

Official

TOWN COUNCIL MINUTES Regular Meeting Wednesday, March 28, 2012

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

PRESENT: Leslie Boswak, Nancy Comai, John Danforth (arrived at 7:57 pm), Michael Downer, Vincent Lembo, James Levesque (excused), Todd Lizotte, Susan Lovas Orr, Chairman James Sullivan and Dean E. Shankle, Jr. (Town Administrator)

PLEDGE OF ALLEGIANCE

A MOMENT OF SILENCE IN MEMORY OF RAY ROBB

APPROVAL OF MINUTES

March 14, 2012 – *T. Lizotte moved to approve the minutes as amended. Motion seconded by S. Lovas-Orr. Motion carried.* N. Comai abstained, not present for the whole meeting.

CONSENT AGENDA

1. Acceptance of \$500 Donation to the Heritage Commission from Hooksett Lions Club for the Veterans' Memorial Project per RSA 674:44-b.
2. Acceptance of Donation to the Fire-Rescue Department from Manchester Fire Department in the form of a Treadmill valued at \$1,500 per RSA 31:95-e.
3. Acceptance of Donation to the Police Department in the amount of \$1,805 per RSA 31:95-b.

V. Lembo moved to approve the consent agenda. Motion seconded by T. Lizotte. Motion carried unanimously.

TOWN ADMINISTRATOR'S REPORT

Dr. Shankle informed the Council of the following:

1. Started negotiations with the newly formed Public Works/Recycling & Transfer union.
2. A few Town staff testified on the proposed Senate Bill 291 on Public Works and Highways use of impact fees. Currently, the Town can only use impact fees on Town roads. The proposed bill would allow impact fees to be used on State roads.
3. Meetings are now available on-line. Also available are video tapes of various department heads discussing the budget.
4. Deliberative Session is Saturday, April 7, 2012 at Cawley Middle School at 9 am.
5. Hooksett Public Safety Day and Open House will be held on Saturday, March 31, 2012 at the Safety Center from 9 am until 1 pm.
6. Hooksett resident Allan Brennan wrote to the Hooksett Banner to express his displeasure over driving to Town Hall for an absentee ballot for the school election only to discover he needed to go to the SAU office. Dr. Shankle is in the process of working on having them available at the Town Clerk's office in the future.

PUBLIC INPUT

Don Winterton, 10 Prescott Heights Road – I've spoken before this body many times on issues involving sprinklers. The Town of Salem was one the 10 towns that were grandfathered. The Town of Salem chose to make it a vote of the Town. They went to the Town Meeting to ask their voters whether they would like to require sprinklers. 63% voted not to require a sprinkler system in single family or two family dwellings. I think we continue to be out of step with what voters want. The appointed Planning Board of Hooksett has voted to continue to require sprinkler systems. This is out of step with the State.

It's going to make properties more expensive to build in Hooksett. And it's going to make Hooksett less desirable. The argument was what if this was changed and someone should die. I would suggest putting an ordinance requiring helmets on motorcyclists. If someone should die, how would you feel? Somehow, somewhere we have to get the nanny state out of our lives and let people make responsible choices out of their own lives.

NOMINATIONS AND APPOINTMENTS

Available Positions

Heritage Commission – (2) Alternate Members

Sign up period for Town offices is on-going until Friday, March 30, 2012.

SCHEDULED APPOINTMENTS

Proposed Sewer Hook-up for Walmart

Peter Imse, Sulloway & Hollis (Walmart's legal counsel) and Stephen DeCoursey, Bohler Engineering updated the Town Council on the proposed sewer hook-up for Walmart.

Walmart at Route 3A is presently served by a sub-surface septic system. They would like to connect to the municipal sewer and has been exploring various options. The option they are considering involves installing a new sewer line that connects to Martin's Ferry substation. The proposed route of the line goes through Route 3A, Goonan Road, Riverside Drive, under I-93, to a riverfront lot that Walmart recently purchased, where a pump station will be built. From there, a pipe will be drilled underneath the Merrimack River to the Martins Ferry pump station. They have met with Sewer Commission several times. The Sewer Commission has indicated it wants this to be a private line due to the fact that the pipe from the Martins Ferry to sewer is near capacity. There will be no cost to the Town or the Sewer Commission. Permitting process should start next spring or summer.

S. Lovas-Orr asked if Walmart is prepared to resolve capacity issues if they cause any problems in the future.

P. Imse: Yes, Walmart does not want to create any issues for the Town. There are considerations for a holding tank in the Walmart site where we'll hold flow and discharge it during low flow period, i.e, middle of the night.

T. Lizotte stated there has been a considerable amount of discussion with the Sewer Commission with regards to capacity. With regards to going with private line versus public line, the discussion centered around the concept of tying in SNHU at some point.

Dr. Shankle: What's going to be the capacity of the pipe? There's a lot of stores in that area that at some point might want to hook up with the sewer line. Are we going to have to run different lines because that one is just big enough for Walmart?

S. DeCoursey: We've thought of that as well. We've offered to upsize the pipe to accommodate potential future users if in fact it becomes a public line and people would want to tie in. The Town will not have to rip up the lines and put in new sewer lines.

Dr. Shankle suggested having a detailed discussion with the Town staff before the Council makes a decision or recommendation.

M. Downer: When do you anticipate completion assuming no difficulty?

S. DeCoursey: We are at step one now and we've done a lot of due diligence. Tonight is the first step. We've met with DES and they have outlined what we need to do. We'll confirm what we need to do locally. We'd like to get it done in 2 to 3 months if we could.

A meeting with the Town staff will be scheduled.

Steve Couture, Conservation Commission re: Public Access to Conservation Lands Policy

Steve Couture presented the proposed policy. The policy puts in writing how the Council would like other boards and non-profit groups to work with Conservation Commission on developing public access to conservation lands. It also assigns the duties and responsibilities of each of the group. The policy was taken from the Town's Administrative Code, Master Plan and other existing documents. It was presented to various boards and committees as well as Kiwanis, which served as a work group for the policy. The same group will get together once a year to come up with prioritization, agree by consensus and move forward. Each group will take on their assigned responsibilities.

V. Lembo moved to adopt the policy. Motion seconded by T. Lizotte. Motion carried unanimously.

Don Riley, Town Moderator re: April 7, 2012 Town Deliberative Session

Motions, seconds and speakers were assigned to each warrant.

Don Riley stated he is willing to allow as much discussion at the Deliberative Session. He asked if there are any issues the Council is aware of that could be contentious. A motion and second to place it in the warrant is sufficient to carry into the warrant, no need for a vote. Any votes to be taken would be on amendments.

Police Commission

M. Downer, Town Council Representative to the Police Commission introduced Police Commissioners Joanne McHugh, Clark Karolian, Kenneth Scherer and Acting Police Chief Jon Daigle.

M. Downer opened the discussion by stating the Police Commissioners accepted an invitation to come to the Town Council meeting with the understanding that many of the questions from the Council as well as the public are protected under RSA 91A. This is not an attempt to evade or get away from answering the question.

J. McHugh: With regards to the audit, it was the decision of the Police Commission to commission an audit. There were many concerns brought to us by different individuals. Councilor Lembo asked an investigation to be done. That was not something the Council could do but it was more appropriate to be done by the Police Commission. We put out an RFP to 5 different companies. We set the criteria and the scope of the audit. We gave them a certain period of time to submit a proposal and what their expertise was of doing an audit of this kind. The audit was very specific. The audit had to do with having a review of the operations of the Police Department. The Police Commission made a commitment not only to the Council but the community itself that the findings will be publicly released. There were many findings within the audit itself that required many months of training, putting policies and systems in place and doing mentoring. Do we say to the companies who's going to come in and at what price? The best approach was to have PSSG who did the audit and worked with the department. We extended the contract with PSSG for a year to help the department, reorganize, mentor and work with individuals who had expertise in the area. One of the individuals was a chief of police, another was a captain and one had a high degree of education and experience. Each month we get a progress report on what they are working on. We're hoping that at some point, we'd be able to have a well-functioning department, where the citizens of the community feel that the Police Department has the capacity to protect the community. That's we have done.

C. Karolian: It's good for the department, the Police Commission, the Town Council and citizens of Hooksett to have this dialogue. There are a lot of things we cannot discuss because of RSA 91A. I want to let you know we were acutely aware of what the perception would be or could be by extending the contract with PSSG to help implement the recommendations made. I spoke out and had concerns about what the perceptions might be. In the end, we did what we thought was in the best interest of the community. There's no question in anybody's mind that's why we moved forward with it. These are the people we chose based on their past experience. We moved forward with that with some hesitation but thought it was the best way to go. Members of the department have been accepting of the mentoring.

One expertise is in detective work. One individual was a captain in a detective department of a big city. There were deficiencies that were corrected. Things can't change overnight. The extended contract is not for a period of one year but up to a year. They have done an exemplary job of what was asked of them. That's why we have this written report. We see what's happening. We hold PSSG accountable. There's a lot that needs to be done, in my opinion. The department has certainly moved forward and I expect it to continue. If there's anything on the report that you need clarified, by all means, ask us. We'll give you what we can give you.

K. Scherer: The decision to audit the Police Department predates my tenure on the Commission. Although I do support the decision to audit the Police Department. As far as the release of the findings, the Commission has taken great steps to make sure we've been as transparent as possible. We issued a press release regarding the audit and posted the results of the audit on the Town's website. Regarding our decision to extend the contract with PSSG, the original agreement with PSSG did contain the language to give us the ability to amend the scope of services. We amended the scope of services to include implementing the audit. We gave great consideration to what potential perception could be in terms of having the same organization conduct the implementation or at least participate in it. One thing I can say, PSSG is uniquely qualified to do that. We've worked very closely with them. The thing that separates them from other candidates that even looked at doing the audit was the fact that they had distinct skills set that are paramount in implementing the changes. They have experience from administration standpoint to detectives and operations. The monthly report from PSSG will be posted as an attachment to the minutes. We look forward to having public input and having the public come to our meeting. We think where we are today, we've seen a significant improvement already in terms of the morale of the department. We have some very good ideas on where we're going and how to get there.

Chair Sullivan: How far along in the process are you in implementing the recommendations?

J. McHugh: The monthly reports will give you an idea of what they are working on. PSSG expects to have a fully-shaped strategic plan by June. Items being worked on are, (1) planning for community engagement, SRO presentation and a tour presentation review, the Safety Day, (2) employee training through December, (3) development of new policies and procedure, (4) all SOP's will be reviewed, updated, organized and categorized into policies, (5) detective call backs, (6) detective case management, (7) shoplifting, (8) coordination of civilian positions, (9) review of detective case loads and develop tracking system, (10) communications, (11) development of job description, (12) development of effective disciplinary systems, (13) budget development, (14) expense tracking, etc.

C. Karolian: A lot of those mentioned have been implemented and done. A lot of SOP's are tailored to us. When I reviewed them it was extremely difficult. They were taken from other department and adopted into the dept. A lot of procedures have been put in place.

Chair Sullivan: What are your plans on hiring a permanent Chief of Police? Have you started the process of appointing a permanent Chief of Police?

J. McHugh: That is an on-going discussion. That's all I'd say with regards to that.

M. Downer: Is there a plan to include a public panel similar to what was done when the Town Administrator was hired?

J. McHugh: That is something that will be determined by the Commission.

C. Karolian: I firmly believe that the Police Commission is tasked with doing that. I feel that political pressure should never be put on the Police Commission to make choices. It keeps that separation between the Commission and the Town Council. We can make the decision. We were mandated to make the decision.

K. Scherer: Hooksett is very unique with the adoption of the legislation that established the commission. Ultimately, we have the sole authority to appoint the chief. In terms of the audit process, this is a dynamic process. Originally, PSSG was directed to create a strategic plan for implementation.

V. Lembo: At the last Council meeting, I said something that people took out of context. I represent all the people. There are a lot of supporters for the former chief and a lot of supporters for the commissioners. In the interest of transparency, wouldn't it have been a wise decision to put it out to bid? It is the policy of the town to get at least 3 bids.

J. McHugh: One of the reasons was in order for a different company to do the implementation, it would require for that company to do their own audit then go forward with what it would cost. That is well within the commissioners' authority when professional services are required. That's the reason we decided to go forward. Councilor Downer was there that evening when the discussion took place. That's how we arrived at the decision. It was not something we did lightly.

C. Karolian: If a contract is signed for services, and in the contract there is a provision that allows for an extension of the contract, does it have to out to bid on any single contract? Regardless of which department, if it has that provision, is it suggested to go out to bid a second time? We looked at it. We were aware of what the perception could be by some. We felt that was the best.

Dr. Shankle: It's not completely unheard of. We did something similar with the Planning Department when we expanded the study being done by the Regional Planning Commission.

K. Scherer: Ultimately, at the end of the day it was a no brainer to us. About the turnovers and retirements, most of them were in the command staff.

J. McHugh: The individuals from PSSG are mentoring the individuals in the department and working with them to see how these all fit into policing. Each one of those individuals has expertise in one area. They make sure that the staff matches the position. We appreciate the fact that the Town Council are supportive of our budget. That's some of the work being done. It will take quite a bit of time to go through each one of those positions.

C. Karolian: PSSG don't run the dept. We asked them to help implement the procedures. Everybody in that department is very dedicated. The management team is helping the department implement the recommendations. That will not be done overnight. The process will continue well after PSSG is gone. PSSG is not running the department. We have an Acting Chief who is running the department. The Commission is not running the department.

J. McHugh: One of the issues was job descriptions. Sometimes, the employees were not doing their job description, somebody else was doing them. To make sure the things that need to be done are being done and in a timely manner.

J. McHugh: One of the findings was the Administrative staff was top heavy. Where we are lacking is in the areas of patrol and detective division.

C. Karolian: We are actively moving in that direction. We are not up to our full compliment. It's a long process. As far as supervisory staff, there have been some changes for the better, getting promotions in place. It's a situation where I'd like to see the full compliment. Our focus is to make sure we get as much coverage as we can when we need it. A timeline is very difficult to give you when it comes to personnel.

J. McHugh: We have an issue at the department. I would ask Captain Daigle to explain the situation with vehicles.

Captain Jon Daigle: About a year ago, we have 12 marked fleet. It was cut to 8. We have 2 vehicles that are down for transmissions. Another car was hit by a drunk driver. That took another vehicle. We basically have 5 vehicles. We proposed 2 vehicles in our budget. We are looking into trading in the transport van for a vehicle.

J. McHugh: We find ourselves in a situation of not having a vehicle. We are asking if the Council would allow us to trade in the transport vehicle and use the fund balance to purchase a vehicle.

N. Comai moved to authorize to trade-in the transport van and use the fund balance to purchase a vehicle. Motion seconded by V. Lembo. Roll call vote carried unanimously.

OLD BUSINESS

Donation of Pepsi Scoreboard

M. Downer moved to accept the donation of Pepsi scoreboard. Motion seconded by N. Comai.

The Town would own the scoreboard and HYAA would be responsible for maintenance.

Motion carried unanimously.

Town Administrator's Evaluation

N. Comai presented the updated document. The sub-committee consulted with the Human Resource Coordinator with regards to how the previous evaluations were done.

Elizabeth Dionne, Human Resource Coordinator explained Councilors filled-out their own evaluation forms, including future goals, objectives and comments and turned them in to the Chair. The Chair would then average the evaluations. Everyone's evaluations were made part of the personnel file.

Council consensus was to have the following process for evaluation procedure:

1. The Council would provide the guidelines for evaluation.
2. The Human Resources Coordinator would come up with an evaluation template based on the guidelines.
3. A space would be provided for the Town Administrator's comments.
4. The evaluation template will be provided to all Councilors at the next meeting.

L. Boswak commented in the past, some Councilors refused to turn in their evaluations. Discussions on whether all Councilors' should be required to turn their evaluations in for the personnel file.

M. Downer stated if a Councilor is not willing to submit his/her evaluation, it shouldn't be used to get the average score.

The Council agreed.

J. Sullivan moved to require all Councilors' evaluations to be submitted to Human Resource for the personnel file. Motion seconded by T. Lizotte. Motion carried unanimously.

Town Council Rules – Public Input

After what happened at the last Council meeting, Councilor Lembo requested for this item to be added to the agenda. A constituent spoke during public input and Councilor Lembo took it as a personal attack. He stated the changes made to the rules did not work.

S. Lovas-Orr: The only change that we made was that we allowed questions. The fact that there shouldn't be personal attacks was always in there. It was implied and changed to put it in there firmly. We're going to say something in here that people are not going to like. There will be comments the public will say about us that we're not going to like. It's part of our burden. I don't think we can entirely prevent that from happening.

V. Lembo: I took offense to him being offended that I made the motion whether he agreed or not. I had the right to make the motion. I didn't think it was going to be approved but I had every right to make that motion.

Chair Sullivan: The burden is more on the Chair. If I do anything as a Chair that you don't like, please by all means bring it to my attention and I'll stop. Being a public servant, which we are, things are said that we take offense to. We have to have a delicate balance of how we respond and how we allow the other side to comment. The last time, when someone was gaveled down, it got out of hand. I was afraid if I gaveled anyone down, it would create another situation that happened the last time. It's a delicate balance. I tend to give them a little more latitude when they say something against the Council.

M. Downer: I think personal comments are almost invariably one of perspective. I may have taken it that way as well. When I heard the comment, I didn't view it as personal. I don't have that same perspective as you do. I think he was referring to the Council showing confidence at one point and showing no confidence at another point. I agree with Councilor Lizotte that you have a right to make a motion. They may or may not be agreeable to everyone.

V. Lembo: I've seen 8 Councilors go through this and walk away from this Council because of the very attitude that they have. I'm not going to sit here and take it.

T. Lizotte: I think you can let it go a little. People are going to say some things that are not appropriate. Everyone can give their own persuasive opinion. As long as we keep that civil, we only need to worry about what we need to do.

N. Comai: Since I was not here, I viewed the tape. The public input was handled appropriately based on the public hearing rules. We have to allow it to happen and address it later.

Chair Sullivan: I'll try to use my best judgment when I think people are getting over the line. My line is very short when someone is criticizing someone other than a Councilor. All we can do is be civil to them and encourage them to be civil to us. That's all we can do.

NEW BUSINESS

Agenda Items

N. Comai suggested making a list of items discussed with status to make sure all issues brought up at the meeting are resolved.

T. Lizotte suggested adding to a future agenda a discussion with regards to the Council voting on an issue versus bringing it to the voters for decision.

NON-PUBLIC SESSION

V. Lembo moved at 10:20 pm to enter into non-public session per 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 T. Lizotte. Roll call vote carried unanimously.

N. Comai moved to exit the non-public session. Motion seconded by T. Lizotte. Roll call vote carried unanimously.

ADJOURNMENT

The meeting adjourned at 10:30 pm.

Respectfully submitted by,

Evelyn F. Horn
Administrative Assistant

Leslie A. Boswak
Town Council Secretary

