

Unofficial

TOWN COUNCIL MINUTES Regular Meeting Wednesday, July 27, 2011

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

PRESENT: Nancy Comai, Michael Downer, Vincent Lembo, James Levesque, Todd Lizotte, Susan Lovas Orr (appointed and sworn in at the meeting), James Sullivan, Nancy VanScoy, Stephen B. Griffin (Interim Town Administrator) and Chairman William Sirak.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

July 6, 2011 – *N. VanScoy moved to approve the July 6, 2011 minutes. Motion seconded by J. Sullivan. Motion carried unanimously.*

July 6, 2011 Non-Public – *N. VanScoy moved to approve the July 6, 2011 non-public minutes. Motion seconded by T. Lizotte. Motion carried.*

July 13, 2011 – *N. VanScoy moved to approve the July 13, 2011 minutes as amended. Motion seconded by T. Lizotte. Motion carried.*

July 13, 2011 Non-Public (Session 1) – *N. VanScoy moved to approve the July 13, 2011 non-public (session 1) minutes. Motion seconded by M. Downer. Motion carried.*

July 13, 2011 Non-Public (Session 2) – *N. VanScoy moved to approve the July 13, 2011 non-public (session 2) minutes. Motion seconded by J. Levesque. Motion carried.*

APPOINTMENT OF COUNCILOR, DISTRICT 4

David Ross and Susan Lovas Orr were previously nominated for the position.

Roll Call Vote

N. Comai	S. Orr
M. Downer	S. Orr
V. Lembo	S. Orr
J. Levesque	D. Ross
T. Lizotte	S. Orr
J. Sullivan	D. Ross
N. VanScoy	S. Orr
Chair Sirak.	S. Orr

Susan Orr was appointed as District 4 Councilor.

Councilor Orr was sworn into office by Liz Dionne and joined the Council.

CHAIRMAN'S WELCOME REMARKS

Chair Sirak gave a brief welcome remarks. He quoted Senator Judd Gregg who stated in an interview, *"Serving as a Town Councilor or Selectmen is one of the most difficult tasks in Government. You will be faced with making very difficult and sometimes emotional decisions and they know where you live."*

He added the Town is going through a significant transition with new members on the Council, committees and key positions as well as a new Town Administrator. The Council will start working on

issues. He presented a list of suggested discussion items, which included Council priorities, urgent issues and other general issues. The Council will begin discussion at their next meeting on August 10th.

PRESENTATION

The Council made a special presentation for Dan Pike, Emergency Management Director. Mr. Pike served for two years and is retiring as of July 28, 2011.

CONSENT AGENDA

1. Annual Town Report Cover Approval – Suggested cover will feature The Pinnacle.
2. Bond Release/Reduction
 - a. Samco Holding Bond Reduction
 - b. Pennichuck Corporation Bond Release

J. Sullivan moved to approve the consent agenda. Motion seconded by M. Downer. Motion carried unanimously.

PUBLIC INPUT

Tom Young, President Elect of Kiwanis: The Town Council, in 2007, designated Hooksett Kiwanis as the organization responsible for construction and maintenance of walking and biking trails. To date, we have secured roughly \$40,000 in State and Federal grants and provided matching funds to develop the Head's Pond Trail. The Trail Committee, headed by Mike Horne, working with the Conservation Commission, has put together a mapping of potential trails in the northeast Hooksett area. The Conservation Commission and Parks & Recreation Advisory Board asked if Kiwanis would sponsor a 5K Road Race. The Kiwanis Board has approved this as a fundraising project subject to the Town Council and property owners' approvals and race participation. We are here today to request the Town Council's permission to secure the following assistance from the Town: (1) use of Town roads, easements, parking spaces and the Library property to finish the race. Every effort has made to keep the race out of State roads and other congested areas. (2) Town support in providing traffic cones, barricades, trash barrel pick-up, EMT's on site during the race, traffic control, if needed, use of Town parking lot, if needed and negotiation assistance on securing porta-potties. (3) Possible grading or smoothing of a path leading to the Conservation Commission off Campus Drive.

Mr. Young was asked to present a formal proposal to the Town Administrator for the Council's consideration. This item will be added to the next agenda.

Kathie Northrup, Heritage Commission Chair: I'd like to tell that, although we don't have anything written down, yet. I did get a call from Division of Historical Resources that The Pinnacle has been listed to the State Register as of Monday (July 25th). So that's official now. The Council Rep to the Heritage Commission will be nominating someone to the board this evening. I would like to endorse that nomination. She visited our booth at the Farmers' Market. She even came to our meeting last week to get an idea of what we do. I thought that was a great way to approach a volunteer position. We look forward to working with her.

Mary Farwell, 24 Grant Drive: I would like to share a Hooksett feel-good story with you. Yesterday morning, Target and the Salvation Army and various members of the Town teamed together to provide a wonderful experience for 30 Hooksett children. Target donated 30 \$80 gift cards to be used for back to school shopping for needy Hooksett children. We had chaperones from the community to help the children shop including, 2 Town Councilors, 3 Firemen, 3 Police personal, town employees as well as dedicated citizens. We got great press coverage on the front page of the Union Leader above the fold and a couple of minutes on Channel 9. This is what Hooksett really is. This is what we want to showcase. This is our Town.

Chair Sirak added the program is not just giving money but it also teaches budgeting and prioritizing purchases.

NOMINATIONS AND APPOINTMENTS

Town Administrator Search Status

Chair Sirak stated the Town had extensive advertising and contracted with LGC to assist with the search, which attracted about 35 candidates. Community and Employee panels were formed to conduct interviews. The Town chose one candidate but could not come to an agreement. The search was reopened and the same process followed. The Council interviewed candidates this week on Monday and Tuesday evenings and will have further discussion at a non-public session. A public announcement will be made as soon as a Town Administrator is appointed.

Conservation Commission Appointment

S. Griffin recommended three options for the Council to consider.

1. Decline to accept the resignation of David Hess, making no appointment and recommend that Steve Couture stay involved with the Conservation Commission by being appointed by the commission as a valued advisor.
2. Accept the resignation of David Hess; appointing either John Turbyne or Philip Fitanides as a full member and appointing Steve Couture as an alternate member.
3. Accept the resignation of David Hess, appointing Steve Couture as a full member and recommending that David Hess stay involved with the Conservation Commission by being appointed as a valued advisor.

J. Sullivan stated the Charter did not specifically indicate the number of alternates that can be on the Conservation Commission. He suggested keeping Mr. Hess on the board and appointing Mr. Couture as an additional alternate member.

J. Sullivan nominated Steve Couture as an alternate member and moved to appoint Mr. Couture back on the board. Motion seconded by T. Lizotte.

The Council discussed possible options and asked for comments from current Conservation Commission members.

Jim Walter, Conservation Commission member: My term was also up. I was appalled that I was voted in and Steve was not. I was going to offer my resignation in order for Steve to come in but Mr. Hess beat me to it. He is more important to the committee than I am. And to be perfectly honest, so is David. For that reason, I am praying that they will change their minds and stay on the commission and that you would take the option of putting Steve in as an alternate. I can tell you I'm absolutely positive that the rest of the committee members will agree.

David Hess, 68 Pine Street: As I mentioned to you in my letter, I think it's vitally important for Steve to remain an active voting member of the commission. He cannot serve adequately as an advisor or consultant, in my opinion. That's the reason I felt at that time, that was an easy solution to the issue. I have no qualms about serving in an advisory or consultant role other than a formal appointee. I fully intend to remain active and involved with Conservation issues whether I'm on the commission or not. If you choose to adopt the motion that's pending, I would certainly reconsider my resignation unless it was the Council's wish to accept it.

Motion to appoint Steve Couture carried unanimously.

D. Hess withdrew his resignation.

Chair Sirak apologized to the Conservation Commission and the public for all the confusion.

SCHEDULED APPOINTMENTS

Neva Foley, Office of Senator Kelly Ayotte: I just want to take this opportunity to introduce myself to the Council. I've been working with members of the Town offices. I've been meeting with Boards of Selectmen and Town Administrators across the Merrimack and Strafford County. I just want to reach out and provide contact information and see if there's anything our office could be helpful with. If it's a

legislative issue, I'd be happy to get that to our Washington office and if it's something with the State, we'd be happy to look into it. In the meantime, if anyone has any feedbacks for the Senator, I'd be happy to take that to her.

The Council offered various feedbacks, i.e., budget issue, possible attendance to the Economic Summit and Old Home Day.

N. Comai also asked Ms. Foley to convey her thanks to the Senator for her endorsement letter for the New Horizons Emergency Shelter VA grant.

OLD BUSINESS

Coaker Avenue Property

Chair Sirak informed everyone that the Council just received some additional information this afternoon from one of the property owners with regards to this matter.

N. Comai moved to table the item. Motion seconded by N. VanScoy. Motion carried unanimously.

Discussion on Charter Review Committee

J. Sullivan, who served as Chair to the committee gave an overview of the previous Charter Review Committee.

On October 27, 2010, the Town Council adopted a charge for the committee to *thoroughly review the Town's Charter and make recommendations for a complete rewrite of the Charter or a modification of sections required due to inconsistencies or streamlining of responsibilities for improved efficiency.*

The committee made the following recommendations:

1. Streamline the Budget process.
2. Clarify the Town Council's role working with the Town Administrator.
3. Streamline Boards and Commissions.
4. Change the Town Meeting from May to March to be held at the same time as the School District.
5. Reduce the number of Town Councilors from nine (9) to seven (7).
6. Change the number of voting districts from six (6) to four (4).

All recommendations were reviewed by the Town Legal Counsel as well as LGC to determine if it required an official formation of a Charter Commission. It was determined a commission was not required as it did not change the form of government. Recommendations #4, 5 and 6 were not well-received by the public. Recommendations #1, 2 and 3 were included on the ballot and approved by the voters at the May election. The changes were adopted on July 1, 2011.

J. Sullivan suggested for the Council to consider what changes, if any, are needed and then seek volunteers to serve on the committee.

The new committee would be working on reviewing the Charter, using the previously recommended changes as reference. The Council would invite community members to join the expanded Charter Review Committee.

Chair Sirak stated the message will be sent out that the Council is looking for people to serve on the committee and make appointments by end of August. The Council will be adopting a charge for the new committee at their meeting on August 10th.

T. Lizotte expressed concerns about the process at the time when the Town is in the middle of major transition with a new Town Administrator, board members, staff, etc. He'd like to take more time for discussion.

N. VanScoy stated when the Council formed the committee, the intent was to obtain recommendations whether the Charter requires simple changes or significant changes needed to be considered or even a

complete rewrite of the Charter. The committee came up with both simple and significant changes, which were recommended to the Council. The significant changes need to be looked at further.

Chair Sirak stated a number of community leaders have expressed concerns about changing the Charter without the community involvement. The reason for discussion is to get it out in the open and look at the administrative changes that were made and approved by the voters and get the community involved with the process. The final decision could be that the Charter does not need to be amended further. This may not be the right time for discussion. The purpose is to simply start the discussion in an open and transparent way.

Discussion on Town Hall Preservation Committee

N. VanScoy requested for this item to be added to the agenda for discussion.

She stated the (old) Town Hall is what made the Town independent, when the Town no longer had to go to another town in order to hold meetings. About two years ago the committee was formed. Things have gone well and slow at times. The committee had a lot of good volunteers but they are spread thin as same volunteers serve on other boards and committees. Former Councilor David Ross serves as the committee chair. She added it is important that the new Council provide directions to the committee. Is it serving the Town as it is? Does the Council need to do more or something different? She hopes everyone will look into it. The Town Hall is the Town's history.

Chair Sirak suggested for the Council to consider the Interim Town Administrator's recommendations. The Interim Town Administrator recommended to continue the committee and charge it with a study and concluding report to the Council concerning:

1. Potential public use of this property.
2. Potential private use of this property.
3. Estimated one-time costs of renovation.
4. Estimated costs and benefits of the proposed use, and,
5. Potential funding sources.

J. Sullivan is the Council's Rep to the committee. He stated it would be a good start to review what the committee has accomplished so far.

N. VanScoy encouraged the Council to try and revive the community interests with this project.

NEW BUSINESS

Council Meeting Minutes Format

In April of this year, the Council voted to transcribe all meeting minutes verbatim.

Chair Sirak stated the process has created some problems in terms of staff time.

S. Griffin recommended returning to the general minutes, which was the format used before the Council decided to switch to abbreviated minutes. It covers all information necessary to know what went on, including statements from the public but was not verbatim. It would meet the general requirements, legally and there would be enough information in the record. In the interest of transparency, he suggested posting all agenda staff reports on the website to allow public access to those documents.

Chair Sirak stated the Executive Committee (Council Chair, Vice Chair and Secretary) will start reviewing the agenda prior to posting. All agenda staff reports and other related materials will be posted on the website along with the agenda.

T. Lizotte added he would like to see a policy to have contracts available as public documents. When the Town is spending tax dollars, the Council should provide to the public "clean" documents with confidential information deleted or redacted.

S. Orr commented she did a lot of reading of past minutes in order to prepare herself for the new position. She found it important to hear everything in the public input. For people who are unable to attend the meeting, it is important to have the minutes as complete as possible.

J. Sullivan stated the best solution is to find the balance approach.

M. Downer added that the public input is important to him. He suggested recording the public input portion of the minutes verbatim.

The Council discussed the possibilities of video recording the public meetings. The Interim Town Administrator will explore this option.

N. VanScoy stated she would support going back to the general minutes but not the abbreviated minutes the Council had before. The public needs to know how they are being represented. She is concerned with the amount of staff time being spent on minutes but at the same time it is important the constituents know what the Council is doing and have an understanding of what is going on.

The Council will review the minutes for accuracy and completeness.

T. Lizotte moved to modify the format of the Council minutes. Motion seconded by J. Sullivan. Motion carried unanimously.

T. Lizotte moved to attach public documents to the agenda. Motion seconded by N. VanScoy. Motion carried unanimously.

Chair Sirak stated the Council will have to find a balance in terms of the level of detail being discussed. He is concerned with the Council spending a lot of time discussing administrative issues in detail. Some issues could be dealt with by the administrative staff or other boards. The Council needs to focus on long term strategic type of issues.

TOWN ADMINISTRATOR'S REPORT

S. Griffin informed the Council of the following:

1. Unfunded Retirement Costs – The Town will start paying on these costs in August. It is anticipated that the Police and Fire departments' Retirement line items will run out by February. But the two departments' bottom line budget should not run out until May. The Town's bottom line budget should not run out until June. It is suggested that DRA be approached by May to obtain authorization necessary to overspend the budget and utilize the unappropriated fund balance.
2. Diane Boyce, Recycling & Transfer Department Superintendent will prepare a plan of action and time line for the Automated Collection system.
3. The Health Insurance Committee came up with some recommendations. This will be presented to the Council at their August 10th meeting.
4. They have re-written the RFP on the DOT I-93 rest area project. The bid submission deadline is August 15th. Bid will be awarded in November and will start construction in the spring.
5. The Hooksett Garden Club continues its beautification project for the Memorial Bridge. Mr. Mercier of Macy Industries offered his assistance to construct the containers and holding devices required by DOT. The containers/holding devices should be installed before the summer is over.

N. VanScoy stated Mr. Mercier is a valuable member of the community who is always willing to assist the Town.

J. Sullivan suggested sending a thank you note to Mr. Mercier on behalf of the Council.

The Interim Town Administrator is in the office twice a week. N. VanScoy asked how to contact the Interim Town Administrator on the days he is not in the office.

S. Griffin stated the Administrative Assistant, Evelyn Horn checks his e-mails and phone messages on the days he is not in the office. Messages could be forwarded to him through Evelyn.

T. Lizotte commented on the Automated Collection system. The Superintendent will need some guidance and help with this task. The Council will have to be familiar with the plans and the process in order to answer possible questions from the public. Informational materials for the public will have to be generated. He also suggested doing dry runs and scheduling public forums.

SUB-COMMITTEE REPORTS

Heritage Commission – J. Sullivan

J. Sullivan nominated Peggy Teravainen for the Heritage Commission.

Planning Board – N. VanScoy

The board had an appointment where an alternate member was not moved up to a full member. N. VanScoy will reach out to Mr. Mark Messina, the appointed full member.

Economic Development Committee – Chair Sirak

The committee is working on getting another member for the board.

Union Negotiations – N. Comai and V. Lembo

The first meeting is scheduled on Monday, August 1st.

At the time appointments were being made, it was suggested that the new member of the Council could possibly serve on the committee.

S. Orr will sit on the committee and attend the meetings.

Parks & Recreation Advisory Board – M. Downer

They are meeting on Tuesday, August 2nd.

Recycling & Transfer – J. Levesque

J. Levesque was unable to attend the last meeting due to a Special Council meeting. Diane Boyce, Superintendent provided the following information:

1. The amendment to the collection ordinance is being drafted and will be reviewed at the next meeting.
2. Tentative schedule for Automated Collection program is as follows:
 - September 2011 – Bids for trucks to be presented to the Council for approval.
 - October 2011 – Bids for barrels to be presented to the Council for approval.
 - September/October 2011 – Proposed amendments to Recycling and Transfer Ordinance to be presented to the Council for approval.
 - January/February 2012 – Arrival of new trucks. This will give new drivers time to train.
 - April/May 2012 – Arrival of barrels. The barrels are being bid with delivery to residents included in cost.

Curbside collection of trash and recycling will begin following barrel delivery. Educational flyers will be sent out. Information will also be available in the form of newsletters, newspaper articles and the website. Two members of the board, Merrill Johnson and Ray Bonney are knowledgeable on heavy equipment. They have provided advice to the board.

Sewer Commission – T. Lizotte

They have all the controls in place in order to avoid similar incident. They have spent about \$450,000 related to the sewer disks incident. They have gone into negotiations with all parties involved. They are still conducting research into how the incident happened. They have a new truck to haul waste materials.

Police Commission – T. Lizotte

- There was an audit update. The auditors are still obtaining some data. The report will be presented to the report in mid to late August.
- T. Lizotte is helping the Police Department build their website.
- The total department budget is 95.75% expended. They are expecting to return less than \$150,000 to the Town.
- The department has implemented a new schedule recently. It was reported that department has seen some of the lowest overtime numbers to date.
- Another officer is being certified making the total number of officers to 13.
- There were some discussions on the retirement issue, caller id's, neighborhood watch, etc.
- All in all, things are moving in the right direction to control costs and improve morale in the department.

PUBLIC INPUT

Don Riley, 25 Harvest Drive: I'm here tonight to speak to you briefly regarding the Charter Review process. I had the pleasure of serving on the original Charter Review Commission as Chair back in 1987. I would like to speak to you this evening as an individual, not as a representative of that commission. I just want to speak casually. I don't want to appear preachy. I hope I don't come across that way. The document that we call a Charter is basically and effectively the constitution of Hooksett. It was the intent of that commission to make it the constitution of Hooksett. It was overwhelmingly adopted in 1988. As you are in the process of continuing to review the Charter, I think that's great. We never considered the document to be perfect. It's not perfect today. It's a living breathing document but, it needs to be difficult to change it. I suggest and strongly encourage that any anticipated changes that you might have be subjected to the same rigorous, very transparent and public process that occurred in 1987 and 1988. I just briefly would like to walk you through that process. We set an objective. The objective was crisp. It had four components. They were outlined in the original Charter document. Research and deliberation, I think it was in the vicinity of nine or ten-month period. We did the following; numerous official and unofficial conversations in the hundreds, with Town citizens and Town employees. We visited each community organization, Lions Club, Men's Club, etc. at least once. We considered numerous correspondences we received as a commission. We visited Durham, Derry and Hudson and had discussion with their town officials. We reviewed six charters from towns in the State. We attended three town advisory meetings. The Advisory Committee was in effect at that time. There were nine public hearings. There were 25 meetings (all meetings) that were open to the public. The next step in the process was the Town Attorney reviewed the document and then when we incorporated the changes that he recommended, the document was submitted to the Secretary of State for his review. Finally, it was submitted to the Town and adopted. I want to thank you for giving me the opportunity to come and speak this evening. This is the first Council meeting I've ever been to. I'm delighted to sit here and present those comments.

Chair Sirak thanked Mr. Riley for sharing his valuable comments and wisdom.

K. Northrup: Regarding the Town Hall Preservation Committee, Mr. Ross left sometime earlier and he was not here for the discussion. If there's any information he needs to know, someone will have to convey that to him.

Philip Fitanides, 1407 Hooksett Road: Since the Interim Town Administrator mentioned a possibility of new work being done on I-93 rest areas. What I'd like to ask the Town Administrator is, would you be able to obtain the original contracts that the Town of Hooksett has with the State of NH. I believe the Town rents that property to the State and somewhere in that document, there's an agreement between the Town and the State of NH that any proceeds from any profit they make from anything else besides the liquor store, they are supposed to share that with the Town of Hooksett. I've been trying for quite a while to find that information because they went from having soda machines and innocent looking machines to expanding their coffers and making quite a bit of money. I haven't been able to find out what they share with the Town of Hooksett. If in fact, the Town really knows what that share is, even if they have ever been paid a share. Since they have expanded those areas on both sides of the highway at the liquor stores, I'm sure the amount of money they've taken in is considerable. If they are going to do any

type of expansion or build anything over there, that original document would provide a lot of help for the Council to see what's going on.

James Gorton, 150 W. River Road: I just want to bring the Council to some awareness, probably most of you know about it. The Boy Scouts of Hooksett is celebrating their 60th anniversary here in Town. When I read the article and looked at the picture and the list of names of scouts who made Eagle Scouts in this Town, I was amazed and astounded. I would think based on all information I've received as a Scout Leader, a Merit Badge Counselor and been involved with the Scouts for a number of years, that for the population of the Town of Hooksett we've got to rank real high for success rate. It has to be running pretty close to 90% success rate of Eagle Scouts coming out of that troop, which is unbelievable. Personally, I'd like to think that something could be done by the Town to help recognize their 60th anniversary.

Chair Sirak stated Councilor Sullivan is looking into the most appropriate form of recognition.

NON-PUBLIC SESSION

J. Levesque moved at 8:35 pm to enter into non-public session per RSA 91-A:3,II,(b) "The hiring of any person as a public employee." and,

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 T. Lizotte. Roll call vote carried unanimously.

J. Sullivan moved at 9:03 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 minutes.

ADJOURNMENT

The meeting adjourned at 9:05 pm.

Respectfully submitted by,

Evelyn F. Horn
Administrative Assistant

Nancy Comai
Town Council Secretary