

OFFICIAL

TOWN COUNCIL MINUTES Regular Meeting Wednesday, September 28, 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, James Sullivan, Nancy VanScoy (excused), Dean E. Shankle, Jr. (Town Administrator) and Chairman William Sirak.

PLEDGE OF ALLEGIANCE

Dustin Leclerc and Oliver Mack, Jr. of Troop 292 lead the group.

APPROVAL OF MINUTES

September 14, 2011 – ***J. Sullivan moved to approve the September 14, 2011 minutes as amended. Motion seconded by T. Lizotte. Motion carried.***

September 14, 2011 Non-Public – ***T. Lizotte moved to approve the September 14, 2011 non-public minutes. Motion seconded by J. Levesque. Motion carried.***

CONSENT AGENDA

1. Street Name Approval – Legends Drive
2. Bond Release – AV Hooksett Landscaping for \$26,700

V. Lembo moved to approve the consent agenda. Motion seconded by J. Levesque. Motion carried unanimously.

PUBLIC INPUT

Howard Garvin, 17 Coaker Avenue: I notice there are some new names and faces on this Town Council. I thought when we got those new names and faces that a lot of things will change from the cloud that hung around the Town in the past, i.e., the former Town Administrator who left under a cloud. The former DPW Director who left under a cloud and they chose not to prosecute for whatever reason. I don't understand. On my particular on Coaker Avenue, I have a problem with my own Councilor, Ms. Comai. She presented all my information fairly but she recused herself from the vote at the last minute and didn't tell us why. She told us she was recusing herself because both parties reside in the same District. A week later, she told me that the reason was her son was dating a niece of one of the parties. To me, that reverts back to the small town cronyism politics that this Town has been under the cloud of for quite some time. It probably needs to change. If she knew upfront she wasn't going to vote, she should have told me before we started anything and got involved. This is a fairly new Council. I would hope that those changes are going to occur. If you're going to be a Town Councilor, I would like to see any vote that you make that's going to appease everybody in your district. It's not going to happen. If you know the facts of the issue you better vote regardless of any personal conflict you may have.

J. Sullivan asked for the actual deposition of that piece of land.

D. Shankle stated this will be discussed under the Town Administrator's report. He will make a recommendation.

J. Levesque commented the Council has new members and they are constantly learning on different items. If Councilors feel they have a conflict they can recuse themselves. It shouldn't be construed as "copping out" on something. If a Councilor is not sure, he/she can ask the Council.

NOMINATIONS AND APPOINTMENTS

Available Positions

Heritage Commission – (1) Full member; (2) Alternate members

Parks & Recreation Advisory Board – (1) Full member

Planning Board – (1) Alternate member

SCHEDULED APPOINTMENTS

Joint Town Council and Conservation Commission Public Hearing re: Proposed Conservation Easement.

The joint public hearing opened at 7:00 pm.

David Hess, Conservation Commission: The Town for recreational purposes desires to purchase a 7-acre parcel of land in the Peter Brook area to be used for recreational fields. The cost is \$202,000. The recreation board approached the Conservation Commission with a request that the Conservation Commission provide the funds to acquire the land. Conservation Commission solicited legal counsel on that issue because the use of Conservation Commission funds is narrowly circumscribed by State Statute and must be devoted not only to open space but also to preservation of natural and water resources. The opinion we got back strongly suggested using those funds directly to acquire recreation funds, which requires extensive insecticide and agricultural fertilizing has a serious effect on natural state. What we concluded as a commission that may be in the best interest of all parties concerned and result in a win-win situation was the following:

1. The Town currently owns about 97 acres of land in Quimby Mountain. The Town acquired this property by tax sale. There is no reservation currently in place for that property. We suggested that the Conservation Commission would contribute funds to purchase the property for recreation in exchange for the Town deeding a conservation easement on Quimby Mountain. Since the Town owns the land, they can sell the land to a developer any time. This is consistent with the Master Plan. The funding arrangement was discussed and ratified at the Town Meeting in May as an amendment to the budget.
2. The Conservation Commission, in consideration for receiving a conservation easement on those 97 acres of land to be held by Bear Paw Regional Greenways, plus a future agreement by the Council to provide conservation easements to another 57 acres of land, will pay \$202,000 to the Town of Hookset in order for the Town to acquire the Peter Brook property for recreational fields.

The Conservation Commission, at their August meeting voted to agree to the outline of this proposal and at their September meeting ratified the Purchase and Sales Agreement, which is currently pending before the Council.

John Turbyne: I believe this is the highest peak in Town. If you haven't been up there, please take a look. It's beautiful up there. I believe the land was uninhabited until the 50's or 60's. I think in the future we can make walking trails and do some historic presentations on farming dating back to the 1820's. It's well worth the preservation of it.

Mark Miville: Just to clarify for the record, no tax impact will result from this transaction?

D. Hess: There will be no effect on the tax rate. The funds are coming from the Conservation Commission fund from the current use transfer tax collected over the years. This will not result in any effect on the tax rate whatsoever, now, in the future or in the past.

Bill Fournier, Elmer Avenue: Why not take the \$202,000 and use it for Quimby Mountain for trails. We seem to have quite a bit of play areas and fields. What do we need another one for? I got a park two streets over from me. The thing is never used. This is my opinion.

D. Hess: I'm not a member of the Parks and Recreation committee but I understand the Town currently has a lease on a soccer field on Route 3A right next to the Tri Town Ice Arena. The Town has developed that into a field but the owner still owns the land. The owner notified the Town last spring that he was going to take that back. The Town needs to replace that. Also, as a result of State Statute and local ordinance, we have been accumulating fees from developers for athletic and recreational facilities. There's a timeline on those fees. The timeline is six years, which runs out on Dec. 31st. If the Town is going to have access to those fees, they have to be committed before the end of the year. That's why the timeline for acquiring the fields in the Peter Brook area is critical and why the commitment of those funds is equally critical. I was educated too over the summer about this. I was asking, why do we have to spend this money now for these fields because the Town actually has a lot of little parcels all over the countryside that seemingly look like they could be used for athletic and recreational purposes. The bottom line is, there were problems with drainage, water flowage, they weren't big enough, the neighborhoods were too well-developed, etc. The Peter Brook parcel is right next to another parcel that has been developed and is currently being used for recreation purposes and it will be a natural increase to those kinds of resources plus the location in the center of Town on the east side of the river makes it almost ideal because of the population increases in the south end of the Town.

D. Shankle: The Conservation Commission has already approved going ahead with the easement although I believe changes may have to be made at this point. The next thing the Council needs to do is to approve the purchase of the conservation easement by the Conservation Commission and approve the Purchase and Sales Agreement to purchase the land.

V. Lembo: Are there any other properties in Town the Conservation Commission is interested in for easements? Does the Conservation Commission have the funds?

D. Hess: We are actively negotiating with some property owners, which under 91:A has to remain confidential until we close those deals. The \$202,000 that we are prepared to pay to the Town for Quimby Mountain and the other 57 acres is in our resources.

V. Lembo: On the Peter Brook property, are we going to have title insurance on that property?

D. Hess: That's outside of our jurisdiction. I'm going to guess the Town will have title insurance for that property under the advice of the Counsel. I'm not in the position to say you are.

D. Shankle: The Peter Brook property is being purchased for \$202,000. The actual easement is worth \$145,000. That's why there are more conservation easements to be determined later. The Town will have to give more land for easement at some point for the difference.

V. Lembo: The original easement on Quimby is \$145,000?

D. Hess: In accordance with Statutes, the Conservation Commission has to have third party appraisals done by certified stated appraisers of any land values before we enter into negotiation. We had an appraisal done of this property. The easement value on Quimby Mountain for 97 acres is \$145,000. We would violate our fiduciary duties if we paid the Town \$202,000 for something worth \$145,000. To equalize the situation and recognizing the Town has many acres of land, much of it in the backwoods that is of little value except for conservation purposes. We discussed the idea that we'll make up the difference with up to 57 acres more or less of additional easements. That's a rule of thumb figure based on conservation easement around Town is roughly worth about \$1,000 per acre.

M. Miville: What is the current balance on the Conservation Commission fund? And what will be the balance after these purchases?

D. Hess: The current balance is roughly \$700,000. This purchase would bring it down to about \$500,000 and we are currently in negotiations with land owner in three parts of Town that would significantly reduce that amount to almost nothing.

Chair Sirak: Based on the Master Plan from 2004, the Conservation Commission will have achieved about 90% of the goal.

The Public Hearing is closed at 7:20 pm.

M. Downer moved to authorize the Conservation Commission to purchase the easement on Quimby Mountain for \$202,000. Motion seconded by J. Sullivan. Roll call vote carried unanimously.

T. Lizotte moved to authorize the sale of conservation easements to Conservation Commission via the proposed Purchase and Sale Agreement. Motion seconded by M. Downer.

D. Hess: The proposal is to sell the conservation easement to the Conservation Commission. Part of the P&S is for the Conservation Commission to convey that property to Bear-Paw Regional Greenways, which is a third party conservation entity charitable organization. The reason is, the Town of Hooksett under state law can change its mind tomorrow and take it back. If we get Bear-Paw involved, the Town can't do that. I just want to make sure you understand that there's a third party. That third party is the guardian of the vote you are about to take.

J. Sullivan: What happens if Bear-Paw ceases to exist?

D. Hess: The probate court or the superior court in New Hampshire will oversee a transfer of their assets to an ongoing entity that has sufficient resources to continue on. There are laws in place that provide for the orderly transition and conveyance of those assets.

V. Lembo: Bear Paws wouldn't be able to do anything to the land that the Town wouldn't agree to?

D. Hess: The conservation easement will be written into the deed. They wouldn't be able to do any more than what the deed authorizes them to do. We have a draft of the conservation easement deed that has not been finalized with Bear Paws. The deed that will be signed by the Town's duly authorized representative will completely define what Bear Paws can and cannot do. Bear Paws would want to do a lot less than what the Town would like to do on that property.

Roll call vote carried unanimously.

J. Sullivan moved to authorize the purchase of the property on Peter Brook Drive from Lee Hooksett Realty, LLC via the proposed Purchase and Sale Agreement, as well as purchasing the related recommended title insurance. Motion seconded by T. Lizotte. Roll call vote carried unanimously.

T. Lizotte moved to authorize the Town Administrator to sign off on all purchase and sale contracts going forward except where the Town Council is specifically required to sign off. Motion seconded by J. Sullivan. Roll call vote carried unanimously.

Public Hearing re: Acceptance of Donation of rescue equipment valued at \$14,079.70 to Fire Department per RSA 31:95-e.

Per RSA 31:95-e, personal properties donated to the Town with values of \$5,000 or more require a public hearing.

The public hearing was opened at 7:32 pm.

Bernadette Chevrette, Hooksett Happy Helpers: I've been with the Hooksett Happy Helpers for 22 years. I started in 1989. Tonight, I'm here to request acceptance of donation in the amount of \$14,069.70 to the Fire Department.

Fire Chief Michael Williams: First of all I would like to thank the Happy Helpers for what they do for the Fire Department. Since I've been the Chief they have donated thousands of dollars to the department. Every year, the Happy Helpers comes to the Fire Department to ask what we'd like. We give them a list and they purchase the items directly for us. One of the equipment purchased is Rad 57. This is a very expensive piece of equipment that runs about \$5,000. It senses carbon monoxide in the blood. We do a lot of carbon monoxide calls. This equipment will be extremely beneficial for the Fire Department. We also have (8) 300 feet rescue rope bags, numerous pulleys, harnesses and (12) medbags. They also purchased a bell for the Fire and Police ceremonial park at the Safety Center.

The Town Council thanked the Hooksett Happy Helpers for all they do for the Town.

B. Chevrette: My son is a Fire Marshall in Michigan. My grandsons are also firefighters. My brother retired as a Fire Chief. The blood is there.

Harold Murray: Mrs. Chevrette left an important part. Her father-in-law was the Fire Chief of Hooksett.

The public hearing was closed at 7:40 pm.

J. Levesque moved to accept the donation in the amount of \$14,069.70 per RSA 31:95-e. Motion seconded by M. Downer. Roll call vote carried unanimously.

OLD BUSINESS

SJB Development Bond Release for \$5,291

The bond has lapsed. There is also some confusion as to what the bond covers. The Town Administrator will check into this and inform the Council.

Best Boards Win Seminar Follow-up

Chair Sirak asked for some comments about the seminar.

T. Lizotte stated the seminar was fruitful. Being able to interface with the lawyers and getting some free information was helpful. What he got out of it was that the Town need lay out a chart which talks about the delineation of authority of the Town Council with regards to the boards. The town Council is a non-executive board. Dr. Shankle is the chief executive officer of the Town. The Town Council needs to support the Town Administrator on his oversight of the Town and establish where the demarcation points are. It's still a little blurry for some of the new members of the board.

Chair Sirak brought up the potential next step of having an annual meeting prior to the budget season. There was a suggestion to have a bi-annual meeting to review the budget. The primary purpose is communications.

J. Sullivan stated the benefit of meeting prior to the budget season is to get a review of what to expect.

S. Orr added you can't have too much communication. We need to be well-informed about what's going on in order to make informed decisions. We need to have open dialogue.

Chair Sirak stated the Council wants to have reports from the department heads. The Annual meeting will be attended by the department heads and committee chairs.

The Council as well as the Town Administrator was supportive of the idea.

Town Council Rules & Procedures and Riggins Rules

J. Sullivan stated the Town Council Rules & Procedure states that the Riggins Rule will be followed. Every motion that involves expending funds requires a roll call vote. An explanation is required when abstaining on a vote. If a Councilor knows there's a conflict of interest and abstaining on a vote, that particular Councilor cannot join the discussion.

S. Orr objected to making this the Council's official rule. She sees this as a guide. She doesn't think it should be a formal rule.

Chair Sirak asked for a motion to adopt the Riggins's Rule as a guide for conducting meetings.

T. Lizotte stated the Budget Committee adopted the Robert's Rule with a caveat that they could make or adjust rules. He believes when someone moves the question that the Council has to vote on it so no one person can stop a discussion on a subject.

V. Lembo commented his understanding was when someone moves a questions, the Council has to vote on the question. It's also on the rules that everyone has a chance to speak on a subject twice.

Chair Sirak suggested approving the Council Rules as stated.

J. Sullivan suggested holding off on the motion until the correct wordings are added.

S. Orr added the only time that the Council can have any discussion on an issue is in this forum. It seems to be very limiting on how much discussion can happen. She is concerned with limiting the ability to discuss a matter completely.

Chair Sirak stated the Chair can use his discretion to control the discussion.

V. Lembo added that at any time the Council feels they don't have enough information; they have the ability to table the issue.

This will be discussed further at the next meeting on October 12th.

NEW BUSINESS

Wiggins Property

The Town Administrator received an inquiry from a resident if this property, which is owned by Conservation Commission, is available for hunting. The property is not posted.

D. Hess stated anytime public funds is used to acquire a property (through LCHIP), there are no restrictions to public access except for reasonable restrictions and hunting is almost always permitted.

The Conservation Commission will check into this matter and obtain detailed information about the property and will advise the Town Administrator.

Tanker Bid Acceptance

A warrant article in the amount of \$340,000 was approved by the voters for the lease of a new Fire Tanker, which will replace Tanker 3. The Fire Department received the following bids:

Valley Fire Equipment	\$379,860.00
New England Fire Equipment & Apparatus	\$358,492.00
Northeast Fire Specialists	\$346,416.00
North American Equipment Fire Apparatus	\$342,864.00
HME Lakes Region Fire Apparatus	\$334,000.00
Yankee Fire and Rescue	\$312,418.00

Fire Chief Michael Williams recommended accepting the bid from HME Lakes Region Fire Apparatus in the amount of \$334,000.00. They have purchased equipment from this company in the past and found them to be very reliable. This will be a 7-year lease payments of \$55,711.00 based on 4.5% interest rate. There is a possibility that the rate would be lower by the time the vehicle is delivered and the lease agreement is signed in April/May. The lease payments could be lower.

N. Comai stated she's an advocate of purchasing versus leasing. What's the benefit of leasing over purchasing?

Christine Soucie, Finance Director stated the Town could put money down to make the payments lower. This will come before the Council again when the lease agreement is actually signed.

J. Sullivan moved to accept the bid from HME Lakes Region Fire Apparatus in the amount of \$334,000.00. Motion seconded by J. Levesque. Roll call vote carried unanimously.

School Impact Fees

C. Soucie gave an overview. The Town collects school impact fees at the time the Town issues occupancy permits. These fees are collected in order to offset the cost of growth-related developments. Each year at this time, the Town transfers the fees collected during the year to the School District to offset the cost of the new middle school and renovations at Memorial School. As of August 31, 2011, the school impact fee special revenue fund had a balance of \$118,107.31. A transfer of \$118,107.31 is recommended.

V. Lembo asked how much the bond payments are each year.

C. Soucie explained she does not have that information as the school makes those payments, not the Town.

S. Orr asked if the funds can be used for any other purposes.

C. Soucie explained that the funds go into their general funds as a part of their revenue. This will be used to reduce the tax rates.

T. Lizotte asked if this is earmarked for a specific purpose.

C. Soucie explained they have to budget for the full payment amount. When they go through the budget, they should have a revenue line item in anticipation of these funds. The school gets an update on the fees collected on a monthly basis so they will have an opportunity to adjust their budget in October right before tax rates are set, if they happen to under-budget.

D. Shankle added they are legally required to use impact fees for that purpose.

T. Lizotte moved to \$118,107.31 from school impact fee special revenue fund to the School District. Motion seconded by V. Lembo. Roll call vote carried unanimously.

17 Granite Street – Wall Replacement

Heavy rains from 2009 resulted in the slope failing and it has been moving during heavy rains. A letter was received from the homeowner dated October 9, 2010 asking for the Town to replace the wall before it comes down onto the street. It is a safety issue and should be replaced as soon as possible. If the wall goes down the road could go down with it.

Leo Lessard, Public Works Director recommended replacing the wall with a block retaining wall called London Boulders. He has installed similar walls in the past and found them to be durable. Total costs would be around \$22,101.50 to be taken out of Construction Materials line item.

There were questions about ownership of the wall.

D. Shankle explained the concern is if the wall goes, it will impact a Town road. This is the least costly way of fixing the problem.

V. Lembo moved to table pending information on ownership. Motion seconded by M. Downer. Motion carried unanimously.

Town Council Priorities

Chair Sirak shared some statistics from the (draft) Economic Development Plan that talks about Hooksett's key economic assets and the Town's profile. He stated these data becomes the basis of the Town Council's priorities.

J. Sullivan stated he thinks the Town Council is on the right track. The next steps would require more discussion.

Chair Sirak stated the Town Council will have to address the renovation of the Safety Center and the old Town Hall. He is meeting with EDC members to start discussion on the Old Town Hall.

T. Lizotte added he'd rather see the Council always hands down charges to the committees. It needs to start from the top and the chair will need a motion from the Council.

J. Sullivan stated there is an existing committee charged for this purpose. He suggested using the Town's resources from different departments and boards collectively.

T. Lizotte stated this is one of the reasons he made a motion of ascending Dr. Shankle of the Executive Officer of this Town is to take initiatives, bring it forward, discuss it and if we have to, dissolve a committee before starting another. It needs to be a public meeting where everything is captured in minutes.

D. Shankle has been gathering information on this matter and talking to different boards. The committee chair came in to turn in all information and verbally indicated he has resigned. He walked through the old Town Hall with the Public Works Director to initially assess the building. He will bring back more information to the Council at a future meeting.

S. Orr suggested bringing in viewpoints from all other committees and come up with a way to move forward.

V. Lembo moved to authorize the Town Administrator to begin working with the development of a Town Hall Preservation Committee made up of representatives from different committees and the general public. Motion seconded by M. Downer.

M. Downer explained this is designed to be a reinvigoration of the Town Hall Preservation committee however that mechanism needs to happen.

Motion carried unanimously.

T. Lizotte suggested adding developing policies for crisis management and press releases. The Town does not have policies with regards to crisis managements and press releases.

D. Shankle stated he would like to start a communications policy that covers all these.

S. Orr suggested adding the High School.

N. Comai stated there was a High School Planning committee two years ago and it was determined the Town does not need a High School.

Chair Sirak added the Council would welcome any comments and additions from the public.

Town Council SWOT (Strengths, Weaknesses, Opportunity, Threats) Analysis

J. Sullivan suggested adding under Strengths, the Cultural and Historical Resources that exist in Town.

Chair Sirak added that the Town's athletic association can also be added under Strengths.

J. Levesque suggested reviewing the planning process. Stantec reviews and approve the plans. Maybe DPW can start reviewing all plans.

Charter Review Committee

M. Downer tabled the subject to the next meeting. Motion seconded by J. Sullivan. Motion carried unanimously.

Single Stream Recycling

T. Lizotte brought up the fact that the Council never made a motion to allow single stream to go on in perpetuity. There was a motion for a trial period. He asked for a clarification if a motion is needed.

The voters approved the warrant article to allow single stream recycling, therefore, a motion is not necessary.

Diane Boyce, Recycling and Transfer Department Superintendent will be invited to present an update at the next meeting on October 12th.

Corriveau Drive

J. Levesque went to check the road and took some pictures. The road is deteriorating. He thinks it was caused by heavy rains not the logging.

The residents are posting the right of way. They will be advised that they can't post Town property. People have the right to park on the side of the road to hunt.

Old Home Day

V. Lembo suggested sending a "Thank You" letter to the committee and organizers.

TOWN ADMINISTRATOR'S REPORT

D. Shankle informed the Council of the following:

1. Stop Line and School Line Striping – The Town has stop lines on all roads with stop signs and traffic lights. The lines at the schools are fading out. The School was going to hire someone to paint the lines. For the amount of money they are paying someone to paint the lines, the Town could purchase a line striper. L. Lessard suggested the School purchase the line striper and DPW would do the line striping for both the school and the Town.
2. Riverside Plaza Signs – The sign can't be seen from the road. The State indicated they do not have a problem with the Town cutting the trees to make signs more visible. DPW will take care of the tree cutting.
3. Coaker Avenue – There are 2 abutters interested on the piece of property, neither of them has legal claim. The Town owns the 25 feet strip of land. The Town Administrator recommended keeping the piece of property and turning it into a pocket park. It has historical significance since it was the site of the first Fire Station. According to Heritage Commission it is a great spot for a historic marker.
4. He is in the process of improving coordination between departments. He will meet with DPW, Planning and Building. One of the items to be discussed is the Stantec issue.
5. He attended a meeting with the Exit 11 study committee. There was a discussion on turning the rest area into a gateway project.

T Lizotte brought up the concerns about an agreement with the State Liquor Commission. The Town Administrator will check into this.

6. Old Home Day was well attended.

7. He will be submitting an article to the Hooksett Banner every week.
8. He is working on the possibilities of webcasting the meetings. He requested for proposals and will present them to the Council when received.
9. The Employee Picnic will be held on Friday, October 14th instead of September 30th.

SUB-COMMITTEE REPORTS

Budget Committee – T. Lizotte

1. The board set the rules and the officers were appointed. Marc Miville is Chair, Tom Keach is Vice Chair and Kathy Hughes is Secretary.
2. David Pearl brought a motion before the board that the general position of the Budget Committee regarding the School budget is for all fund balances to be returned to the taxpayers. The board understands this is not enforceable but just a general position.

Recycling & Transfer Advisory Board – J. Levesque

1. The board voted on the final draft of the ordinance. This will be presented to the Town Council for adoption and approval.
2. Information on the single stream recycling was handed out at the Old Home Day. General consensus was positive.

Union Negotiation – V. Lembo

The meeting scheduled for today was canceled. They are still gathering some information. The next meeting is scheduled for Wednesday, October 12th.

Police Commission – M. Downer

The commission held meeting on September 20th and September 22nd.

September 20th Meeting

1. There were discussions regarding the SRO. There was public support to reinstate Officer Jay Defina as SRO.
2. Discussion as to whether the requirements for SRO were lowered and whether changes to the operating manual were done.
3. Question about the disposition of cruisers. The commission did authorize the disposition and the Finance Director sent out the RFP's.

D. Shankle informed the Council that the highest bidder retracted the bid.
4. There was a significant discussion on possibly decreasing the public input from 5 minutes to 3 minutes. The public felt it was not adequate given the number of issues. It was not implemented.

September 22nd Non-public Meeting

The Council Representative was not notified of the meeting but the meeting was posted. M. Downer explained he intends to reach out to the Police Commission Chair to make sure, as a courtesy, channels of communication are maintained, which does not violate the RSA. The board's action was within their scope. The Town could capitalize on those lessons going forward.

T. Lizotte suggested for the Town Administrator to be present when M. Downer approaches Commissioner McHugh.

Chair Sirak stated the Chief requested a meeting with the Town Administrator and the Council Chair but the Chair did not feel it was appropriate to meet. Police Commissioner Joanne McHugh was advised.

Heritage Commission – J. Sullivan

1. Reviewed Old Home Day fundraising item (sun catcher) that highlights the former Village School.
2. Reviewed Head School usage policy.

3. Information will be coming out on the upcoming History Week.
4. The board is looking into conservation of (2) Native American murals.
5. Working on updating Hooksett History books which ends in 1967. They are looking for topics and ideas that could be highlighted from 1967 to present.

PUBLIC INPUT

Marc Miville: I am concurring with Councilor Lizotte's comment regarding transparency and not overreaching beyond Town meetings. We hear about things that are happening beyond the scope of these meetings. I don't think that's appropriate. Regarding the discussion on mandatory recycling, I'd like to speak for Councilor VanScoy, who is my Councilor. I know she was extremely adamant about having a Council's vote to make it mandatory. With the discussion and the voters' vote, one would assume that recycling is mandatory but not necessarily. If the Council wishes to state that is it mandatory, it will go a long way to state a position here so there will be no doubt. My understanding regarding the police cars was that the commission wanted to trade them in and auction off. That was a big distinction to them.

M. Downer stated the minutes of the meeting indicated there was a motion to dispose of them but no discussion on trading them in.

M. Miville: My memory of that meeting was that they thought they were going to be traded in.

M. Downer: They were surprised by that but the Finance Director showed them the memorandum from the Police Department and the minutes that supported the drafting of the memo.

M. Miville: Speaking of signs, I'm curious as to what the code is regarding business signs that remains up once the business is closed. There's a huge Texaco sign on Route 3A that's been there for 40 years. There's no Texaco station there. I'm wondering why that sign is still up. If you could have the Code Enforcement Officer look into that.

J. Sullivan stated the Historical Society would be interested in that sign.

M. Miville: I think it should be preserved for heritage sake. If you're going to be following statutes and code procedures, there's no Texaco station there. If you're worried about businesses putting up signs where there shouldn't be, I offer that as a perfect example of a sign that shouldn't be up.

D. Shankle explained one of the reasons why that happens is if there's a sign on the property that would no longer be allowed, it's grandfathered. If they take it down they wouldn't be able to put a sign back up.

David Pearl, 79 Main Street: I'd like to comment on the comment printed on the Sunday paper regarding the removal of the chief. I was at the meeting Thursday night. There were 6 people in that room. 5 of those people were covered under 91A. Only one person was not. That would have been the chief. Other than someone violating 91A, there's only one person that could disseminate information from that meeting. To see the Town Council Chair make a statement in the Sunday paper with specifics about a pending investigation and audit results made me ask the question, "Where did he get that information?" There has been no information, publicly released that the Chief was under investigation. I have been to every meeting. I've recorded every meeting. There has been no announcement that the Chief was under investigation. When I asked Mr. Sirak if he got the information from the Chief, he denied it. When I asked him where he got the information, he said it was assumptions gathered from all these knowledge about the situation. I asked him if he thought that was appropriate for a Town official to make a statement to a newspaper based on assumption, he said yes. That really concerns me. Had he said no and retracted the statement, I wouldn't be sitting here. For the Town Council Chair to defend the position that it's ok for him to make assumptions and then, put that out in the media as the official position of the Town is irresponsible. He has also, whether inadvertently or deliberately violated the Chief's privacy. Because the Chief's privacy was protected, he was the only one that could say whether or not he was on leave, fired, disciplined, etc. None of the other people in that room could say that. By him assuming that, and making it part of the record, the Town has now gone into record in The Union Leader that the Chief is

under investigation, and that his suspension is pending that investigation and the outcome of the audit. How do we know that's true? When I confronted Mr. Sirak about that, he told me that he's called the Chief and other Town leaders that are familiar with the situation. He's now confirming with the person that's been removed and the person that two days prior to being removed made a dishonest statement in a public meeting to me, which was confirmed by Mr. Karolian, and it was impossible for other Town leaders to have first-hand knowledge, because they were not in the room at the meeting. We are now left with the Town position being set by the Chief that we removed, probably for disciplinary reasons. There was no need to do that. Ms. McHugh made a statement through Mr. Shankle later that the Chief had been put on Administrative Leave. That's all had to be said and that's all that should have been said under 91A. This is a serious issue. It could open us to litigation from the Chief, if he so desires. I would never have put any of that information out myself. I think it's irresponsible for Mr. Sirak to do it. I think it's also irresponsible of him to defend that position that he had to step in to give people information that they needed when nobody else would. There was nothing that was going to happen Sunday; there was no safety issue by people knowing that. This has been a long process and to have these things happen that are sloppy is irresponsible. The Town Council has no power over the Police Commission. It's been decided. I think Mr. Sirak should retract his statements in the Union Leader and I think he should cease from making comments based on assumptions.

ADJOURNMENT

The meeting adjourned at 9:36 pm.

Respectfully submitted by:

Evelyn F. Horn
Administrative Assistant

Nancy Comai
Town Council Secretary