Bond and how to promote for voters to vote positively on the bond. She added the Safety Center bond really needs to be passed. Person to person contact is what will sell it.

C. Granfield explained the Town met with both Union Leader and Hooksett Banner to feature a story about the safety center. Informational tours are being planned. Information is also on display at the Town Hall.

D. Pearl commented on inconsistencies with regards to public input. He's all for back and forth, but it only happens with comfortable subject. When it's not a comfortable subject, the public is informed no input would be allowed. The Town needs to have consistency. I think Mrs. Granfield failed to mention she is

still listed as a consultant on MRI's website and has worked for them twice since she came to Hooksett. We also have not been provided the final report after right to know request was submitted.

Todd Lizotte, 21 Post Road previously brought up his concerns about the chief sending email to the Councilors. Through the right to know law, he's secured copies of those e-mails. He talked to the chief about some of the items disclosed. 3 of the attorneys represent the entire legal team of the LGC. The Chief also claims to have files of every ex-employee and is willing to share those with the Town Council. He believes the Police Commission was not informed of the e-mail sent to the Council.

Nancy Comai, 21 Elmer Avenue asked if the Council will discuss Councilor Gorton's replacement at the meeting on April 13th.

Chairman Gahara stated that will be discussed at the meeting on April 20th.

M. Miville stated he attended the last Planning Board meeting. CIP was discussed considerably. CIP self-audit was reviewed and approved. He added that the public should be kept informed at all times.

Jason Hyde, 36 Edgewater Drive commented on the sewer incident. He stated if something to that magnitude had happened at his job, he'd be out of a job the next day no matter how well he's handled it. On the issue at DPW, he does not know exactly what it is the Town is investigating. DPW is no longer doing State Inspections. Regarding the Town Administrator, the appearance of impropriety is enough to raise questions. A lot of things are going on in Town. He hopes that the Council is looking into all these diligently and looking out for the taxpayers.

NON-PUBLIC SESSION

N. VanScoy moved at 8:40 pm to enter into non-public session per RSA 91-A:3, II (c) and (e). Motion seconded by J. Levesque. Roll call vote carried unanimously.

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."

J. Levesque moved at 9:27 pm to exit the non-public session. Motion seconded by N. VanScoy. 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 was adjourned at 9:30 pm.

Respectfully submitted by,

Evelyn F. Horn
Administrative Assistant

Vincent F. Lembo, Sr.
Council Secretary