

OFFICIAL

TOWN COUNCIL MINUTES Regular Meeting Wednesday, January 9, 2013

CALL TO ORDER

Chairman Sullivan called the meeting to order at 6:40 pm.

ATTENDANCE

Nancy Comai, John Danforth, Michael Downer, Vincent Lembo, Todd Lizotte, Susan Lovas Orr, Chairman James Sullivan and Dr. Dean E. Shankle, Jr. (Town Administrator)

James Levesque (via video)

EXCUSED

Leslie Boswak

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

December 12, 2012 Regular Meeting

T. Lizotte motioned to approve the minutes of December 12, 2012 as presented. Seconded by V. Lembo. Vote unanimously in favor. M. Downer abstained.

December 12, 2012 Non-Public Meeting

T. Lizotte motioned to approve the minutes of December 12, 2012 non-public meeting as presented. Seconded by N. Comai. Vote unanimously in favor.

December 19, 2012 Special Meeting

T. Lizotte motioned to approve the minutes of December 19, 2012 as presented. Seconded by M. Downer. Vote unanimously in favor. S. Orr and V. Lembo abstained.

December 19, 2012 Non-Public Meeting

T. Lizotte motioned to approve the minutes of December 19, 2012 non-public meeting as presented. Seconded by M. Downer. Vote unanimously in favor. S. Orr and V. Lembo abstained.

January 2, 2013 Special Meeting

T. Lizotte motioned to approve the minutes of January 2, 2013 Special meeting as presented. Seconded by V. Lembo.

N. Comai motioned to table the minutes. Motion seconded by S. Lovas Orr. Motion carried.

CONSENT AGENDA

1. Acceptance of Donation of (3) Lawn Mowers per RSA 31:95-e - \$150
2. Regency Mortgage Site Bond Release - \$53,566

T. Lizotte motioned to approve the consent agenda. Seconded by M. Downer. Vote unanimously in favor.

TOWN ADMINISTRATOR'S REPORT

- Petition Warrant Article was received today to abolish the Police Commission. It has been submitted to the Town Clerk for verification of signatures.
- The Fire Department has been involved with the School due to the tragedy in Connecticut.
- Letters were received from Moderator Don Riley thanking all the people who help during the Presidential Election.
- Hooksett Fire Department received a Thank You note from someone they helped during an injury.
- The Fire Department now has a Twitter account.
- The son of a deceased Firefighter was contacted and confirmed that his mother is 91 and still alive and receiving widow benefits as a result of an accident which happened to a call firefighter in 1955.

PUBLIC INPUT

Michael Sorel, 54 Cross Road stated that former Councilor Bill Sirak suffered a stroke and is at Dartmouth Hitchcock in Hanover and he will be there for two weeks before going to rehab.

Grace Zartarian, 37 Farmer Road: Read from attached statement regarding an abutter operating a business in a residential neighborhood and releasing fireworks which resulted in debris on her house. The permit issued by the Code Enforcement officer gave a shed permit and not a business permit. Chairman Sullivan asked Dr. Shankle to look into the matter and report back to the Board.

Harold Murray, 311 Hackett Hill Road: On 12/12 I attended a meeting where the Council went into Non-Public at 9:17 and thought I would watch the rest of the meeting on web-stream. When I turned on the web, it wasn't there and I haven't seen it since. My next choice was to look at the minutes and what I was looking for wasn't on the minutes. I then went to the previous video. Mary Farwell was on that video complaining she couldn't hear it well. It is like reading a newspaper with holes. As soon as someone turns their head away from the microphone, you can't hear what they say. I would like the Council to watch a complete video tape of these meetings to see the quality. This leads to the television franchise. I listened to a committee member, it doesn't cost but a nominal fee, a bite on the taxpayers is minimal. The next gentlemen on the committee said they are looking into a manager for 20 hours a week. Is this coming out of the money you will be using? This system we have now would be good if you people used it properly. You should get rid of these microphones and get caller-in microphones.

David Pearl, 79 Main Street: I am here to comment on the Police Commission question. I would expect the Council not to comment on that petition because it was brought by citizens. This Council has set precedence by their vote of "no confidence" in the police commission. I think due to the changes, the Council should reconsider that confidence vote with the Police Commission. Because of the precedence set by the first no confidence vote, you will send a message to voters that you still are not confident. The Police Commission deserves your fair consideration.

Robert Duhaime, 1779 Hooksett Road: I understand you will be making appointments to the Planning Board tonight and I would like to be a full member. I have served more time as an alternate and have done 3 years as an alternate and would like your consideration to full time.

Marc Miville, 42 Main Street: Regardless of the petition submitted, a year ago the Police Commission and the department were in turmoil without a chief. There was a citizen petition requesting an independent audit which was done and came up with a number of issues. The commission began to repair all of those conditions and now it is fixed and the audit recommendations have been accomplished. They have promoted from patrol to sergeant. They have hired almost all 7 officers. Now, they have hired a Police Chief. Five (5) Councilors attended the swearing in ceremony and applauded that appointment. I commend the Commission's work over the past year. They have overcome the no confidence issue. You approved their budget without a single change. I ask that you reconsider your no confidence vote and reverse that previous vote of no confidence. Regarding the complaint coming later, I think you should review the complaint on its merit.

Don Winterton, 10 Prescott Heights Road: I don't know if there will be any discussion prior to the appointment for full member on the Planning Board. I have been an alternate member since June and

have attended all meetings. I bring common sense to that Board and would like to be appointed as a full member.

NOMINATIONS AND APPOINTMENTS

Planning Board, Full Member, exp. 6/2013

T. Lizotte motioned to appoint D. Winterton. M. Downer seconded.

V. Lembo motioned to appoint R. Duhaime. Seconded by M. Downer.

T. Lizotte stated the appointment expires in June of 2014 and the Council can re-examine that appointment at that time. I like Mr. Winterton's fresh perspective.

S. Orr: As the Representative to the Planning Board, I think both Mr. Winterton and Mr. Duhaime add valuable information for the Board. As much as I believe both are excellent full members, Mr. Duhaime has been a member longer and served three (3) years as an alternate and should have the opportunity to serve as a full member.

V. Lembo stated that he feels both would serve well but in the past, the senior member is usually moved up. Mr. Duhaime is the senior member and that is stated in the Charter as a guideline.

Roll call

N. Comai Don Winterton

J. Danforth Don Winterton

M. Downer Rob Duhaime

V. Lembo Rob Duhaime

J. Levesque Unavailable

T. Lizotte Don Winterton

S. Orr Rob Duhaime

Sullivan Don Winterton

Vote: 4:3 (Don Winterton)

SCHEDULED APPOINTMENTS

Public Hearing re: Proposed Town Charter Amendments

The purpose of the Public Hearing was read by Chairman Sullivan.

The Chair declared the Public Hearing open at 7:30 pm.

Chairman Sullivan read the Charter amendments into the record.

D. Pearl, 79 Main Street: I'm reminded that we have a representative form of government and we have Boards that work through these changes. I feel that 25 signatures are easy to acquire and that can be to the advantage of a small group of people and could pass due to a well written article. I think the bar should remain at 2%. Only if a large number of citizens believe the zoning board is not hitting the target, should changes can be proposed.

Don Riley, 25 Harvest Drive: With regard to the change from 2% to 25 signatures, I completely concur with D. Pearl. The prospective from the Charter Commission was the bar should be high so frivolous articles should not make it to the ballot. It will cause confusion and dilute the town warrant. When it comes to referendum or initiative petitions, the Charter Commission initially set that bar high for that purpose.

Marc Miville, 42 Main Street: I agree with previous speakers. There should be high threshold so particular interest groups could not put forward a petition for a particular neighborhood or interest. I would compare that to the national scene where they need 2/3's of the States to accomplish the change. When a high number is needed, you get a majority of the town wanting that change.

Mike Sorel, 54 Cross Road: With due courtesy to the previous speaker, I have had experience with this question. When I wanted to put a petition forward I was told by the Planning Board that 25 signatures

were required by State Law. I think you need to research that before you go forward with this change. There is a flaw in the rezoning of property. There is no legal requirement that any property owner be notified when their property is rezoned. As a professional, I have represented owners and they were rezoned by referendum. There is a flaw and I submit that to you. It is not whether the bar is high or low, it is a conflict between the State Law and the Town Charter.

T. Lizotte commented that RSA 675:4 states 25 or more voters may petition for the zoning ordinance. Does this RSA say 25 or more in defining it or is 25 the threshold?

J. Duffy, Town Planner: Mike Sorel is correct, the State Law is 25 and you need at least 25 on your petition. There is a one month window that begins in January. It wasn't until Mr. Sorel came in with a petition that we became aware that we weren't following the Charter. This was not clear when the 2% starts. You need to determine the number of registered voter. We decided to pick a date, which was the period when the petition is submitted and publicly state the number needed. 2% of the registered voters after a presidential election is quite high. It gets verified by the Town Clerk and then it is handed to the Planning Board and they vote to recommend or not when it goes on the ballot. I have never seen a petition article approved by the voters without the Planning Board's approval. It is not unreasonable to ask for 25 or more and that is what the State requires and what most communities ask for.

N. Comai: The document is the NH RSA? In JoAnn's experience, it is cumbersome and you agree or disagree this should be a higher number because you could get flooded with articles?

J. Duffy: Before this came up when Mr. Sorel submitted, it was always assumed 25 and we never got very many. Most people do not look to change zoning. When the Performance Zone went into place, we did notify property owners affected by the change. There is no law that states we must notify but in this town have been doing that for quite a while.

M. Downer: Any petition goes before the Planning Board?

J. Duffy: The Planning Board cannot change it and they have to place it on the warrant but they can recommend or not.

Dr. Shankle submitted an opinion from Mr. Buckley that 25 or 2% are legal and it is the town's preference.

D. Riley stated that the Charter does not say which election number of registered voters but it doesn't say registered voters. It says 2% of the voters of the town.

S. Orr: By saying no less than 25, you don't need to say or more.

T. Lizotte: The question on the 2%; 7400 voters is 184 signatures.

D. Riley stated the registered voters now are 9000 +, if we state it is 2% of the registered voters at the last election held in Hooksett.

N. Comai: Would it be simplistic to say the number 100 would work rather than a moving percentage. I am more inclined to choose a number. It does say 25 or more.

Dick Sullivan, 7 Morgan: This question of 25 or more, 2%, 8% seems to be circular. Twenty-five sounds like a great number. The argument I hear is you want a higher number because we may be buried in amendments and the warrant will be too long but that hasn't happened. So we are just wasting our time.

Article 5.4.c

Read the article amendment

Article 8.3.a

Read article amendment

D. Riley: This concerns me because we are going from a high number to 25 for a referendum. I can't give a legal definition of referendum but any rule ordinance or whatever exists in the town, a referendum petition can force you to reconsider that. The Charter Commission discussed keeping the bar high so that an issue that needs to be reconsidered will receive a high enough number of petitioners which will indicate it does need to be reconsidered. You can get 25 signatures by just walking down your street.

D. Pearl: I agree with Mr. Riley but as a citizen, I would like to hear the reasoning from whoever brought this forward. I don't think this is a happy medium. This 20% of 9000 people to 25 signatures and I haven't heard a reason. Before we were going from 2% to 25 and I agree with Mrs. Comai to pick a number like 100. But to see this without any reason; I would like to know why it was brought forward.

J. Sullivan: I think this was to be consistent with the State RSA.

T. Lizotte: I don't wish to explain someone else reasons. Reflective of our minutes, it was to make it easier for people to do things. My concern was the definition of referendum wasn't well defined and this deals with ordinances and things we do. In my investigation, does this mean Charter changes? Any 5 voters can form a petitioner's committee. I think initially it was 20% to 10% and at the last meeting 25 voters was introduced. I voted for it to get to this hearing and then reconsider. Referendums only deal with items that were created by the legislative body.

Dr. Shankle: If for example, the Council changed the Fireworks Ordinance and the public didn't like it. Once a referendum petition is brought in, the Council is required to address it and that can be costly. You could have to hold a special election.

M. Miville: The amendment is to go from 20% to 25 signatures. I agree with Dr. Shankle and Mr. Lizotte. I think referendum refers to something very serious. For example, a referendum for a tax cap or to tear down old town hall. Those are very serious. It is my memory that Councilor Boswak introduced that change as a populous vote.

D. Pearl: I thought this would go to the next election and not a special election. Someone that just wanted to cause trouble for the town could continue to do this just to be disruptive to the town. I think we are opening ourselves up to a liability for just 25 votes.

Amendment to change the Membership of the Planning Board – Read by the chair

Dr. Shankle: From my perspective, I believe that the people that live in the town should control their fate for land use. Neither I nor Leo Lessard live in Hooksett. From that perspective, I have felt uncomfortable when two votes from non-residents can sway a vote. Secondly, both Leo Lessard and I work with developers in town. We are supposed to encourage new development so we send mixed messages. There are TRC meeting when staff meets with the developer to review things. Mr. Lessard makes recommendation and therefore they expect him to support them for doing what he said when they get to the Planning Board. You don't want anything they say to us to be perceived as buying a buys vote on the Planning Board. Because of those ethical concerns, and the Councilors wanting me to get involved with Developers, it places me in an awkward position.

J. Gryval, 5 Elmer Ave: We discussed this at the Planning Board meeting Monday night. I think it is working well now and I think it is important to have the highway director on the board. The Board thinks it would be a mistake not to leave him on there.

Dr. Shankle: You would need him there as staff support and not require him to vote politically on the application. He should be focused on the road and provide staff support.

J. Gryval: I don't think he should be voting on issues of the town if he's not a resident. I support going from 9 members to 7 members.

**Sen. David Boutin, re: Ritchie Brothers
Sale of Access Point on Hackett Hill Road**

D. Boutin: This involves the project at the Pallazzi property for Ritchie Bros at exit 11. The issue came forward that the access point of the Pallazzi property actually belongs to the State of NH. Under State Law, the only way the DOT can dispose of that access is go through a process where the applicant has an appraisal done and the State does an appraisal and they try to come to an agreement. The other State agencies can come forward if they have an interest. This is private property so no other State has an interest. The state asked the town if they have an interest in that access point. Ritchie Bros. was told we were looking at a 9 to 11 month process. I met with Ritchie and DOT and came to an agreement for a 3 month process which would get them on the site by mid-March. They would have to go to Long Range Capital Planning. The DOT makes a proposal and Capital planning votes, then they go to Governing Council and they vote. Now the appraisals are being done with a tentative date of February 14th for the Capital Planning and after meeting with the Governor, she said she would put this on the Governing Council agenda for February 2th. The transfer would be in March. To assist the Town to move this project forward, I indicated at the meeting with Ritchie, I would ask you to vote on your interest or non-interest in this access point to a piece of private property. If you vote negative to the acquisition, (a letter was drafted in that case) I will hand deliver it to the DOT tomorrow and thereby having another item checked off. There are many people that working diligently to get us where we are today and I ask you to take a vote. Then I ask you to grant the Chair authority to sign.

V. Lembo asked Dr. Shankle if the town has any interest in that property.

Dr. Shankle: I don't know why the town would want to interject themselves into the access to Palazzi's property.

***S. Orr moved to authorize the Chair to sign a letter indicating the town has no interest in this property. Seconded by T. Lizotte.
Vote unanimously in favor***

Robert Duhaime, SNHPC Rep re: SNHPC Update

R. Duhaime provided an update on the SNHPC for November and December.

OLD BUSINESS

Town Charter Amendments

RSA 49:B.5: Which is what the Charter refers to and within 7 days of hearing, the proposed Articles must be voted on.

Chairman J. Sullivan closed the public hearing at 8:55 pm.

Article 3.6.F

***V. Lembo motioned to place the amendment from 2% to 25 on the ballot. Seconded by M. Downer.
Vote 1:6 motion fails***

Article 5.4.c dates of meeting including Saturday

***T. Lizotte motioned to place the amendment on the ballot. Seconded by N. Comai
Vote unanimously in favor***

Article 8.3.a reduced from 20% to 25

J. Sullivan stated that he would like to leave it as 20% threshold is based on the votes cast at the last municipal election.

***T. Lizotte motioned to place the amendment on the ballot. Seconded by J. Danforth.
Vote 0:8 motion fails***

Article 11.1.a Planning Board

***N. Comai motioned to place this on the ballot. Seconded by T. Lizotte.
Vote unanimously in favor.***

Reorganization

Dr. Shankle stated that at the last meeting there was a vote to delay the hiring of the Project Coordinator to see if it complies with the Personnel Plan.

Since the last meeting, there has been a resignation in Assessing. That allows the movement of someone into assessing from a position and another individual into that position. The position approved at the November meeting can be filled without any cost.

***V. Lembo motioned to allow the Town Administrator to move forward with his reorganization plan and move forward with the hiring of the project coordinator. Seconded by M. Downer.
Vote unanimously in favor.***

Town Goals

T. Lizotte: I would like a goal to create a committee to develop a forestry plan to address blown down trees at a future meeting.

NEW BUSINESS

Proposed Warrant Article – Mandatory Recycling

D. Boyce: When we proposed curbside recycling we discussed making it mandatory but we decided to wait. We have made the recycling program easy but everyone is not using it as they should. I would like to put forward a warrant article to make it mandatory. This would give us authority to require it during drop off times at the station. The extra barrels we provide for multi-family are out and the recycle barrels are tucked behind the homes. This is not to punish those that mistakenly put the wrong item in a barrel but those that will not recycle. We will first send a letter. The second letter is a warning and possible loss of curbside services. If we make it mandatory, we will have more control over the recycling at the facility. Many communities currently have mandatory recycling and it is my job to reduce the cost of trash disposal.

T. Lizotte stated he does not support enforcement but rather would like to provide education. He also would like to see data to support what the current 31% recycling represents.

D. Boyce: I would just like to have that authority to get people who are choosing not to recycle to recycle. We have made it easy for people to conform. If it is in as a warrant article, it allows the residents to make the decision. It is the next step to saving tax dollars.

S. Orr motioned to place on the warrant article on the ballot as proposed. Seconded by V. Lembo.

S. Orr stated it is the height of arrogance to dump trash without caring about the environment. You have made this as simple as possible. This will save the town money and we will show people that Hooksett cares about our environment.

V. Lembo: I am totally against the word mandatory but I'm willing to let it go to the voters. I'm concerned that it will come back to bit us.

T. Lizotte: I oppose the mandatory side and regarding the environment, voting no doesn't mean I don't care about the environment. I don't pay taxes to be subjected to a law that says if I find a piece of recyclable in the trash bin, you could lose a service you pay taxes for. I think education is a key and we have only been doing this since the spring. I want more analytics. I think if we had more numbers to understand what the 31% represents and do we want to achieve 50%, we can achieve that through education.

M. Downer: If it were placed on the warrant and failed, I think it is real that it will set back the program. If the voters say no, what would prevent the voters from saying, "I voted no; I will put my trash anywhere I want".

J. Danforth motioned to call the question. Seconded by N. Comai. 4:3 to call the question.

Vote on placing mandatory recycling on the ballot.

Roll Call

N. Comai	Yes
J. Danforth	Yes
M. Downer	No
V. Lembo	Yes
J. Levesque	Unavailable
T. Lizotte	No
S. Orr	Yes
J. Sullivan	Yes

5:2 motion carries

D. Shankle: Nothing in the motion addresses anything regarding enforcement. The Council, if passed, would have to address this as policy in the Town Ordinance.

Complaint against Councilor Vincent Lembo, Jr.

V. Lembo recused himself.

Chairman Sullivan read two complaints into the record.

Under the Charter 3.2 the Council is the sole authority to act in this matter. RSA 91.A matters that would adversely Dr. Shankle is part of the legal body and is exempt from that RSA violation but may be violated based on our rules and regulations. The Council must now address that complaint.

A letter was read into the record from Evelyn Horn regarding the complaints.

T. Lizotte motioned to have the Chair draft a letter of reprimand to V. Lembo outlining the violations of RSA 91. A and Rules 3G. Seconded by N. Comai.

T. Lizotte: What was unique about that meeting, Mrs. Boswak opened on a side bar about an illegal meeting stating a letter should go out to committees regarding illegal minutes and everything covered under 91.A with fines of \$200. I think that letter went out. Legal Counsel clarified that Dr. Shankle does not have the shielding of 91.A. A lot has happened over the years and rules weren't clear in the past and 91.A is very clear and must be enforced. We can't cross that line. Mrs. Boswak saw this unfolding and immediately called us into a non-public session. The least we can do is a letter of reprimand.

N. Comai: Section 4.7 was mentioned as a violation as well which is one councilor cannot interfere with any employee's appointment or employment. We don't have the tape to review, but it goes to what was violated that night. Mr. Lembo needs to understand he cannot advocate for one employee. It is against the rules.

J. Danforth: I noticed that we have rules of the public input on the back of our agenda. The Council needs to lead by example and if we demand the respect from the public, we need to be respectful with each other. We are the leadership in the town, we need to take the appropriate action and move on with business.

S. Orr: One of the reasons I like serving with this board is no matter how often we disagree, we do it respectfully. We have to be the example. I also pulled out the Hooksett Code of Conduct and I think this letter should specifically mention what Mrs. Comai mentioned, the public input procedures and the Code of Conduct.

J. Sullivan stated that we all have roles to play as Board members and individuals and we need to set good examples and we need to be aware that our words have consequences and can be misconstrued. A role as Chair is to set the agenda, and part of my preparation is to discuss with Dr. Shankle the best

approach of anticipated questions. In discussions with this matter, I asked Dr. Shankle, and he expressed the same thoughts as Evelyn Horn. There were no predetermined thoughts on what should happen. This Council has never preplanned discussions.

S. Orr moved to amend the motion to include a reference to the Code of Conduct, Charter 4.7 and Council Rules 3G. Seconded by J. Danforth.

Vote unanimously in favor

Vote on amended motion.

Vote unanimously in favor.

Comcast Cable Committee

N. Comai will provide a draft charge for the committee.

N. Comai motioned to accept the Charge which is for the committee to look at the appropriate way to expend the 1% of the 3% franchise fee. Seconded by T. Lizotte.

T. Lizotte: I am ok with moving forward with something of this nature but we need to understand the tax impact.

J. Sullivan motioned to amend the motion to include a report be submitted by the next Council meeting which is in two weeks.

T. Lizotte asked that the report address the tax impact issue.

Vote on amendment unanimously in favor.

J. Sullivan motioned to call the question. Seconded by J. Danforth

Vote 4:2 carries

Vote on motion to form a committee and report back to the Council in two weeks.

Vote 4:2 motion carries

Dr. Shankle: Since we gross budget, if we decide to take the \$45,000 out, we need to take it out of the budget somewhere. Secondly, I don't think the appointment of the members has been made.

J. Sullivan motioned to reappoint the members of the previous committee to serve in this capacity as well as advertise for new members, to include D. Pearl, M. Miville, P. Farwell and N. Comai.

Seconded by J. Danforth.

Vote unanimously in favor.

V. Lembo returned to the meeting.

SUB-COMMITTEE REPORTS

Old Town Hall Preservation Committee -J. Danforth

The committee will meet tomorrow 1/10/12

Planning Board - S. Orr

She did not attend the last Planning Board meeting.

Heritage Commission -J. Sullivan

No report

Economic Development - L. Boswak

L. Boswak sent a report on Economic Development which was read into the record.

A unification meeting was recommended with all Boards in Town. The Council will make this an agenda item.

Police Commission Sub-Committee - M. Downer
Police subcommittee needs to meet

Conservation Commission-T. Lizotte
University Heights would like something in lieu of park and rec impact fees.

J. Sullivan recognized and officially welcomed Chief Peter Bartlett.

T. Lizotte motioned a “vote of confidence” in the Police Commission. Seconded by N. Comai.

T. Lizotte: Projects are complex and this is significant. Having met Peter Bartlett, I saw a shift in terms of pride in service and a culture of professional development on every level. There were many people present. With all the issues before the Police Commission, three (3) people pushed through this and came out with something that looks good. I think at this point they deserve our confidence.

M. Downer: I understand the Councilor’s position and the new Chief is not reflective of the Commission. To motion and vote on something when members of the Council who were in opposition to confidence are absent is not the time or the place to do that. I think a vote or discussion on the Police Commission should not reflect on the officers walking the street. I don’t think a discussion or support or lack of support should reflect on our officers and to link them is a disservice.

V. Lembo: At the time there was a successful vote of “no confidence”. The vote was passed and we should let it go. There was an issue with that Commission and I don’t want to change that vote right now.

J. Danforth: As a Councilor who voted for “no confidence”, it was based on the lack of communication. When they came and spoke with us about what was and wasn’t going on, we got a clearer picture and the situation wasn’t what we thought it was. Now that I have more information, I can make a more informed decision.

V. Lembo: We really didn’t find out what was going on over there. The Employees weren’t allowed to tell us what was going on. To bring this up this late at night when it is not on the agenda is wrong.

S. Orr: I was in the minority at that vote and I didn’t feel we had enough information to take a position of “no confidence” and we didn’t know then and a lot has happened since then. This vote does not negate the earlier “no confidence” vote at that time. This is a new time. I do think this is being done in haste and it wasn’t on the agenda. I suggest we put it on the agenda for our next meeting and we can have time to discuss it.

M. Downer: I agree with Mrs. Orr on this topic. I would like to see this as an agenda item where we can flush it out completely. To take this vote when a petition was just received by the Administrator could be wrongly perceived.

J. Sullivan does not feel the council should place a recommendation on the petition warrant article.

T. Lizotte withdrew his motion. N.Comai withdrew her second.

This will be placed on the next agenda and the Police Commission will be invited to attend the meeting.

PUBLIC INPUT

Mike Sorel: With the courtesy due N. Comai, her voice does not carry and unless she is speaking directly into the microphone, she cannot be heard.

My observations were that I was surprised with the action and vote taken on the mandatory recycling. There has been so much publicity regarding transparency and this was not on the town website and the public opinion was not sought. You moved with a vote and there may have been people who would have liked to speak. I want to share with T. Lizotte that I never recycled until this program but it is human nature to be lead and against human nature to be pushed.

I was appointed by the Council a few years ago to help with the Cabella property. We discovered that there was no frontage and the access is by easement and specific to the Pallazzi Property. DOT told Cabellas it would be two (2) million for a curb cut. The cost was then brought down to 1.2 million. That was the cost then. You were prudent not to spend tax payer money to buy that easement.

David Ross, 56 Sherwood Drive: I was part of this whole recycling project and we sold it to the voters as voluntary and it is very disingenuous at the least to now put it on the ballot as mandatory. It is a slap in the face. Recycling is a whole issue that hasn't been put to bed and how much energy does it save. Forcing People to do things that YOU think is right is foolish.

M. Miville: The Budget Committee will have a public hearing tomorrow, January 10th at 7:00 at the Town Hall. A presentation of the Water Precinct Budgets will be prior to the hearing at 6:30 pm.

I think the "vote of confidence" issue with the Police commission, should be taken up at the next Council meeting.

I don't understand why there was no public comment on the Mandatory Recycling.

ADJOURNMENT

The Chair declared the meeting adjourned at 11:15 pm.

Respectfully submitted,

Lee Ann Moynihan