

## Official

### **TOWN COUNCIL MEETING Regular Meeting Wednesday, October 12, 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, Dean E. Shankle, Jr. (Town Administrator) and Chairman William Sirak.

#### **PLEDGE OF ALLEGIANCE**

Joe Baribeau and Isaiah Collins of Troop 292 lead the group.

#### **APPROVAL OF MINUTES**

September 17, 2011 Best Boards Win Workshop – J. Sullivan moved to approve the minutes as amended. Motion seconded by N. Comai. Motion carried.

September 28, 2011 – J. Levesque moved to approve the minutes as presented. Motion seconded by T. Lizotte. Motion carried.

#### **CONSENT AGENDA**

1. Acceptance of Donation to Joint Loss Management Committee in the amount of \$500 per RSA 31:95(b).
2. Bond Releases
  - a. Granite State Shuttle Landscaping
  - b. Walmart Landscaping
3. Road Signs Requests
  - a) Children at Play – Elmer Avenue
  - b) Blind Roadway Side – Intersection of Brown Road and Hackett Hill
4. Acceptance of Grant from NH Humanities Council in the amount of \$216.00 to Heritage Commission per RSA 674:44-b, I, (h).

N. Comai requested to remove “Children at Play” sign request from the consent agenda. This item will be discussed under “New Business”.

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

#### **PUBLIC INPUT**

V. Lembo stated he received an e-mail from Mr. David Pearl with regards to what he intends to bring up during public input. He asked the Chair not to allow it under Council Rules #3, G, ***“Council members, staff and members of the general public participating in meetings shall address all questions or remarks through the Chair confine their remarks to the merit of pending questions; and shall not engage in personalities.”***

Chair Sirak stated if Mr. Pearl will keep this in mind and not engage in personalities and only deal with issues the Council has control over, he would be allowed to speak.

**David Pearl, 79 Main Street:** I'd like to recount the events in the last two weeks regarding the Council's information on the removal of the Police Chief.

Chair Sirak ruled Mr. Pearl out of order. This is not a governance issue and the Town Council does not have control over the actions of the Police Commission. All the Council can do at this point is to wait for the Police Commission's report.

**D. Pearl:** Excuse me, Mr. Sirak I'm talking about the Council's actions.

**Chair Sirak:** The Council took no action. I released a comment to the Union Leader and that was the end of it. Thank you very much.

**D. Pearl:** I'm talking about the Town Council's...

**V. Lembo:** Mr. Chair, could you rule him out of order, please.

**Chair Sirak:** You're out of order. You're done. We're not going to discuss...

**D. Pearl:** It's not done, Bill. You're not going to hear my public input?

**V. Lembo:** Mr. Chair, if we could adjourn and have the Police Department remove him.

**Chair Sirak:** I hate to see us go to that point.

**V. Lembo:** I do, too, but you asked him a couple of times, politely. We're not going to discuss it.

**C. Pearl:** I ask for a vote of the Council. This is out of order, Mr. Sirak.

**Chair Sirak:** I told you to restrict this to governance issues of items that we have control over. We do not have control over the issues you're referring to.

**V. Lembo:** You do not have control over your communications as the Chair...

**Chair Sirak:** I have to remind you, in public forum, this is not an opportunity to debate. We are not going to debate these issues. We have other forums to do that. So we are not going to debate this issue. I would ask you to remove yourself from that chair. I do not want to resort to stronger measures. So please, remove yourself from that chair.

**N. VanScoy:** This went from looking through the reading file to what's happening. Let's take a step back and maybe slow down a little bit here. It's time for public input and my understanding is that Councilor Lembo knew what this gentleman was going to speak about because he sent him an e-mail. I'm trying to understand and make sure I know where I am at the moment. That would be that you said you do not think this gentleman should be allowed to speak based on this rule because you knew what he was going to say because he sent you the e-mail.

N. VanScoy asked to read the Council Rule again. Chair Sirak read the rule.

**N. VanScoy:** Right now is our Public Input. That is where we are now. That is the section of the agenda. I'm just trying to understand. I don't like it when things escalate in a matter of 3 minutes to "we're going to call the Police". I find that very, very disturbing in a professional setting. We have always, rightly or wrongly, allowed a person to speak and to have their statement. If there is anything to be said back to the Council, that is the debate that should not occur. I don't want to sit here all night debating whether or not this gentleman should speak or not, having not read the comment. 3 words came out of his mouth and he was ruled out of order. I do believe that's inappropriate. I would like to make a motion that the Council vote whether or not to continue with public input or close it at this point.

***N. VanScoy moved to continue public input and give the citizens the rightful 5 minutes to speak. Motion seconded by M. Downer.***

**V. Lembo:** Council Rules dictate and I read them today that public input can only pertain to matters pending that night and we have nothing to do with the Police Commission at this time. I was shut down at other meetings when I wanted to bring up Police Commission issues and I was told we have nothing to do with it. We have no issues with Police Commission at this meeting. We can't even make a decision on it.

**N. VanScoy:** Can we concentrate on Public Input. I'm sorry but we need to concentrate on public input and not the Police Commission. This is ridiculous.

**J. Sullivan:** I can understand what was written into the records. My question is, if someone has an issue that's not known to us, that's not on the agenda, no one can be on public input, is that correct?

**V. Lembo:** According to Council Rules, yes, it will have to be put on the agenda. They can speak of subjects brought up at other meetings.

**N. Comai:** I tend to go with what Councilor Sullivan is saying. Public input should be allowed to be said. There were other issues brought up, i.e., a visit by the ambulance to the Library, thanking people for putting flowers out, etc., very random things. I agree, Mr. Pearl should be allowed to speak.

**T. Lizotte:** I don't think we have a position to stand on to all of a sudden say that because Mr. Pearl proactively sent to all the Councilors this information ahead of time that allows us to preempt his ability to speak. I think it sets a bad precedent. Sometimes we have to hear what we have to hear even if we like it or not. We give the citizens twice a month to have 5 minutes of input and you can hold them to 5 minutes of input, like it or not.

**J. Levesque:** If Mr. Pearl wants to speak on a subject, fine but we have no control over the Police Commission. We can't make any decisions on it.

**N. VanScoy:** Point of order. The motion is not about the Police Commission, it's about Public Input.

**J. Levesque:** I just want to say he can have public input but he can't discuss anything we have no control over. That's all.

**M. Downer:** I understand and respect the rules of the Council. I also recognize and appreciate the precedent that has gone before us from other members of the Council. I think to preempt the comments because we know what's coming based on what he sent us has a profound and chilling effect on the public. I may agree or disagree with what he has to say but I'll defend his right to say it.

**V. Lembo:** I will agree to let Mr. Pearl speak but when he starts attacking a Councilor, I would like it stopped.

**N. VanScoy:** First of all, I'd like to agree 100% with Councilor Lembo. We should not engage in personalities in public input. There is a specific section in the Council Rules that talks about public input. This is not it. I believe if we're going to look at the Council Rules, we should look at it as a whole. I'm not sure if I agree it has to do with public input. If we're only talking about the things that are on the agenda, then we would not have a lot of public input. In addition to that, I have to agree 100% with Mr. Downer. Whether I agree or not, I have to agree to allow him to speak in this country we live in. Councilor Lizotte had mentioned we only give them so much time to speak to us and if there is a matter that is of importance, this is their chance to bring it to us in a forum where they can't be ignored, where e-mail cannot be deleted and phone messages cannot be ignored. This is their way to bring it to the attention of the committee. I would ask the Chair to make sure we do not get into personalities or public attacks during public input but everybody should be allowed their 5 minutes to speak as stated in the Council Rules. Thank you.

**T. Lizotte:** If public input crosses some areas we have established, it'll be inappropriate. I think it is incumbent on us to tell them if they have a complaint what the procedure and process is for filing that complaint. The process and the timeline it would take in order to evaluate that complaint.

**N. Comai:** I believe public input is just input. There isn't any dialogues, debates or response from the Council.

**Chair Sirak:** I think you need to know why I was trying to gavel down Mr. Pearl. I received a number of complaints and concerns from other members of the Council about disparaging remarks, personalities exchange in public input. To the point, where I know in the past, we had people who have resigned or decided not to run for office because of those kind of hostilities that sometimes come from the general public. I'm trying to draw up a balance. I certainly respect the public's right to know. Ironically enough, I think we have to thank Mr. Pearl for shooting that video. That's how we found out what was happening. The Police Commission did not respond officially in regards to what happened at their midnight discussion. So we thank you for that but in this particular conference, we need to deal with governance and I do not want this to evolve into personalities or disrespect. That was the rationale for me gaveling you down. We will vote on the motion and allow you to speak provided you restrict your comments to the governance issues and stay away from personalities. One other reason I gaveled you down the second time, you already started on saying demeaning remarks about me. This is not an opportunity to have political remarks about an individual, let's focus on the issue.

**Motion to continue public input carried unanimously.**

**D. Pearl:** I'd like to recap the events leading up to today.

At 11:23 pm, 9/22/11 (Thursday) I posted a video on Hooksett Issues of Chief Agrafiotis leaving the safety center and commented that I don't think he is the head of the Police Department. I cc'd Town Council Chair Sirak on that post. At 7:55 am, the next day, Chair Sirak emailed the Town Administrator Shankle saying that he was called at 7 am by WMUR referring to my post which was included. Mr. Sirak said that he was unaware of the situation. Sometime between 7:56 am and 11:33 am on Friday, Chair Sirak contacted TA Shankle and told him that the Chief is on paid administrative leave pending an investigation and results of an audit. At 11:33 am on the same day, TA Shankle sends the Town Council an email stating the council has been advised that the Chief is on paid administrative leave pending an investigation and the results of an audit, although not confirmed by the Police Commission. At 8:56 am the next day, TA Shankle sends the Town Council an email stating that late yesterday (Friday) the Police Commission called him to confirm that the Chief was on paid leave. The next day, Chair Sirak's statement appears in the Union Leader, "*The Police Commission on Thursday night put the chief on leave pending an investigation of some recent situations and the outcome of an audit that's been ongoing, and they expect to report on that shortly,*" commission Chairman William Sirak said in a phone interview from Ohio." The following Wednesday, at 9:55, I posted on Hooksett Issues and cc'd Chair Sirak my deduction that the information in the Union Leader must have come from the chief. Between 9:55 am and 1:04 pm, Chair Sirak called me to discuss my email. I asked him if he had gotten the information from the Chief, he said no. He explained how his statement was based on assumptions he had made on all of his knowledge about the situation. At 1:04, I emailed the Town Council telling them that Chair Sirak said he did not receive the information from the Chief and I doubted the wisdom of using assumptions to make public statements. At 2:47, Chair Sirak emails the Town Council, myself and Mrs. McHugh and said he has called the Chief and some Town leaders this afternoon to confirm his statement. At 4:22 I emailed Chair Sirak to confirm his statement that his information didn't come from the Chief. There was no response. At 9:15 that night, I addressed the Council and I explained what had happened up to that point. The next day, I filed a Right-To-Know Request with the Town Administrator asking for emails between the Town Council, Police Commission and the Town Administrator for the period, 9/20/11 to 9/29/11. At 1:15, 10/6, I received the Right-To-Know information. At 8:55, I emailed TA Shankle with 2 questions based on the RTK information, (1) from whom did you receive the information to generate the email at 11:23 on 9/23/11? (2) Did the source of the information divulge to you where they got the information? At 1:14, on the same day, I received an email from TA Shankle saying, "*The information was received from the Chairman of the Town Council. It was my understanding from him that he received the information from the Police Chief and both the Chairman and I agreed that it should be passed on.*" Those are the facts. My conclusion, Chair Sirak told me the information did not come from the Chief, yet he told TA Shankle that it did. The Chair created a story to me on the phone which I repeated to the

Town Council based on his statement on assumptions and knowledge of the situation. Chair Sirak has been less than honest. TA Shankle was made aware...

**Chair Sirak:** That's enough.

**D. Pearl:** Mr. Sirak, you lied to me and you know it. Thank you.

**J. Sullivan:** If I may, according to the rules, this is public input and we do not respond. We have something similar to another board I'm on. We probably need to review our public comment. Sometimes at these meetings and other meetings, I hold my tongue because that's the procedure that we follow. I think some of us have answers to questions that are post. We follow the rules and wait until the next meeting, which is fine. It does say, "*Issues raised during public input will be noted by the Town Administrator, who will be responsible for responding directly during normal hours.*" Maybe he'd be able to address this between 9 and 5 tomorrow, hopefully or "*bringing to the Council for discussion at a subsequent meeting.*" If we want to comment on what is post by a public input, are we allowed to comment the following meeting? I made some assumptions too. I'd like to comment on this. I actually have the information regarding the Right-to-Know that is public information. Sometimes, we really do need to respond, but if the process is to wait until the following meeting, then I'd be more than happy to do that.

## **NOMINATIONS AND APPOINTMENTS**

### Available Positions

Heritage Commission – (1) Full member

Economic Development Committee – (1) Full member

Parks & Recreation Advisory Board – (1) Full member

An application was received from Mr. David R. Rogers. He is interested in becoming a member of both the Planning Board and Heritage Commission.

### Planning Board

***N. VanScoy nominated David R. Rogers for the Planning Board, Alternate position, expiring 6/2014.***

The Town Administrator will check to see if an individual could be a member of Planning Board as well as Heritage Commission at the same time.

It was suggested for all applicants to be required to give an explanation on why they are inclined to join a particular board.

## **OLD BUSINESS**

### Health Insurance Committee Report

At the August 10<sup>th</sup> Town Council meeting, the Interim Town Administrator presented the committee's report and recommendations. The Council requested for further information on claims history and whether the plans meet the needs of the employees.

Elizabeth Dionne, Human Resource Director explained the recommended plans do meet the needs of the employees. Medical coverage remains the same. Prescription cost to employees will increase from \$3 to \$10 for generic and from \$15 to \$20 for brand name. Mail-in prescription will increase from \$1 for generic and brand names to \$10 for generic and \$20 for brand name. Looking at the top (10) prescriptions, only 2 were brand names.

The committee's recommendations are as follows:

1. Offer Blue Choice POS (Point of Service) Option 1 identified as BC2T10+ and RX 10/20/45, in lieu of its current plan BC2T10+ and RX 3/15/M1.
2. Continue to offer its current Matthew Thornton HMO plan identified as MTB101PDED and RX 10/20/45.

3. Current 90%/10% cost sharing should remain unchanged.
4. Employer's contributions to employee Health Savings Accounts should be capped at current amounts for the next three years.
5. Current \$100/month stipend to opt-out of health insurance would be increased to \$200/month, unless limited by new IRS regulations.
6. Amend the February 17, 2010 Personnel Plan as required.

**N. VanScoy moved to approve the (6) recommendations from the committee. Motion seconded by N. Comai. Motion carried unanimously.**

#### 17 Granite Street – Wall Replacement

This item was presented at the last meeting. There were some concerns as to the ownership of the property.

D. Shankle explained the wall is located on the street side of the telephone pole, which indicates it's located on the Town property. Pictures were provided to the Council.

Leo Lessard, Public Works Director explained this is the least costly, fastest and easiest way to fix the wall. Public Works staff will be doing the work. Total cost of \$22,105.50 will be coming out of Construction Materials budget line item, which as of August 31, 2011 has a balance of \$58,328.

**N. VanScoy moved to accept the recommendation. Motion seconded by T. Lizotte. Roll call vote carried unanimously.**

#### Charter Review Committee

D. Shankle presented the following suggested draft charge for the committee.

*The Council believes that the charter should be flexible while maintaining and respecting the fundamental rights of the citizens and should be clearly written so as to be easily understood by the citizens of the Town. The purpose of the Charter Review Committee is to review the present charter and recommend changes to help meet these ends.*

#### *Specific Tasks:*

1. *An initial report that provides a review of the charter to identify specific changes that need to be made to comply with NH statutes and recommendations for doing so.  
Due date:*
2. *A list of recommended changes that would improve clarity of expectations regarding chain of command and oversight, taking into consideration present and future needs of the Town and focusing on modifications that will enhance town operations and improve the governance process.  
Due date:*
3. *A final draft, incorporating committee recommended changes and rewritten so as to be easy to read and understand by citizens of the Town.  
Due date:*

N. VanScoy suggested having a timeline instead of due date.

T. Lizotte stated the committee should be looking at where the charter has failed the Town.

J. Sullivan stated the charge clarifies a need for a thorough review. It addresses the concerns of the public and allows more time for the process.

T. Lizotte volunteered to chair a committee to look into where the charter has failed.

J. Sullivan stated there is no need for a committee to look into this. The committee can look into this and decide.

V. Lembo added he does not think the Charter ever failed the Town. He thinks it needs to be modified.

N. VanScoy suggested conducting an administrative review of the charter to identify weak spots, looking through past records and minutes. From there, determine where to proceed with a Charter Review Committee.

***N. VanScoy moved to conduct an administrative review of the issues perceived as needed changing in the Charter. Motion seconded by T. Lizotte.***

J. Sullivan stated he believes that's what the previous committee has done. The former Town Administrator has also brought up issues with the charter. It's important to get the people involved, especially the original volunteers who worked on the charter when it was first adopted. He does not agree with asking the new Town Administrator to review the charter after only serving a couple months.

N. VanScoy added the Town Administrator could reach out to those people and look at past notes and records. The best way is to have it looked over by someone who has that type of experience and who has those organization skills and the ability to reach out to the people in the community.

**Motion carried unanimously.**

Town Hall Preservation Committee

The Town Administrator and Councilor Orr will meet next week to start the discussion and go from there.

Coaker Avenue

The piece of property was deeded to the Town with no conditions and was used for the Fire Station. The (2) abutters discussed the possibility of splitting the property but the process would be too costly.

The Town Administrator recommended, because of its interesting history, that the Town retain the property as a "pocket park" and ask the Heritage Commission to provide an appropriate marker commemorating its significance.

***J. Levesque moved to accept the recommendation. Motion seconded by T. Lizotte. Motion carried.*** N. Comai abstained for personal reason.

The Town Administrator will contact the Garden Club regarding possible maintenance of the park.

Town Council Rules & Procedures and Riggins' Rules

A question came up at the last meeting with regards to the handling of "calling a question".

D. Shankle provided some information taken from the official Robert's Rule of Order website.

Chair Sirak read it for the record. *It is a fairly common misconception that, after debate has continued for some time, if any member shouts out "Questions!" or "I call the question!" debate must immediately cease and the chair must put the pending question to a vote. This is simply not the case. Any member who wishes to force an end to debate must first obtain the floor by being duly recognized to speak by the chair, and must then move the Previous Question. Such a motion must be seconded, and then adopted by a two-thirds vote, or by unanimous consent. It is not in order to interrupt a speaker with cries of "Question" or "Call the question.", and even if no one is speaking, it is still necessary to seek recognition.*

T. Lizotte commented this is not reflected on the rules. He asked if rules would be adopted.

Chair Sirak stated suggested using the Robert's Rules and Riggins Rules as guides.

T. Lizotte stated a rule should be established and adopted.

V. Lembo asked the Councilors if there's anything on the rules that they object to.

No one responded.

J. Sullivan suggested adding a section on "calling a question" under debate.

***J. Sullivan moved to adopt the Council Rules and add a section on "calling a question" under the debate as presented. Motion seconded by N. VanScoy.***

V. Lembo commented this has not been past practice at Town Council meeting or Town Meeting.

M. Downer explained the Moderator runs the Town Meeting. The Moderator replaces the role of the Chair at a Town Meeting. Having the Moderator review the rules at the start of the meeting would be helpful.

Chair Sirak explained the rules being discussed applies to Town Council meetings not Town Meetings

D. Shankle stated the Town Clerk will be attending the next meeting as well as the Town Moderator and the Supervisors of the Checklist chair. That would be a good opportunity to discuss the issue.

**Motion carried unanimously.**

Chair Sirak stated his goal is to reach a balance between the public's right to know and media's right to know. Make the meetings as productive as possible dealing with governance issues.

T. Lizotte added it should be emphasized on the Town Council rules, per RSA 91:A that it is inappropriate to make phone calls to try to get a consensus from the majority. Boards that violate these requirements are subject to court scrutiny. He reminded everyone to be cognizant of this rule.

**NEW BUSINESS**

Children at Play/Caution at Elmer Street

Initial recommendation was to install "Children at Play" sign. The Public Works Director, L. Lessard would like to change it to a "Caution" sign to reduce liability.

***N. VanScoy moved to approve the "Caution" sign. Motion seconded by T. Lizotte. Motion carried unanimously.***

Property Tax Interest Policy

This is a house-keeping item. Per RSA 76:13, "Interest due in an amount up to \$25.00 may be waived by the Tax Collector with the approval and consent of the Town Council and the Board of Assessors, in if the collector's judgment the administrative and collection cost involved to not warrant collection of the amount due."

Kim Blichmann, Tax Collector recommended approving the policy to allow the Tax Collector to waive interest up to \$25.00 or less on tax payments received pursuant to RSA 76:13.

***T. Lizotte moved to approve the policy. Motion seconded by N. Comai. Motion carried unanimously.***

Recycling & Transfer Department Purchase of (2) Trucks and Collection Bodies

Diane Boyce, Superintendent thanked the board members, staff and drivers for all their help with the process. The following bids were received.

For the Truck/Chassis:

Mack	\$127,409.59/each	\$256,216.18 (for 2)
Peterbilt	\$115,626.00/each	

For the Automated Collection Bodies:

C.N. Wood (Heil body)	\$112,000.00/each
McNeilus	\$85,318.00/each
Beam Truck	\$86,220.00/each
Fairfield (Labrie body)	\$112,521.00/each
Hews (New Wave body)	\$103,370.00/each

D. Boyce recommended accepting bids from Peterbilt for the (2) truck/chassis for a total of \$245,170 and New Wave automated collection bodies for a total of \$206,740.00 for two.

N. VanScoy pointed out that Council Rules state that motions on “New Business” items have to wait until the next meeting.

***T. Lizotte moved to waive the rules. Motion seconded by N. Comai. Motion carried unanimously.***

***J. Levesque moved to approve the recommendation. Motion seconded by T. Lizotte. Roll call vote carried unanimously.***

Amended Recycling & Transfer Policy

D. Boyce presented the proposed amended policy.

The committee is 100% in favor of making it a mandatory recycling. She suggested adding the item on the ballot to ask the residents if they would be in favor of mandatory recycling. It would benefit the Town and would save some money.

D. Shankle stated this is a tremendous program and to have single stream recycling is the best of both worlds. He hopes that the Council would support putting this on the ballot.

J. Sullivan asked what would happen if mandatory recycling gets voted down.

D. Boyce explained people will have to make sure they are putting the right materials in the barrels. They only allow a certain amount of contamination. It will make an impact if people do not separate trash from recyclables. That's where education comes in. A letter will be sent to residents who are not doing it properly as stated on the policy.

***J. Sullivan moved to adopt the policy and to include on the ballot in May to make it mandatory. Motion seconded by J. Levesque.***

N. VanScoy asked how the condominium trash collection policy is working for the department.

D. Boyce stated this is covered under the policy (see below).

*“Condominiums will be required to provide for the collection and disposal of domestic trash within their communities. The Town will reimburse tonnage at a maximum of 31 pounds per unit per week at the Town budgeted rate (for trash disposal), paid semi-annually, upon submission and verification of paid invoices by the condominium association. The Town may rescind or amend this section at any time.”*

***T. Lizotte moved to amend the motion and remove the provision of adding mandatory recycling to the ballot. Motion seconded by N. Comai.***

T. Lizotte stated this still needs to be deliberated by the Council.

N. VanScoy agreed and added that anything the Council decides to do in May warrants more conversation.

***J. Sullivan rescinded his motion. J. Levesque rescinded his second.***

***N. VanScoy moved to accept the policy as presented. Motion seconded by J. Levesque.***

This motion amends the policy for Recycling and Transfer Department and does not address making recycling mandatory. Mandatory recycling will be discussed further.

**Motion carried unanimously.**

The Town Administrator will provide more information on mandatory recycling for discussion.

**TOWN ADMINISTRATOR'S REPORT**

D. Shankle informed the Council of the following:

1. The Code Enforcement Officer, Peter Rowell submitted his resignation effective Friday, October 14<sup>th</sup>.
2. The American Federation of State, County and Municipal Employees filed a petition for certification for a number of staff from DPW and Recycling & Transfer Department. This will be presented to the Public Employees Labor Relations Board.
3. The Town Administrator reminded all Councilors to bring in lawsuits served to them, ASAP.
4. DPW used to have privileges to inspect Town vehicles. Due to recent incidents, these privileges were suspended for 5 years. There is a hearing scheduled to change it from 5 years to 6 months.
5. The 2<sup>nd</sup> Annual Haunted Trail will be held on Friday, October 28<sup>th</sup>.
6. The 2011 County taxes owed is \$4,345,991.
7. The Town will purchase American made flag pins, which cost little more than flag pins made in China.
8. DPW is changing over to natural gas. The Town did not collect enough waste oil to heat the garage. The waste oil will be used by Recycling & Transfer for heat.

**SUB-COMMITTEE REPORTS**

Heritage Commission

1. History Week starts on October 14<sup>th</sup>. Various events are planned.
2. The State historical marker on Lambert's Park was stolen. The State will be replacing the marker.
3. The board is still looking for members.

Union Negotiation

No meeting held. They were waiting for the Council's decision on Health insurance.

Planning Board

1. "All or Nothing" – The applicants got approval for the loan. They will use their personal retirement fund for the stabilization of the slope.
2. A workshop will be held on Monday, October 17<sup>th</sup> between Planning Board, ZBA and Conservation Commission. The Council is invited.

Economic Development Committee

1. SNHPC is having a seminar on October 20<sup>th</sup> on the pre-certified site program.
2. Reviewed and made some changes on the Economic Development section of the Master Plan to be presented to the Planning Board for approval.

Parks & Recreation Advisory Board

1. The 5K Race held on Old Home Day was a success.
2. Working on a Town map of parks' locations with descriptions of the facilities and activities for the website.
3. PSNH is doing a community service day on the rail trail. They are replacing a culvert and doing some work on the rail trail.
4. Working on the Town's 5-year recreational plan and the ice rink.

ZBA

1. There was a re-hearing on Falcon Brook. They voted not to accept the application because it did not fit the zoning. Common land with 20 single family houses instead of a condominium.
2. Park Place Motel – The Chair was approach as to what the Town could do to help the displaced residents. ZBA granted residential/commercial use of the property. The owner has the right to develop his property.

#### Conservation Commission

1. Dredge and fill permit was issued for Granite Heights.
2. Quimby Mountain Park Planning sub-committee was formed.
3. Reviewed CIP requests.
4. Reviewed the 5K Race results.

#### PUBLIC INPUT

**Harold Murray, 311 Hackett Hill Road:** I was probably the biggest complainer about the microphone system at the old Town Hall. We got this new system here. What I would ask you all to do is be responsible for your own microphone. As soon as you walk in here, make sure you've got a microphone and make sure it works. It doesn't bother me a bit to holler "use your mic" but it's not the right thing to do.

**Dick Sullivan, Morgan Drive:** I highly endorse Harold's comments. I got up because I wanted to commend Diane. She's a tremendous asset to this Town. Generally speaking, we have folks that work for our community who are absolutely sterling people. Whatever department I go to looking for service, they are courteous and helpful. We're very fortunate. As far as Diane is concerned, I think she's worth 2 or 3 people. When she does her homework, it's thorough, it's well-researched. She's been trying to sell this single stream recycling almost single-handedly since I've been in Town. She converted me a couple of years ago. It's a process that's been slow. Diane has been very, very diligent in the work she's done. I just want to take special note of the kind of efforts that lady gives us everyday in this Town.

Chair Sirak: Thank you for reminding us how lucky we are with the staff here. I've had the same experience throughout this building. Everybody's been wonderful. Thank you for bringing that up.

**D. Pearl:** I'd like to comment on something that you discussed tonight. I object to Mr. Sirak's comment during my public input that somehow public input is linked to Councilors resigning and not running for office. All the Councilors that have recently resigned gave their reasons to the paper, whether it was their family situation or work. I took their words at that. For him to imply that while I'm sitting up here. Frankly, I object to that. I have never used personalities at this microphone. I brought information to this Council many times. The other issue I have with public input is this back and forth. The back and forth is not allowed if it's an uncomfortable subject, yet, when I was here not even a month ago talking about public access TV and getting a camera in here, we all engaged in a big conversation. I'm not opposed to that. But I think you have to enforce your rules in a uniform manner. You can't pick and choose the things that you don't want to talk about. You also can't predetermine that I'm going to insult someone's personality. I state the facts and I give my opinion and that's it. I'm also a little confused about Mr. Sirak's comments about dealing with things of governance here and not wanting to hear my comments about the Police Commission when it was Mr. Sirak who rushed out to make a comment about the Police Commission. I am sure you have discussed the Police Commission here many times. So if it's an issue that you discuss here, and you have governance over it, actually you don't have governance over it. I don't know why you're discussing it. I don't know why Mr. Sirak was talking about it in the papers as a Town Council Chair. So it's confusing to us to come up here to this microphone and be told something one day and then be embarrassed to have to sit here for 15 minutes and be threatened to be removed by the Police to be able to give my public input to this board. Thank you.

Chair Sirak: Speaking of public input, we have a new guest with us a representative from the Union Leader. I just met him a few minutes ago. Would you like to come up and introduce yourself?

Cory Francer, Union Leader: It's nice to see everyone finally in person. I've talked to some of you on the phone. My name is Cory Francer. I am a correspondent for the New Hampshire Union Leader. I just started. I've been assigned to the Hooksett, Auburn, Candia, Deerfield and Allenstown area, primarily. I

live in Manchester, originally from southeastern MA. I'm looking forward to working with everyone here in Hooksett.

**Jim Gorton, 150 W. River Road and former Councilor:** I don't believe that I personally ever gave any reason whatsoever for having resigned. However, for clarification, part of the reason was the public input about the Police Commission that was repeatedly reported here over and over and over when the individuals were informed that the Town Council had no governance or control over said Police Commission and yet, we as a Council had to sit here and listen to it repeatedly. Thank you.

M. Downer: One of things we discussed was issues raised during public input will be noted by the Town Administrator. In light of the feedback that we received, I'd like to ask the Town Administrator to look at an issue in terms of our public statements/policy regarding press releases and comments to the media. I think Mr. Lizotte had mentioned that early after being elected. I think it would be prudent and a wise step to take at this point.

**NON-PUBLIC SESSION**

***J. Levesque moved at 9:02 pm to enter into non-public session RSA 91-A:3, II (c) "Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant."***

**Motion seconded by M. Downer. Roll call vote carried unanimously.**

**J. Levesque moved at 9:25 pm to exit the non-public session. Motion seconded by M. Downer. Roll call vote carried unanimously.**

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

**ADJOURNMENT**

The meeting was adjourned at 9:27 pm.

Respectfully submitted by,

Evelyn F. Horn  
Administrative Assistant

Nancy Comai  
Town Council Secretary