

Official

TOWN COUNCIL MINUTES Regular Meeting Wednesday, May 23, 2012

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

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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

May 9, 2012 – *J. Levesque moved to approve the minutes as amended. Motion seconded by T. Lizotte. Motion carried.* L. Boswak abstained, not present at the meeting.

CONSENT AGENDA

1. Acceptance of Grant Fund for Fire Department per RSA 31:95-b - \$2,052
2. Acceptance of Donations to Heritage Commission for Veterans' Memorial Fund per RSA 674:44-b
 - a. From Historical Society Dues & Treasury - \$200
 - b. From Patrons of the American Legion and the Deer Head Sportsmen's Club - \$422

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. The Garden Club is putting the flower boxes back up on the bridge as was done last year.
2. Discussed union contract.
3. The Town is applying for a \$30,000 grant with NH Preservation Alliance.
4. United Health Care put together a walking path for their employees. Dr. Shankle participated in the ribbon cutting ceremony which opened the walking path.
5. The lease with the court is up this year. Dr. Shankle did a walk-through of the District Court with the Bureau of Courts.
6. On Saturday, May 19, 2012, the Lions Club honored Hooksett's Citizen of the Year, Mary Farwell.
7. Heritage Day was Sunday, May 20, 2012. Various activities during the day were held.
8. He spoke with the Principal of Underhill School regarding running the summer reading program at the Town Hall.
9. Met with some people in the neighborhood about the work being done at the Pinnacle Parking lot. There were some concerns with the neighbors with stumps still on the ground, vehicles driving over the stone walls, etc. He discussed the process with the residents. Last year, the Conservation Commission and the Pinnacle Park Advisory Board decided to put a parking lot at Pinnacle Street to provide more public access to the Pinnacle. Public Works Director realized it would be a liability to put it there and decided to put it up the street, which was done. There were a lot of changes through this process. Neighbors became concerned once the work started. It should be finished by fall.

V. Lembo requested for the residents to be allowed to speak. Mr. Arthur Merrigan came up to speak. (See Public Input)

10. The Memorial Day parade will be held on Sunday, May 27, 2012 starting at noon at Lambert Park and ends at the American Legion.

11. The stolen historical marker was found broken. The State put it back together and is back up.
12. Tax bills will be mailed on Friday, May 25, 2012 and will be due on July 2, 2012.
13. The Community Gardens are all set up. There are 12 plots, 10 of them are already taken.
14. Most of the Council's next meeting will be spent talking about budget transfers and encumbrances.
15. He asked for Joanne McHugh, Police Commission and Jon Daigle, Acting Police Chief to be allowed to speak with regards to the budget.

J. McHugh: The default budget poses a big problem with the department. The commission felt that based on the fact that we try to keep the lines of communications open, it was our duty to notify you with regards with some of line items that would be over-expended. There hasn't been a vote taken by the Police Commission. It was taken under advisement and we are still doing our due diligence as far as research. The 1st item has to do with cruisers. In the budget proposal, we requested for 2 cruisers. We are trying to do a trade-in with the van towards one of the cruisers. Between \$25,000 - 27,000 will be needed for both cruisers. Another \$12,000 will be needed for cruisers equipment to be installed. The other matter has to do with the holsters the officers wear. As a result of the audit, there was a discussion about replacing the nylon holsters for safety. We will be using a local vendor and the cost would be \$7,312.51. I will ask the Captain to explain to you what is involved and why it's necessary to replace the holsters.

J. Daigle: This is something we've been looking at for a couple of months. It was brought to our attention by our officers as well as our firearms instructors. Right now, when we check a building, we have to remove the weapon, take the light and re-holster. If something should arise in the building, you have to waste time to do something with the tactical light. They have holsters made to keep the tactical light on. Our decision is to go ahead and purchase those.

J. McHugh: Another matter is the computers, the computers we have are not only very old but they do not all run on the same platform. They are pretty slow. We need to replace 7 laptops for \$8,568 and 19 desk tops for \$14,735. The server also needs to be updated for \$14,860. The last thing is the website, for on-line presence for \$2,000.

M. Downer asked if the computer prices are state bid prices.

J. Daigle: These are actually lower than state bid prices.

V. Lembo: Are all these items included in the proposed budget.

J. McHugh: We are looking to pay for them out of this year's fund balance. Given the fact we may have a default budget, there are no funds in the default budget to purchase two vehicles. We won't have the money for these and all other items that have come up. The two vehicles were included in the original budget request.

Dr. Shankle: Could you explain how much money you think you're going to have left at the end of this year?

J. McHugh: I can give you a number that was given to us at the last meeting but whether or not that is the true number, I don't know. I would say in the vicinity of \$300,000. There will be a total of \$86,476.24 for anticipated expenditure.

N. Comai pointed out that the budget update as of April 30th shows the department is under-expended by \$840,000.

J. McHugh: We still have May and June. The projection included expenses until the end of the year.

T. Lizotte: The computer system upgrade, that's infrastructure to run a proper Police Department. I would think that's critical. The holsters, are we ordering just enough or more?

M. Downer: Having a few extras on hand is a good idea. They solicited a number of bids and there was a lengthy discussion on the belts.

V. Lembo: Have we taken the van somewhere to see what the value is?

J. Daigle: One of the dealerships offered us \$15,000 in trade. We started working with the Sheriff's Department. I was able to get them up to the exact cost of the cruiser. It will cost the Town nothing. They will cut the check to the dealership.

Town Administrator's Report – Con'd

16. The vote recount on article 3, Operating Budget, will be held tomorrow at 1 pm in the Council Chambers.

Town Moderator, Don Riley was allowed to speak.

Don Riley, Town Moderator: The recount is scheduled for tomorrow at 1 pm. It's been posted. All statutory requirements have been met. Councilors Comai, Sullivan, Levesque and Lizotte will be participating along with 2 other individuals. The petition is specific to Article No. 3 (Proposed Operating Budget); this is the only vote to be recounted.

PUBLIC INPUT

Arthur Merrigan, Cedar Drive: Having lived in that neighborhood for many years, I don't think Mr. Locke would agree with what's going on. We were told how things were going to happen and those things changed. Shame on us for not being involved with some of those meetings. I have several concerns. We were told there will be a buffer left of the Pinnacle. There used to be 60-65 feet of trees behind the stonewall. I am assuming the buffer going up would be the same buffer mentioned on regulations. The Town also has a regulation on preservation of stonewalls. It is the Town's policy to protect and preserve stonewalls. The destruction of the wall was absolutely unnecessary. There is a map on community development page that shows the area containing rare and endangered plants, animal species, etc. I don't know if it's a wetland. I'm not sure if it falls under the wetlands. There were trees removed that probably didn't have to be removed. I've read in the minutes that if we don't expend the impact fees, we're going to lose the money. That land has been there for hundreds of years. It's not going anywhere. Given the financial situation of the Town at this point, it doesn't make sense to me to have DPW in there when they could be doing far more important infrastructure project. The damage is done, it needs to be cleaned. Somebody needs to be present when they're doing this work.

Dr. Shankle: When they started talking about working on this project last year, I had the same concerns he has in terms of the wetlands and the well radius, etc. I made them show me the maps. The dangerous species, all of those things came up. The Conservation Commission was the one overseeing the project. They assured me everything was okay in there. I will follow up with DPW on the stonewall. Anything else we can rebuild in there, we will. I think stonewalls are important. I hate to see them touched. I understand the concern. We probably should have marked the trees that are coming down. Certainly, we didn't rush because of the impact fees. I tried to keep this in front of as many people as possible. I know it looks bad right now. I'll make sure they work on it. If you don't see progress on a daily basis, let me know.

OLD BUSINESS

Fraud Policy

The amended version of the Fraud Policy (on file) was presented to the Council.

V. Lembo moved to adopt the Fraud Policy. Motion seconded by J. Levesque. Motion carried unanimously.

Kiwanis 5K Race

This was presented at the last meeting. There were few issues that need to be addressed with Police and DPW.

Dr. Shankle stated since no public roads will be used, Police has no issues with the roads. Their only concern was with parking. Some people will be asked to park at the University Heights area. DPW will do what was done last year. Hooksett Old Home Day will provide porta potties. DPW is also looking into making the trail accessible. Tom Young, President of Hooksett Kiwanis will be attending the Council's next meeting to discuss the use of trails.

A motion to grant the use of Town resources was tabled at the last meeting.

Kiwanis requested for \$2,500 worth of Town resources. V. Lembo asked if the Town could legally spend money if it's not ADA compliant.

The Town Administrator was asked to verify the breakdown of expenses and check into ADA compliance issue.

M. Downer moved to table. Motion seconded by J. Danforth. Motion carried unanimously.

NEW BUSINESS

Emergency Expenditure Policy

T. Lizotte requested for the item to be added to the agenda for discussion.

T. Lizotte: There are emergency provisions in place. I just want to discuss for clarity and to make sure what we have is adequate.

Dr. Shankle stated the Town Charter as well as the Administrative Code (Section 5.5.2) refers to the emergency expenditure procedure. The Administrative Regulations also refers to the procedure.

T. Lizotte: The only scenario where it's not clarified is when Leo has to act, i.e., the water main breaks where we don't own the water main. If it's Manchester Water, they will come in. If it's our own utilities, they don't have the resources in order to do it. The question is, do we need to add any verbiage or does the Town Administrator believe this is adequate?

Dr. Shankle: I will expect that in an emergency situation that the department heads will do what they need to do. I made it clear that I expect them to do that. I wouldn't expect them to wait to get ahold of me, even. I don't know how to make that any clearer. I don't see any problems at this point.

T. Lizotte: For the record, are we saying that type of leniency would be given? As long as everyone feels comfortable with that, I'm good.

L. Boswak: When you read the Charter, there is nothing that addresses emergencies.

Chair Sullivan: The Charter does say, "*Administrative Code shall be established*". And under Administrative Code, we added a section for emergency expenditure. So I believe it's covered but we can get that clarified.

L. Boswak: I disagree. The language is specific and this makes it questionable.

M. Downer stated he thinks the Town Charter, Administrative Code and Administrative Regulation covers the issue. Obviously, the Town Charter can use some refinement in the language.

Dr. Shankle agreed that emergency expenditure procedure should be in the Charter.

This would be included in the Charter Amendment procedure.

Review of Bid Procedure

V. Lembo brought up the idea of Town departments being able to bid on a job.

**Anyone requesting auxiliary aids or services is asked to contact
the Administration Department five business days prior to the meeting.**

Chair Sullivan: A bid is required only when a Town department determines it cannot do the job. You cannot have the Town bidding against other vendors.

M. Downer pointed out that the Administrative Code actually addresses this issue under Section 5.3, "Cooperation between Departments, If possible, it is the duty of every department, subject to approval of the Administrator, to furnish to any other department such service, equipment, labor and materials as may be needed to perform necessary operations." It is protected under the Administrative Code.

T. Lizotte: I don't think we're disagreeing with that. They don't have to be part of the bid. They look at all the bid and if they decide the Town could do it cheaper. They can tell all the bidders, it'll be done internally.

Discussion with regards to the replacement wall at 17 Granite Street.

In the future, when a similar issue comes up, three bids will be acquired or bid rules will be waived.

MS-2

T. Lizotte moved to table until after the vote re-count. Motion seconded by M. Downer. Motion carried unanimously.

Cable Franchise Agreement

The franchise agreement with Comcast Cable will end in December of this year.

Council consensus was to form a sub-committee to negotiate the new Cable Franchise agreement with Comcast.

N. Comai volunteered to be the Council Representative.

M. Downer moved to appoint Councilor Comai to the committee. Motion seconded by T. Lizotte. Motion carried unanimously.

This will be added to the list of nominations for the next meeting.

L. Boswak suggested reaching out to the school to see if they would like to send someone to join the committee.

SUB-COMMITTEE REPORTS

Town Hall Preservation Committee – J. Danforth

- Checked into the Town Hall's registry information.
- Will come before the Council to talk about grants and programs being considered once committee members are finalized.
- Will have a display table in August at the Farmers' Market.
- One potential new member, Tom Walsh of the Planning Board.

Heritage Commission – J. Sullivan

- Veterans' Memorial project – The 1st phase of the renovation project will start soon. There is not enough money for the second phase. Fundraising activities are on-going. A softball fundraising game will be held on Friday, June 22nd at the Donati field. T-shirts will be available for purchase.
- Sponsored an open house and cemetery tour on Heritage Day.

Police Commission – M. Downer

- Sworn in two new officers.
- They will start a Facebook page to allow quicker communication to the general public.
- Looking into getting some funding through homeland security grant for portable radios.

Anyone requesting auxiliary aids or services is asked to contact the Administration Department five business days prior to the meeting.

- Discussed the budget, how to meet the department's needs with a default budget.

Union Negotiation – V. Lembo

Meetings and negotiations are on-going.

Recycling & Transfer – J. Levesque

- The final figure for the trucks is \$225,000 each, \$15,000 below budget.
- Barrels are coming in May 30th-31st. They will be assembled and start distribution by Monday, June 4th. It will take about 2 weeks to distribute all 8,000 barrels. They hope to start picking up by middle of June.
- Getting \$5/ton for single stream recycling.
- Concord Coop issue is dead.
- BFI is offering \$15-20 a ton for single stream recycling. Schwarts is still not taking cardboard. BFI is only interested in what's being picked up from the road and recycling will be brought to Industrial Park in Hooksett. Schwarts will still be taking recyclables being dropped at the station. BFI is not interested in that. Diane is working on this.
- 2 People left for Associated Grocers. One could be re-hired by DPW.

Budget Committee – T. Lizotte

- The Police Commission made the same budget presentation to the Budget Committee to make them aware of the situation.
- Discussion regarding the school and development of better budget process.

PUBLIC INPUT

J. McHugh: My term in the Police Commission ends in June. I will not be able to attend either meeting in June. One thing I'd like to ask, do I still have to provide criminal background and driver's records?

Council consensus was for all candidates for Police Commission to provide criminal background and driver's records check.

David Pearl: I just want to make a couple comments with regards to the Cable contract. I think we have moved to a point where we're not going to need a traditional cable studio anymore. I'm hoping this is the time when we could direct the franchise money where it should be. I'm also hoping we would be able to cover the cost for the school. The school board just adopted to have the same system that we have here. It was a budget issue. Perhaps some of the Comcast franchise money could be used for that and create some type of account for equipment replacement. This is really economical. Since we will be negotiating a new contract, I think this is a good time to address that. Consider it as you look at the contract.

NON-PUBLIC SESSION

J. Levesque moved at 8:35 pm to enter into non-public session under 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.", and,

RSA 91-A:3, II (e) "Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph."

Motion seconded by T. Lizotte. Roll call vote carried unanimously.

M. Downer moved at 9:26 pm to exit non-public session. Motion seconded by L. Boswak. Roll call vote carried unanimously.

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

ADJOURNMENT

The meeting adjourned at 9:28 pm.

Respectfully submitted by,

Evelyn F. Horn
Administrative Assistant

Leslie A. Boswak
Town Council Secretary