

Official

TOWN COUNCIL MINUTES Regular Meeting Wednesday, July 13, 2011

CALL TO ORDER: Acting Chair Lembo called the meeting to order at 6:00 pm.

PRESENT: Nancy Comai, Michael Downer, Vincent Lembo, James Levesque, Todd Lizotte, William Sirak, James Sullivan, Nancy VanScoy (arrived at 6:02 pm) and Stephen B. Griffin (Interim Town Administrator)

PLEDGE OF ALLEGIANCE

NON-PUBLIC SESSION

T. Lizotte moved at 6:01 pm to enter into non-public session Per 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 to those of the general community."

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

J. Sullivan moved at 6:27 pm to exit the non-public session. Motion seconded by T. Lizotte. Roll call vote carried unanimously.

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

APPROVAL OF MINUTES

June 15, 2011 – N. VanScoy moved to approve the June 15, 2011 minutes. Motion seconded by J. Levesque. Motion carried. J. Sullivan abstained, did not attend the meeting.

June 15, 2011 Non-Public – N. VanScoy moved to approve the June 15, 2011 non-public minutes. Motion seconded by T. Lizotte. Motion carried. J. Sullivan abstained, did not attend the meeting.

June 22, 2011 – W. Sirak moved to approve the June 22, 2011 minutes. Motion seconded by T. Lizotte. Motion carried.

June 22, 2011 Non-Public – N. VanScoy moved to approve the June 22, 2011 non-public minutes. Motion seconded by T. Lizotte. Motion carried.

June 27, 2011 – N. VanScoy moved to approve the June 27, 2011 minutes as amended. Motion seconded by T. Lizotte. Motion carried.

June 27, 2011 Non-Public – N. VanScoy moved to approve the June 27, 2011 non-public minutes. Motion seconded by T. Lizotte. Motion carried.

PUBLIC INPUT

Mary Farwell, 24 Grant Drive: I was one of the original people on the Charter Creation Committee. I know many of you are new. I would urge you to go slowly on this. I think it would be good for everybody to read the Charter. Mr. Lizotte talked about some places where he had found conflict. Take your time deciding what you would like to do. Is it a full-blown Charter revision? In which case, it would be more appropriate to elect a Charter Review Committee. Or, are there some targeted areas need to be discussed? It would be a service to those who are going to serve on the committee to have the sense of the leadership of this Town as to what you are looking for in terms of the Charter review. Are you looking for people with some expertise to take a look at the Charter and the RSA's to figure out if there are any

conflicts. You have a lot on your plate. Some of you are new. I would suggest to really read and digest the current Charter, first. Then decide where you want to go with this. Is it a full-blown review or some targeted areas?

Mike Sorel, 54 Cross Road: I want to speak with you briefly about David Ross. I've known David Ross since 2004. He has served the community two different times as a Councilor. He's accepted all responsibilities and tasks assigned to him as a Councilor. He's always done it without question or complaint. He has an excellent history and track record as a Councilor serving this Town. His past record in Belmont, some people don't know about but he served that community very well. People serve communities in my opinion, for different reasons. People serve for civic duty, for personal agenda or to represent special interests. David Ross has always served the Town out of civic duty and wishes to do so again. He's a known proven servant to the citizens of Hookset. He served as a Conservation Commission Council liaison. He's still serving in the Town Hall Preservation Committee. I don't know if people realize the time and money David personally spent getting this building ready for the Town. He didn't do it for personal recognition. My wife said he's a man of conscience. For these reasons and many more, Doris and Michael Sorel ask for your consideration, your support and your vote. We're asking for the Council to please vote and appoint David Ross. We really believe David has done and will continue doing the best he could for the Town.

Peter Farwell, 24 Grant Drive: I'm here to discuss an article that's really bothering me and I don't know if there's anything you can do about it. Many years ago, Dale Hemeon started serving this Town in various capacities. A while ago, some accusations were made against Dale and they've kind of fallen into limbo. There are articles in the newspaper. Dale is no longer on the job as DPW Director. Dale gave his life to this Town. For what's happening to him now, swinging in the breeze like he has on this prolonged investigation is a travesty. I guess this is now in the hands of the Attorney General. To keep Dale and his family in limbo like this, I don't know what happens if no charges are pressed against Dale. Does he get his job back? You replaced the DPW Director already. Just the fact that it's going on for so very long. I don't know if we can ask our State Senator to urge the Attorney General to move this along. I don't know if we can have our attorney ask the Attorney General to move this along. I don't know who's pushing this. The Village Water Precinct did not want to prosecute. If this over and done with, I think the Council should issue a statement saying that the discussion is closed, the investigation is over with and we're moving on. As far as the taxpayers and those of us who know Dale and saw what Dale did for this Town, he bled Hooksett. And for us to leave him hanging in the breeze like that is wrong. It's wrong for someone who's done so much for the Town as Dale Hemeon did, to just swing in the breeze. If there's anything you can do to move this along, it would be appreciated.

James Gorton, 150 West River Road: I'm here tonight to speak on behalf of David Ross being appointed as a Council member. I served on the Council for four years with David Ross. I can't recall anytime even when we disagreed that we didn't get along. Please consider David Ross to be re-appointed to the Town Council.

David Ross, Sherwood Drive: I have served on the Town Council. I was elected to serve out this term. I resigned because, like many self-employed people in 2009, took a serious toll in myself and my family. Since then, things have substantially stabilize. I was moved to fulfill my obligations to my voters that is to fill out this term that they elected me to serve. I am qualified. My record is known by some of you by not by most. I think the town employees and others could attest to the fact that I've always been conscientious, careful and cautious Councilor. I think it's a good idea that I be appointed to fulfill out the term. There are a number of new faces on this Council. I am prepared, willing and able to fulfill the duties of a Councilor for the Town of Hooksett. I've always voted to the best interest of the Town if it opposed my best interest.

Marc Miville, Main Street: Lots of new faces here, which is terrific. I'm looking forward to the positive approach to this Town Council. Mr. Sullivan, during the Charter review process recommended that new candidates come forward and not have the same people. I don't even know the other candidate running against Mr. Ross. She's a new face. I say let's give her a chance.

Tom Walsh, Alternate Planning Board member: A full time spot on the board came up. I think it's just a communication gap. I've spent more than a year as an alternate. I'd like to express my interest in the full time spot on the Planning Board, if you might consider your recent appointment.

NOMINATIONS AND APPOINTMENTS

Town Council Officers

J. Levesque nominated W. Sirak as Council Chair.

N. Comai nominated N. VanScoy as Council Chair.

J. Levesque: Mr. Sirak is semi-retired. To be involved in the Council as Chair takes a lot of time. His experienced with different businesses he's involved in. I find him to be an outstanding person. A neutral person should be the Chair.

T. Lizotte: In principle, I have concerns about setting precedents. We must take into account the fact that the process of appointment was meant as a stop gap provision. If we had a Councilor removed, or a Councilor resigns and it's not done before an election could take place, the idea is to provide continuity of government. The fact that we do not have specific rules that imposes this limitation, it is clear that a method of appointment is established to bridge that gap. The reason I believe the precedent is troublesome is that intent of the appointment provision was not to provide means to bypass voters. We should consider establishing rules going forward, not now but going forward in order to insure the voters are never disenfranchised by strategies based on timing of resignations. The principle itself is straight forward but the conditions and variables in which the condition is being made is less straight forward. I believe both Ms. VanScoy and Mr. Sirak deserve support as a potential Chair.

N. Comai: I only see one name on the list of Councilors here tonight who's experienced in leadership and Hooksett. I've witnessed in the last several meetings that the hardest challenge we have are the sets of procedures that takes to govern. Ms. VanScoy has dedicated herself to the process and have shown leadership when others have fallen short. She brought books for me yesterday to read so I'd better understand the steps and procedures. I've seen in just a few weeks, a failure in communications that needs to be adjustment immediately so that we can get going on bigger fish to fry. I would ask that members of the Council support this appointment.

N. VanScoy: I guess where I'd like to start is with Council Rules and Procedures. It does say, at the first meeting, we would do the election. It also says, "*the duties of the Chair is to work with the Town Administrator to post all meetings and set the agenda and to lead all meetings in an orderly manner using these procedures, Hooksett's Town Charter, Riggins Rules and Parliamentary Law as a guide for protocol.*" I have talked with some of you about the Chair of the Town Council and expressed concerns whether or not I did have the time to be the Chair. I've look at my schedule and I do think I'd be able to give it the appropriate time. I have been convinced by the argument that I do have something to give, with 3 years experience. It's not a lot but I'll certainly give all I can. At the same I would certainly support Mr. Sirak as the Chair or the Vice Chair. I think it's up to the Council who should be the Chair and who should be the Vice Chair. Whichever decision is made, I hope those two people would work together to make sure that Rules of Procedures that we've written as well as the Charter are being followed properly.

W. Sirak: I wasn't planning on this particular position. I recently was semi-retired. Obviously, I have the time and was approached by some of you to come onto the Council and really honored and flattered when asked to consider being the Chair. I've spent most of my professional life working with not for profit boards of Directors. I'm very sensitive in terms of the balance between elected officials, trustees of not for profits and senior management and in this case, Town Administrators. I've spent most of my life trying to manage that delicate relationship. Most recently, I was Chair of Hooksett Economic Development Committee. I did that for 4-5 years and was the founding Chair. One thing I've learned about Hooksett is that it is truly an amazing community. We have the building blocks to do some very exciting things. We have a reputation of having good educational programs. We have a tax base that is the envy of 14 surrounding communities, 25% come from industrial/business sources. The only town that beats us on that is the City of Manchester, which is an urban area. We have 2 great highways running through it.

The potential for the future is really significant. If I were elected Chair, my priorities would be to take advantage of those significant building blocks and also work with the Town Council to look at policies and procedures and the way we do business. I've had some great suggestions from people here and the audience. We need to be pro-active with not only the selection of the committees we have but working more closely with those chairs and volunteers. We have hundreds of volunteers who are really dedicated to this community. Many of you come to these meetings on a regular basis. Hooksett is blessed and very fortunate and I would be honored to provide leadership as Chair.

T. Lizotte: When you read Robert's Rules, a Chair's position shouldn't always be considered based on experience. It's always going to be a coin toss because you never know who's going to bring what to the table. A person who's been immersed in procedures and protocols has a better advantage. The emphasis in Robert's Rules is that experience should not be a factor.

N. VanScoy: I would like to not accept the nomination for Chair.

W. Sirak was appointed as Chair.

V. Lembo nominated N. VanScoy as Vice-Chair.

N. VanScoy accepted the nomination.

N. Comai nominated T. Lizotte as Vice Chair.

T. Lizotte accepted the nomination.

J. Sullivan: I am new to this Council but an old member of the Council from the 90's. It doesn't seem as easy as it was back in the 90's. It's important for us to get involved and serve. The only reason I'm going to be voting for Mr. Lizotte because he approached me saying he would like to be Vice Chair. At that point, I wasn't aware that Nancy wanted to be considered being Chair or Vice Chair. That tends to be the way I approach things. The first person that asks me that I believe to be qualified and I have the ability to appoint, I usually go with that. If Nancy had approached me first, I certainly would have been honored to vote for her as well. I think communication is important. Hopefully Nancy and I would communicate more.

V. Lembo: Councilor VanScoy is the senior Council member and in my opinion, she deserves the Vice Chair position.

T. Lizotte: I think the people that know me understand that if I'm asked to lead, I lead, if I'm asked to serve, I serve. I think that's reflected in my service to HYAA, my company and my colleague. One of the things I'm known for is a person that actually goes for the details. Also, I'm the person that goes after finding solutions, not one solution but multiple solutions. I was contemplating the tasks ahead of us. We can look to the future. We also need to look at some of our top priorities. One of those is finding an appropriate candidate for the Town Administrator. The taxpayers have committees to endeavor to transition us over from straight trash pick-up to trash and recycling. We have a number of things that we need to address on basic services. From a Vice Chair position, I can serve this Council well. It's like for your vote.

N. VanScoy: I guess I go right back where I started before to the rules and procedures. I would like to speak to why I'd like to be the Vice Chair. It goes back to because I'm looking at it as to what the role is. The role is that in the absence of the Chair, the Vice Chair shall conduct the Council meeting until such time as the Chair is present. That is what I will do. Anything else I may do for the Town, anything I feel that is important, I will continue to conduct as a Councilor sitting here. That will not change if I become Vice Chair. I'm concerned that maybe we're putting a little bit too much emphasis on what you do as Vice Chair.

Roll call vote

N. Comai	N. VanScoy		
M. Downer	T. Lizotte		
V. Lembo	N. VanScoy		
J. Levesque	N. VanScoy		
T. Lizotte	T. Lizotte		
W. Sirak	T. Lizotte		
J. Sullivan	T. Lizotte		
N. VanScoy	N. VanScoy	4-4	Tie

T. Lizotte: I will remove my name from nomination.

V. Lembo moved to appoint N. VanScoy as Vice-Chair. Motion seconded by J. Levesque. Motion carried unanimously.

V. Lembo nominated T. Lizotte as Secretary.

T. Lizotte declined the nomination.

N. VanScoy: I would like to speak as the past Secretary that did it for 2 years. I found it as a great learning experience. I found it as a great way to learn those procedures. I would be honored to nominate anyone who would be willing to take it on. Out of respect for Councilor Comai, I would like to nominate Councilor Comai.

N. Comai accepted the nomination.

N. Comai was appointed as Secretary.

Town Council Representatives

The Following were appointed to the sub-committees.

Board of Assessors - J. Levesque, T. Lizotte, J. Sullivan, N. Comai and V. Lembo

Budget Committee - T. Lizotte

CIP - N. VanScoy

Conservation Commission - T. Lizotte

Economic Development Committee - W. Sirak

Heritage Commission - J. Sullivan

Parks & Recreation Advisory Board - M. Downer

Perambulation - N. Comai and V. Lembo (alternate)

Planning Board - N. VanScoy

Police Commission - M. Downer

Recycling & Transfer Advisory Committee - J. Levesque

Sewer Commission - T. Lizotte

Town Hall Preservation Committee - J. Sullivan

Union Negotiations - V. Lembo, N. Comai and (possibly) District 4 Councilor

Zoning Board of Adjustment - J. Levesque

Gary Lee – move from Heritage Commission to Zoning Board of Adjustment

J. Sullivan moved to accept Gary Lee's resignation from the Heritage Commission and appoint him to the Zoning Board of Adjustment as an alternate, exp. 6/2013. Motion seconded by T. Lizotte. Motion carried unanimously.

District 4 Councilor, exp. 6/2012

Note: There are (2) candidates for this position. David Ross and Susan Orr.

David Ross: My interest in serving here has always been the same. I do have a desire to serve the greater public because I never serve in the military. I consider it a duty. I've been struggling with coming back. I struggled with leaving the Council, in the first place. It's not something I take lightly. I know it is a sacrifice. I do know what's ahead of me. I am willing and prepared to that for the next year, at least. Hopefully, I'd do at least as well as I have done previously. There were some good things that got accomplished and bad things that were avoided. My desire is to fulfill my obligation to the District voters. I do regret stepping away from the seat. This is a way for me to fulfill my obligations. I know there's a lot of new faces here and there's been some learning curves issues. One thing I learned being on the Council is to listen to different points of view. The decisions made in this room affects people's lives and it can't be taken lightly and I've never taken it lightly.

N. VanScoy: I have my concerns, two years ago you wrote a very stirring and with a lot of convictions reasons for why you were stepping away from the board. At that time you spoke about rededicating yourself to other items you felt needed to take precedent. Why now, are we changing our priorities? I think it's a justifiable question.

D. Ross: Thank you for asking. At State house, the Planned Parenthood has lost its funding. There were a number of issues I was involved with at the State level, testimonies and lobbying efforts. My business has been very blessed. I've refocused my efforts in different angles with what it is I do. I've overcome a couple of physical challenges. I've also got the support of my family.

N. VanScoy: Town Hall Preservation Committee. Do you want specific questions? When was the last meeting held?

D. Ross: The last meeting I attended has been a month in a half.

N. VanScoy: I believe you are the Chair of that committee.

D. Ross: Be default, yes.

N. VanScoy: There is no default. You are the Chair of the committee, yes or no?

D. Ross: Yes, I am.

N. VanScoy: Do you feel you have provided the commitment that the committee deserves? Will you be staying around for the conversation about the Town Hall Preservation Committee?

D. Ross: I did intent to see this meeting to the end this evening.

N. VanScoy: Again, back to the Town Hall Preservation Committee. Do you feel it is moving in a positive direction and do you feel you have given it the commitment it deserves?

D. Ross: Frankly, the initial reason and purpose for forming that committee has to this date still been realized. The building is still there. The building is more secure today than it was. It costs less to maintain that building than light fireworks on Old Home Day. The interest level has been extremely low. My main concern with the Town Hall Preservation Committee has been to preserve it as a Town property. It is that still today. Unfortunately, a few things fell through in that endeavor. We did accomplish the passing of the article, which will allow the Council to establish trust funds. You can't do much without money these days. Without money, there's very little the Town Hall Preservation Committee can do.

Susan Orr: I initially considered it because somebody approached me and asked if I'd be interested. It was interesting timing. My children are getting older and they need less of my time. My husband and I had a discussion about how I really wanted to get involved. I've lived in Hooksett for 20 years, same house, same neighborhood. My daughter went through the school system. I just felt it was time for me to start giving something back to the Town.

N. Comai: I know Dan Paradis gave a raving review and offered his support to your nomination.

N. VanScoy: You mentioned you have a little more time in your hands. As a Councilor, I'd say it's a lot of time. I would want to make sure that you are aware of the commitment. We do have 2 meetings a month. Generally, we have one or two extra meetings with other groups. We have extra budget meetings. We have meetings with other groups. On top of it, you do have the committee meetings. There's quite a large commitment to this. What is your schedule like? Do you work in Town? Do you work out of town?

S. Orr: I work for UNH in Concord. I get out at 4:30 everyday. My boss is fantastic. She does a lot of work with legislature of the State so she understands the importance of the political process. I've had conversations with her about taking this position. Right now, my evening schedules are guitar and gymnastics lessons for my daughter and trying to make it to the gym when I can. I'm also taking classes in the evening at UNH. It would be a regular set night. So I would know about it in advance and know if I need to schedule around it.

N. VanScoy: We talk a lot about the direction of the Town. We all have our own vision of the future of Hooksett. The goal here of course is to work together. I guess I would like to hear about your visions for Hooksett. When I stepped into this role, I had certain things that I saw for Hooksett. We certainly have our reasons for stepping in. What is your vision for how you, in your role, can help us improve the Town of Hooksett?

S. Orr: Everyone's definition of improving their town tends to be different. Some people believe it keeping taxes low. Some believe its controlling growth, some people believe it's making sure the roads are passable in a good way. I don't really have an agenda. I don't want to use a cliché but that's the truth. I see my role as being someone who's supposed to represent my community. I want my community to be comfortable. I want them to feel safe, as well as myself. I want there to be growth but not so much as it feels out of control. I want us to be secure, both financially and in terms of safety. I think that sounds idealistic. I am not coming here with a specific task to get accomplished.

T. Lizotte: When I came here and when I looked at running for an elected position, I think it's just civic pride. I think everything we do in regards to economic development or tax issues, etc. One of the things I've personally seen is that my involvement with sports program in the Town gives me a lot of civic pride. Even with the negative press, I still have a lot of civic pride for Hooksett. I still believe it's a great town. But I think we can effect some change. I've seen that in your letter. That's drawn me to your résumé. I'm also a detail oriented person. I also like working with detail oriented people. You talked about development and maintenance of data bases, retrieving and tracking data. I love data. Can you expand on what you've done with regards to data maintenance?

S. Orr: Let me just say, even if I don't get this seat, talk to me. I've got it designed in my head already. My work gave me a certificate at our last staff meeting. They called me the spreadsheet "goddess". To me, whoever wrote excel is a genius. It does everything, if you put numbers in it correctly, it gives you

everything you want. The spreadsheet I'm working with now is a research project we're doing for family caregiver support. Most people choose to stay home instead of going into a nursing home facility. That means somebody needs to care for them. The research has shown that the caregivers tend to decline in health more quickly because of the burden of caring for their family members. We're doing a long term research project where we track the caregivers. We provide funding to, i.e., put a ramp in, etc. We're tracking their well-being, their mental abilities and their health over long term. The spread sheet has about, I'm on column LX, I think. It's a huge spreadsheet with data going through it and formulas within it. That's the type of number crunching that I can do with excel. I just came back from classes on HTML and CSS and who would have thought it could be that interesting.

N. VanScoy nominated David Ross.

N. Comai nominated Susan Orr.

Appointment will be voted on at the next meeting on July 27th.

J. Sullivan: At our next meeting, could we ask for someone to be here to swear the individual into office?

Chair Sirak: We can do that.

SCHEDULED APPOINTMENTS

Pinnacle Planning Committee, re: Approval of Sign

Mike Horne, Chair: I'm here tonight to request for the Council's approval for the Pinnacle Committee to work with the Recreation Department to install a maintain 2-4 signs for a period up to 16 months on Ardon Drive cul-de-sac. The Village Water District pump station building is also on the Pinnacle property, which is now town-owned. When they did the subdivision, there's private property that surrounds the cul-de-sac. There's no legal way for the public to access Pinnacle from Ardon Drive. To help the private owners keep people off their properties, i placed temporary signs. I was notified that my signs were illegal. I'd like to request signs facing Ardon Drive, one side saying, "No Entry to Pinnacle" and the other side "No Exit".

N. VanScoy moved to approve the temporary signs until permanent signs are available. Motion seconded by N. Comai.

V. Lembo: Is there a problem with the temporary signs?

Eileen Ehlers, 14 Ardon Drive: It was our request that Mr. Horne put the signs up. I am accosted daily by people trespassing over our land on foot, bicycle, and other motor vehicles. When the park was purchased and it was announced that Pinnacle is now open to the public, the traffic has increased dramatically. The signs helped but there are still significant numbers of trespassers. We need appropriate and legal signage.

Bob Ehlers, 14 Ardon Drive: I would like to commend Mr. Horne for his initiative to rectify the situation. It's just temporary cardboard signs in there right now. No wonder people challenge us. On a day to day basis, we have problems. We ask the Town to consider this motion favorably so we can once again have peace and quiet in the cul-de-sac where we've enjoyed peace and quiet for several years. I would also recommend that the Village Water put a sign on their gate.

J. Sullivan: The gate Mr. Ehlers is referring to, will that become the official entrance to the park? So there's no access to that property from Ardon Drive?

M. Horne: Correct. The Water Precinct has an easement for them to get to their well only. I also looking to get Village Water increase their signage.

J. Sullivan: Where is the access to this property, is it going to be on Pinnacle Street?

M. Horne: Right now, that's the only access we have is off the Pinnacle. Past Ardon Drive is Water District Road behind and comes around. The committee met with the Water District. It's one of the things being looked at but probably won't be happening. Pinnacle Street is probably going to be the final access point.

N. VanScoy: I'm torn with this one because we're putting up signs on private property.

M. Horne: The signs will be on Pinnacle property advising people that they are not to enter town property that way.

N. VanScoy: At this point I'm only discussing the temporary signs. I believe it's an appropriate temporary solution. I would urge my fellow Councilors to allow the temporary signs to remain there.

Motion to approve the temporary signs until permanent signs are available carried unanimously.

N. VanScoy moved to ask Mr. Horne to work with Public Works to obtain permanent signs. Motion seconded by J. Levesque.

N. VanScoy: For years, this was the only way I knew to get up there. We all knew it was not appropriate but still that's what many people did. The signs will be very useful but I don't think it will solve the problem. I would also encourage the property owner to put "No Trespassing" signs on their properties because that will give them the rights to seek Police support. Is there a "No Parking" sign on that cul-de-sac?

M. Horne: There are no signs there, presently. It may be detrimental to the home owners if they have a gathering if there's "No Parking" signs. I'm just trying to think of the pros and the cons of "No Parking" signs. We could talk to the Coopers and the Ehlers if that might help. The number of times I've been up there, I haven't seen people parking there.

N. VanScoy: I think if you are going to put a "Do Not Enter" and "Do Not Exit", you have to have a sign pointing the public in the right direction. I would like us to consider these signs and also to encourage the Council to contact Village Water asking them to add a sign to their gate indicating it should not be trespassed through.

N. VanScoy moved to consider putting a "No Parking" sign and asking the Water Precinct to put a sign on the gate. Motion seconded by M. Downer.

V. Lembo: Would it be wise to put a sign at the bottom of Ardon Drive saying "No Access to the Pinnacle"?

M. Horne: That might too. It will keep people from going up and turning. I did find two websites that talked about hiking the Pinnacle. They were advertising to go through Ardon Drive. I've since got them changed. They willingly changed it to say access is through Pinnacle Street. The signs aren't going to stop everybody. I'll work with the new DPW Director.

N. Comai: We should follow up with something in the paper when you are ready and let the public know how to get access to the park. The increase in traffic on Ardon Drive is probably due to the two websites so we should promote how to get there.

J. Sullivan: I would encourage that as a courtesy we send a notice to the Police Department indicating that a new official sign have been placed and advice having more patrol when possible.

Chair Sirak: Basically, the intent of the motion is to have the Town Administrator coordinate with the Water Precinct and the Police so that the appropriate signage is installed and the parking issues is resolved.

Motion carried unanimously.

N. VanScoy: While the Town Administrator is pursuing that, if he could ask the Public Works Director if a “No Outlet” sign would be appropriate. If so, to have him bring that to the Council.

Conservation Commission re: Appointment

Timothy Johnson, 83 Hackett Hill Road, Chair of Conservation Commission: I’m sure you’ve been apprised of why we are here tonight. At the last meeting, you appointed Mr. Bob Steiner and replaced my Co-Chair with Mr. Steiner. We had 3 seats up for re-appointments one of them was an alternate. You replaced our most valuable player, Steve Couture, who does a lot of work with land dealings. I would like to know if there’s a way to get Steve back on the board. In looking at the Charter, there isn’t any indication on how many alternates we can have. The way we do business, everybody gets a voice. We’re pretty low profile board. We don’t get a lot of press. If you can consider Mr. Steiner as an alternate and grant us 3 alternates, we’ll be more than happy to have everybody serve.

S. Griffin: He’s correct. The Charter does not say how many alternates. I would assume because you have a Charter, you are not under the normal RSA that tells us how many are appointed and it would be a choice of the Council.

Chair Sirak: Obviously, you need advisors from time to time. It seems to me you can appoint Steve Couture as an advisor and he can be fully involved in the organization. At the appropriate time, he can be appointed as a member. I think the concern the Council has is, a person was appointed. It’s difficult to unappoint someone. I think it would create some issues if we try to do that.

T. Johnson: I think a question put to Mr. Steiner either way could be forwarded by you folks. I’m sure one of you know Mr. Steiner. I know, I don’t. He should have been considered for the alternate position, first. Phil Fitanides should have been taking over an open seat. That’s actually in the Charter too. Any alternate should be moved forward to an open seat.

V. Lembo: I spent all day Sunday researching this. It is my opinion there’s absolutely no way to get Mr. Couture back on the board. We have another issue with Mr. Walsh. He is one of the alternates for the Planning Board and we as a Council appointed somebody else out of the clear blue over Mr. Walsh, which I believe we have to rectify. Mr. Fitanides as an alternate would have to move up into that position and Mr. Couture would have to go back as an alternate.

T. Johnson: We have plenty of work for everybody. Steve does a lot of the land dealings. As a point man, he is invaluable to the Conservation Commission.

Chair Sirak: I think there’s an intent and desire to rectify the situation and get Mr. Couture back into action.

J. Sullivan: Luckily I was not here for the appointments. Mr. Johnson is correct. The Charter only specifically mentions (5) appointed members and no alternates. The situation regarding the Planning Board, there is specifically (3) alternates. I think it’s important to get volunteers. We initially thought we weren’t getting enough volunteers. We’re now in a pickle because we have a lot of volunteers, which is great. We need volunteers but it is important for the Council to make sure we are placing the right candidate in the right position. Clearly, Mr. Couture is the ideal candidate with his background and his service. Not to mention his position at the DES. I think it’s difficult for the Council to reconsider an appointment that was made in good faith. One of the Councilor who voted to appoint at the last meeting will have to make a motion to reconsider. I would urge them to do that. I would also urge the Council to vote for Mr. Couture as a full member and with due apologies to Mr. Steiner. There’s a lot of work to be done on Conservation. We can provide him as an alternate because there are no restrictions on alternates. That would be my recommendation.

V. Lembo: It troubles me when we were nominating the folks for different committees, why didn’t someone get up and express what a great job Mr. Couture was doing. We have no clue. These guys, as

you said were under the radar. He's done a fantastic job over there. We don't know what's going on. Mr. Gryval came as the Chair of the Planning Board and asked the Council to re-appoint the members.

Chair Sirak: This is very unfortunate. I can extend to you our apologies for that. I've talked to Mr. Couture about it. I think he understands the intent and the realities. I think rescinding an appointment is problematic. I think we could even get ourselves into some legal difficulties. I would suggest avoiding that situation. I'd like you to consider appointing Mr. Couture as an advisor and keep him actively engaged.

T. Johnson: I'd love to do that but I still think it would be your duty to call Mr. Steiner and ask.

Chair Sirak: We can do that. The Town Administrator can make that call and make that determination and act appropriately but we'd like you and the Conservation Commission to take a look at the option of asking him to act as an advisor. I suspect he would do that.

T. Johnson: I would love to have (3) alternates if that's still on the table.

S. Griffin: We will confirm that and we will also see if our appointee would be willing to serve as an alternate.

T. Johnson: Normally we have a seating Council Rep that would report back to you. With the changes with the Council, that's how it's normally done. I've been re-appointed for 10 years now. I've never showed up at a Council meeting.

J. Sullivan: I'm glad we're contacting Mr. Steiner and hopefully, Mr. Griffin would explain the reason why we're inquiring if he would take an alternate position. If he chooses to remain, we could at least appoint Mr. Couture as an alternate.

V. Lembo: If Mr. Steiner accepts an alternate position, doesn't that bring us back to having to appoint an alternate for an open position?

T. Johnson: Why can't you just admit you made a mistake? It won't be the last one you guys make.

N. VanScoy: I would like to reiterate what the Town Administrator stated. "*Alternates should be considered first for any vacancy.*" It doesn't say they will automatically move in. It does say they would be considered first. I do think we need to make contact with Mr. Steiner. I do not think it's appropriate for us to rescind an appointment. I think we should reach out to him as a board and see if he would be willing to resign and be appointed as an alternate.

Chair Sirak: I assume we're not asking him to resign. We want to have a discussion with him and ask if he has a continued interest to serve. We're not asking him to resign or to consider resignation. Is that correct?

David Hess, Conservation Commission (full) member: I think I have a solution. We, the Conservation Commission, I believe are unanimous in our concerns that we will not have the continued technical, expertise, leadership and good judgment that Steve Couture has brought for the four years I've been on it and probably for the 7-8 years that he's served. His technical knowledge exceeds the remainder of the board's technical knowledge. I also understand your concerns about procedure and process, having been a lawyer for 37 years. Therefore, I hereby resign from the Conservation Commission effective noon tomorrow. That opens up a position on the commission for you to appoint someone you think is appropriate.

T. Lizotte moved to accept Mr. Hess' resignation. Motion seconded by N. VanScoy.

J. Sullivan: We're looking for volunteers and to get volunteers we need other volunteers to resign. That makes no sense to me. I think what we should do is to contact Mr. Steiner, explain the situation and ask

him if he would be willing to serve as an alternate. If he's willing to do that, we can provide more alternates on the board and that would allow Mr. Hess and Mr. Couture to continue to serve. I think we're making it more difficult than we need to.

T. Lizotte: If I was a new person coming here and I was duly appointed by this panel and all of a sudden you toss all these around. That sets a bad precedent. Right now, I have a hard time getting people to come forward. If Mr. Hess is sincere enough to make that sacrifice. I'll say it. The board screwed up. Mr. Couture came before us in late May. Let's just deal with this situation as it is. We shouldn't put that pressure on Mr. Steiner. As it is right now, this is on public record and he can read it.

V. Lembo: I think Mr. Hess is just as important to the board as Mr. Couture. He brings a lot to the table as well. I wouldn't be in favor of reaching out to Mr. Steiner and getting his opinion on it.

J. Levesque: I think we should reach out to Mr. Steiner and ask.

Roll call vote

N. Comai	No		
M. Downer	Yes		
V. Lembo	No		
J. Levesque	No		
T. Lizotte	Yes		
W. Sirak	Yes		
J. Sullivan	No		
N. VanScoy	Yes	4-4	Motion failed.

Chair Sirak: This is not a good situation not only from a precedent's point of view also from the signals we're sending out. I don't think we have a lot of choice here. I think we all would like to acknowledge that we would like Mr. Couture to continue his role in some capacity. We've got some rules and regulations making that problematic right now. I can assure you that the Town Administrator would contact the candidate and we'll sort this out and we'll bring this up again at our next meeting. Our apologies for all the confusion and embarrassment this has caused.

Robert Duhaime, Planning Board: We look to them for guidance. We need members with experience.

OLD BUSINESS

Discussion on Charter Review Committee

Tabled to the next meeting.

Discussion on Town Hall Preservation Committee

Tabled to the next meeting.

Planning Board Membership

T. Walsh: I spoke earlier. My situation is a little different. I'd like to see where this is going to go. I thought everything was all set. I was very surprised to see that something has changed and I was not given consideration to get the full seat. Maybe it's communication gap. I'm just trying to get it resolved.

N. VanScoy: I think we have a similar situation but in some ways a little different because Tom's name was not considered for the full position. I would be willing to reach out to Mr. Mark Messina to discuss this with him as the Town Council Rep to the Planning Board and to see after explaining the situation to him, if he would be willing to move down to alternate and allow Mr. Walsh to be moved up to a full member.

J. Sullivan: Mr. Messina who was not on the board was appointed as full member. Would Mr. Duhaime be in the mix, seeing he received the second number of votes?

V. Lembo: Mr. Duhaime is not appointed to anything right now, correct? The only issue here is should Mr. Walsh be moved up to full member.

N. VanScoy: It's a very good question. It comes down to the decision of the Council, whether they would like to proceed or not. The other option would be to see if Mr. Messina would be willing to forfeit his appointment and we'd have to consider both him and Mr. Duhaime, if Mr. Duhaime was still interested.

Chair Sirak: We have the Chair of the Planning Board with us. Do you have a recommendation or comment for us?

John Gryval, Planning Board Chair: After that meeting, I understand Mr. Duhaime was not voted for the full position and Mr. Messina actually took his place. From what I understand, Mr. Duhaime is no longer in the picture. In all my years on the board, this is the first time that an alternate member not moved up to a full position. I never expected it. This has never happened before. If you can do something to rectify it, I think that will be the proper thing to do.

Chair Sirak: My suggestion would be, Councilor VanScoy, if you could meet with the Chair of the Planning Board and members and see if you can come back with a recommendation and a resolution. I think that would be most appropriate. We don't want to make another decision from 30,000 feet and have collateral damage. We want to make sure that the Planning Board is comfortable with the appointments that we make. Is that acceptable to you, Councilor VanScoy?

N. VanScoy: Yes, it is.

Budget

N. VanScoy: I think it is important that we start talking about the budget a little earlier. There are things that will be coming up before we even know it. I'd like to give a quick overview of the process. Basically, what's going to happen is the department heads are going to start working on their budgets and their CIP's. The first thing normally that the Council does is send a recommendation. What we want to see the budget to be. I think it is very important that each person starts thinking about where they would like to see the budget in a very large term. Last year, I think we said we want to see nothing more than a 1% increase. We do need to send some directions to our department heads of what we're looking to do. When we're talking about CIP, there are items the department heads are going to bring to us but again, as a Council, there maybe things that we want. We need to bring that direction again very early on so they can do the proper research, i.e., last year, the Council had the CIP look into funding the storm water drainage for the Beauchesne's Development. CIP did recommend that. We changed that. We looked at it as a full infrastructure thing. We should also look at asking the boards to look at possible CIP items. When we're looking at the budget, we may want to look at the dollars but looking beyond the dollars. Last year, when we cut training budgets. It's a way to cut funds but at the same time, maybe the right thing to do is to send direction on where we would like the moneys spent on more specifically. We may want to save money on training but we may also want to say, if we give you this money for training, this is the outcome or this is the training that we feel is needed. We should start looking at what type of direction we want to give our departments in relation to the budget.

Press Release Policy

T. Lizotte: We need to get a policy in place with regards to press release on serious subject matters. On the subject Mr. Farwell brought up. Whenever those things come about, we need to be in a position to have a policy in place.

N. VanScoy: I would recommend adding that as an agenda item for an upcoming meeting so that it doesn't get overlooked.

NEW BUSINESS

Approval of 2011-2012 Council Meeting Schedule

N. VanScoy: I've said it the last three years and I plan to say it again. I do not agree with changing a quarter of the meetings from regularly scheduled meetings. By that, I mean, regularly scheduled

meetings are the 2nd and 4th Wednesdays of the month. There are three months of the year that the Town Council changes that to meet on the 1st and the 3rd Wednesday instead of the 2nd and the 4th. I disagree with that as a blanket movement. The reason I do is because there are other boards that also meets on Wednesdays that could be affected. In addition to that, I believe it does cause confusion for our constituents. I do disagree completely with changing the November with the November 2nd meeting. I think it should be the 9th, which would be the regularly scheduled day. I would also point out that the December 7th meeting should be on the 14th, which would be the regularly scheduled day. The same thing for February 1st, which should be February 8th, the second Wednesday. Those changes were made because of holidays and school vacations. The Town Clerk's office stays open late on the nights we meet. When we switch these around, we have constituents who may work when we are normally open. We are again causing confusion for our constituents.

V. Lembo: If I remember right, the reason that was changed was because some Councilors were going to be away during school vacation.

N. VanScoy: That would be a decision for each Councilor, whether or not they would attend the meeting. It is up for a vote. I am just speaking why I disagree with it.

N. Comai: I agree with Nancy. I love regular meeting schedules. I have so much scheduled and also if we could just decide to put on this page the time of meeting.

J. Sullivan: Having a certain set of dates and other meeting commitments, I know the meetings would be on the 2nd and 4th Wednesdays of the month. The only thing I would agree with is keeping everything the same except for the November meeting, the second meeting, which is the Thanksgiving Holiday. Move that to the 30th but everything else I think, from my point of view, I was committed to the 2nd and 4th Wednesday. I would recommend that we do that. Only make one change with the November meeting.

T. Lizotte: As a family man with kids, I don't mind disappointing my kids saying we can't have a week-long vacation in Florida. I've done that before. As long as there is an understanding that when we miss a meeting due to a family event that is not a part of a missed meeting.

Chair Sirak: That will be an excused absence.

J. Sullivan moved to accept the 2011-2012 Town Council meeting schedule with the following changes, keeping all regularly scheduled meetings as the 2nd and 4th Wednesdays of the month starting at 6:30 pm with the exception of November, where instead of meeting on the 4th Wednesday of the month, we meet on the 5th Wednesday of the month on Nov. 30th. Motion seconded by N. Comai. Motion carried unanimously.

NHRS Contribution – Impact of the Employer Share

Christine Soucie, Finance Director: I come here tonight to provide you with some information. I don't need any type of formal motion. The Governor did allow House Bill 2 (Budget Bill) to pass without his signature. Included in the bill were modifications to NH Retirement System. There were a lot of changes. The one I'm focusing on tonight is the employer's share of Police and Fire retirement costs. Basically, House Bill 2 eliminated the State portion of that share, which means that in this budget year that started, July 1st through June 30, 2012, we have a pension obligation that was not budgeted for in the amount of \$378,000. There's a lot of debate if these numbers would change. A couple of communities are saying they are not going to pay the State's share. A couple of communities are saying they are going to look at the rates again. It still unknown, basically. We have a whole year to figure out how we're going to fund that \$378,000, if that ends up being the number. My role here is to let you know that we're working to find ways of funding that. Chances are we won't be able to fund that full obligation within our current operating budget because we are so lean. There may be some areas where we can fund this obligation. If we can't find it in the current budget, what we'd do is the same as what the Sewer Commission has done. We'd ask the Budget Committee and DRA to use some type of revenue fund balance to increase our budget so we can meet our obligation. I made the recommendation that the Town Administrator talk to the departments and let them know the situation we're in, look at various ways where we can reduce

some costs. We talked about vacant positions being filled with part-timers, whether or not that would work for the departments.

T. Lizotte: One of the departments being impacted is the position of the Deputy Tax Collector. I'm looking at this from a business standpoint. Tax collection is where the majority of our revenue comes from. Is there any other options? Is there any reason why we won't be able to use fund balance through DRA?

C. Soucie: If we were to go to DRA. What they're going to say is, "you're one month into your budget and you can't find any funds to meet that obligation?" We have to prove to them that we can't fund it. At the beginning of the year, it's hard to do that. We we're suggesting job share. There'll be two part-timers so she could have 40 hours or more but we'd be saving on benefits.

T. Lizotte: What are the hurdles that have to take place in order to schedule a special Town Meeting?

C. Soucie: What would happen at a Town Meeting would mean you're raising tax dollars. You're going to go to the voters to tell them you're increasing the tax rate.

S. Griffin: The court allows you to do that. Just like how you have to go to DRA to ask to override the budget.

T. Lizotte: Just to understand all the options, I'm not saying raise the taxes. Let's talk about options on the table. The DRA is the only option for using excess fund balance. The Town Meeting would be...

S. Griffin: to raise and appropriate. The Council decides whether to use fund balance.

C. Soucie: One other scenario is that instead of using the fund balance you may identify a revenue source that would be able to offset those costs.

S. Griffin: Let me also add we don't know what will happen. I know that both the retirement system and the unions have challenged this in court. It's going to be a spring time decision. I want to start doing something now so that you're aware of it. What we're trying to do is collect those pieces. I don't think we'll make the problem go away. If we can nickel and dime it a little bit, we can start that process.

T. Lizotte: I don't mind possible scenarios. Is that something we could see in two weeks?

C. Soucie: In two weeks, there isn't enough that has happened to make a big impact. You're big money is going to come from health insurance when we know what the new rates are in November. Three years ago, we had 0% increase in health insurance. That would yield a big amount of savings for us. We had budgeted something other than 0. The other factor where you'll find a lot of money is the winter and the plowing. If we have a mild winter, there's a big savings there. The small nickels and dimes, we can give you that.

T. Lizotte: The biggest concern I have is impact. We've got a new DPW Director. I've talked to him a little bit with regards to the condition of the plow blades and mechanical issues. I don't want the fundamental services to be impacted. The taxpayers would be upset if they don't get services for their taxes.

TOWN ADMINISTRATOR'S REPORT

S. Griffin informed the Council of the following:

1. The Health Insurance Committee has continued to meet. They are hoping to have recommendations for the Council at the 2nd meeting in August.
2. The Town has accepted a bid for the Town Report.

3. Pinnacle Peak has been approved as eligible for the NH State Registry of Historic Places.

SUB-COMMITTEE REPORTS

Police Commission

T. Lizotte: off-duty, I am working with the Police Department with regards to their website.

ZBA

J. Levesque informed the Council of the following:

1. The ZBA approved two variances at their meeting last night, one for a shed and one for a deck.
2. There were special exceptions on By-pass 28 for a piece of industrial property. They want to put a commercial building on it. Right now, it has a residence with no one living in it. The Planning Board sent their blessings to do that. It is for a 2-story office building but the examples they passed around showed a 3-story building. They were asked to present specifics on the building. The property is currently assessed for \$167,000. It is expected to assess up to \$400,000-500,000 when done.

N. VanScoy: When the Planning Board voted on that, I asked how high the building will be. We were told 35 feet.

J. Levesque: They're coming back and there will be a site walk.

3. Falcon Brook, off Mammoth Road, it's a large property with 3 wetland crossings. They're only going to use two. They've been in there for work-force housing, apartment buildings, that didn't go through. Now they have a plan for 20 single family units, condominium setting. They are only allowed 14. They were asked to take their conceptual drawing to the Planning Board.
4. Park Place is asking for an exception for a variance from performance zone and take all the residential at the back and build some apartment buildings and use the front for commercial. They asked for continuance.

Planning Board

Nancy VanScoy informed the Council of the following:

1. John Gryval was re-appointed as Chair and Dick Marshall as Vice Chair. The Town Administrator appointed the new Public Works Director, Leo Lessard as Administration Rep to the board.
2. The work over at Pizza Man has been approved. Where they have excavated, they have a new engineering group looking at the best way to stabilize that incline. They are asking for 30 days. They will be back in the first meeting in August.
3. The commercial project on By-pass 28 (mentioned under ZBA) hit the Planning Board's Demolition Ordinance because of the age of the building.
4. The new car wash on Route 3 was found complete.
5. They had a meeting to discuss the MRI report as well as other reports received on Community Development and Building Departments. Some Councilors who were not here for the initial conversations have not read the reports. The Planning Board did feel that the reports spoke against the Planning staff. I would ask that we put this on an upcoming meeting to discuss what the Council wants to do with those reports.

J. Sullivan: Are the reports available?

N. VanScoy: It's public record.

J. Sullivan: I haven't seen it and I'd rather get it electronically. If possible, I'd like those reports sent to me.

The Administrative Assistant will scan and send the reports to all Councilors.

T. Lizotte: I'd be interested in understanding, taking away the personalities, what the actual problems were and what the impact was, cause and effect.

Chair Sirak: I think this is an excellent example of one of the priorities I'd like to implement is working with the committee chairs and having an in-depth discussion to review all of those issues. Let them know what our primary goals and objectives are and how they can meet those. I think this will be very complimentary to do that. I'd like you to be very much involved with that because you're the representative.

N. VanScoy: As we're reading through them, I think it is important to realize that the reason why they are public records, the reports are not there to say, "*Donna needs typing lessons.*". It is not there to say that, "*Peter needs this.*" It is saying that this is our department and these are what's going on. If it was about Donna, if it was about Peter, etc., then they would be non-public. They would be considered private information. It is important as we look at this, that we're not looking at the individuals that we're looking at the departments.

Chair Sirak: The only comment I'd make on the Town Hall Preservation Committee, from the Economic Development Committee's point of view, the Town Council is going to have to decide what the potential uses of that building are before the committee could really move forward. Those decisions have been made. We're going to have to provide some leadership from this group in terms of charging them more specifically. We can do alternate uses, but you have to make decision first on what the potential uses are.

NON-PUBLIC SESSION

T. Lizotte moved at 10:15 pm to enter into non-public per RSA 91-A:3, II.(b), "The hiring of any person as a public employee."

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

J. Levesque moved at 10:30 pm to exit the non-public session. Motion seconded by M. Downer. Roll call vote carried unanimously.

The Council announced that they voted to seal the non-public minutes.

ADJOURNMENT

The meeting adjourned at 10:31 pm.

Respectfully submitted by,

Evelyn F. Horn
Administrative Assistant

Nancy Comai
Town Council Secretary