

Official

**TOWN COUNCIL MINUTES  
Regular Meeting  
Wednesday, January 23, 2013**

**NON-PUBLIC SESSION**

***M. Downer moved at 6:25 pm to enter into non-public session per 91-A:3,II,(a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.***

***Motion seconded by V. Lembo. Roll call vote carried unanimously.***

***L. Boswak moved at 6:48 pm to exit the non-public session. Motion seconded by S. Lovas Orr . Roll call vote carried unanimously.***

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

**CALL TO ORDER:** Chairman Sullivan called the meeting to order at 6:50 pm.

**ROLL CALL**

Leslie Boswak, Nancy Comai (excused), John Danforth, Michael Downer, Vincent Lembo, James Levesque (joined the meeting via WebEx at 6:53 pm), Todd Lizotte (excused), Susan Lovas Orr, Chairman James Sullivan and Dr. Dean E. Shankle, Jr. (Town Administrator)

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

January 2, 2013 Special Meeting – ***Removed from table. V. Lembo moved to approve the January 2, 2013 minutes as presented. Motion seconded by J. Danforth. Motion carried. L. Boswak and M. Downer abstained, not present at the meeting.***

January 5, 2013 Budget Workshop – ***M. Downer moved to approve the January 5, 2013 minutes as amended. Motion seconded by S. Lovas Orr. Motion carried. L. Boswak and J. Danforth abstained, not present at the meeting.***

January 9, 2013 Regular Meeting – ***S. Lovas Orr moved to approve the January 9, 2013 minutes as presented. Motion seconded by J. Danforth. Motion carried. L. Boswak abstained, not present at the meeting.***

**CONSENT AGENDA**

1. Acceptance of Donations to the Heritage Commission for the Veterans' Memorial Project -  
~~\$2000~~ Acceptance of Grant Fund Reimbursement for Fire Department per RSA 31:95-b - \$485.18.

***V. Lembo moved to accept the consent agenda. Motion seconded by J. Danforth. Motion carried unanimously.***

**TOWN ADMINISTRATOR'S REPORT**

Dr. Shankle informed the Council of the following:

1. Effective beginning of February, due to changes in the State of NH DMV hours of operation, the Town Clerk/Tax Collector's office will no longer be open until 6:30 pm on Wednesdays they are open late. The new hours are from 8:00 am to 6:00 pm on Wednesdays that coincide with the Town Council meeting. Vehicle registration could also be done on-line.
2. Metal Storage Unit at Farmer Road – Code Enforcement Officer went to check, there's nothing that prohibits a metal shed to function as storage shed. Nothing can be done about it under the current zoning regulations.
3. Fireworks – According to the Fire Chief, per regulations, nothing could be done unless fireworks are being set off after 10 pm.
4. The Fire Chief received a thank you note from the 1<sup>st</sup> graders at Underhill School for the fire safety crayons and coloring books.
5. Working on DPW/Recycling & Transfer Union contract and Old Town Hall Preservation.
6. Village Heritage District met today. A public forum will be scheduled on a Saturday sometime in March.
7. Cable Television committee met. They will present an update later.
8. Attended a workshop with the Fire Chief and Harold Murray to switch from the Code Red emergency system to the State-wide system to cut costs.
9. Municipal Manager's Meeting – discussed different legislations being considered, i.e., proposal for increase in gas tax to fix roads and bridges and to require binding arbitrations for union.

#### **PUBLIC INPUT**

**David Pearl, 79 Main St:** You should do a little bit more research about the definition of RSA 91-A. I've since spoken to a lawyer since then. To consider the Town Administrator part of your body is a mistake. I ask that you to get a clarification from your legal counsel.

Chair Sullivan stated the Council did get clarification from the Town Counsel.

#### **NOMINATIONS AND APPOINTMENTS**

Parks & Recreation Advisory Board – Removal of Ray Miclette as an alternate member and moving Mike Horne to an alternate position, exp. 6/2013.

A letter was received from Jacqui McCartin, Chair requesting changes in membership of the board.

***M. Downer moved to accept the recommendation of Chair McCartin to remove Ray Miclette as an alternate and move Mike Horne to an alternate position, exp. 6/2013. Motion seconded by J. Danforth. Motion carried unanimously.***

#### **SCHEDULED APPOINTMENTS**

Public Hearing re: Acceptance of \$9,503.49 Grant Fund Reimbursement for Fire Department per RSA 31:95-b.

The Public Hearing was opened.

L. Boswak asked to acknowledge Councilor J. Levesque joining the meeting via WebEx.

Chair Sullivan stated Councilor J. Levesque is joining the meeting via WebEx due to illness.

J. Levesque clarified that he will indicate his vote with a thumb's up/down.

Cable TV Committee

**Marc Miville:** The sub-committee appreciates the establishment of a \$1 line item in the operating budget. The sub-committee's charge was to come up with short-term and long term plans for the 1% (approximately \$45,000) cable fees collected. We are requesting a transfer of \$40,000 from the general fund to the cable line item. The 1<sup>st</sup> year would establish the foundation for future years. For the first year, we would like to purchase equipment for the Council Chambers, microphones, cameras, cable, \$5,000;

24-hr channel dedicated to Hooksett, \$18,500; Video on demand, \$4,500; Billboard system, \$3,200; (2) robotic cameras \$7,000; additional Granicus system cameras for Library, Police/Fire \$1,800.

M. Miville also asked for a motion to work with Manchester TV and to charge the committee to continue its work.

V. Lembo asked if this will be added to the warrant article.

M. Miville stated there is no need for a warrant article as the money is already going into the general fund.

V. Lembo: With the money coming out of the general fund, it will have to be supplemented by taxes. The taxpayers have voted it down for three years.

M. Miville: Prior warrant articles were defeated based on a proposal to establish a state-of-the-art studio. The Town Administrator was able to purchase the equipment needed for web streaming without going to the voters. There is no need to raise and appropriate funds. There is no tax impact because the money has already been collected.

Chair Sullivan explained there is an option to add the funds to the operating budget.

***L. Boswak moved to increase the Cable budget from \$1 to \$40,000. Motion seconded by J. Danforth.***

L. Boswak explained the voters can always say “no” by changing the amount back to \$1 at the Deliberative Session.

S. Lovas Orr: There is no tax impact except for the fact that these funds have been included in the general fund. We will remove the funds gradually so there is no shock effect. By doing it gradually, we’re fixing it in the best way possible.

L. Boswak suggested highlighting this item and any new line items on the Council’s newsletter.

#### **Roll Call**

L. Boswak Yes

J. Danforth Yes

M. Downer Yes

V. Lembo No

J. Levesque No

S. Lovas-Orr Yes

Chairman J. Sullivan Yes **5-2 Motion carried.**

Chair Sullivan suggested waiting for the funds to go through prior to voting on other actions.

#### **OLD BUSINESS**

Town Budget / Warrant

Christine Soucie presented the final items to be considered:

1. Review Sewer Commission budget requests of \$1,947,007.

**Bruce Kudrick, Sewer Superintendent:** No increases this year in sewer rates. The total budget request is \$53 less than last year’s. Put more money under Capital Reserve. New equipment are coming in and they do not last as long as the old ones. Old equipment lasted about 40 years, new ones would be good for 3-4 years.

M. Downer questioned the Equipment Replacement Program line item under Miscellaneous. It went up from \$102,000 to \$145,700.

B. Kudrick explained the new equipment does not last as long as the old equipment being replaced.

S. Lovas Orr questioned the Legal line.

B. Kudrick explained this is from the incident two years ago. They are still working with the Attorney General's office to get the manufacturer to take care of some costs. The alarms are in place and functioning well.

**L. Boswak moved to approve the budget of \$1,947,007. Motion seconded by V. Lembo. Roll call vote carried unanimously.**

2. Move printing and postage of the tax bills from Tax Collection to Assessing Department \$7,750.

**L. Boswak motioned to move tax bills printing and postage of \$7,750 from Tax Collection to Assessing Department. Motion seconded by V. Lembo. Roll call vote carried unanimously.**

3. Surviving Spouse Benefit \$6,000 (currently in Administration Department to be moved to Fire-Rescue Department)

**J. Danforth motioned to move the line item from Administration to Fire-Rescue Department. Motion seconded by M. Downer. Roll call vote carried unanimously.**

4. Increasing Administration for Cable Access expenses – (increased to \$40,000).

C. Soucie stated the bottom line total budget to be recommended to the Budget Committee is \$16,388,572.

**L. Boswak moved to approve the total operating budget for FY 2013-14 in the amount of \$16,388,572. Motion seconded by J. Danforth. Roll call vote carried unanimously.**

Classification Plan

Removed from the agenda.

Discussion of Police Commission

**L. Boswak moved to remove from the agenda. Motion seconded by M. Downer.**

L. Boswak stated this has been a controversial subject in Town. She asked for everyone to leave it alone until it gets closer to the Town Election to allow the men and women of the department to function without any news coverage, personal opinions, etc.

S. Lovas Orr: I don't disagree with this statement but I thought the reason this is being brought back into discussion was the standing "no confidence" vote by the Council, which may influence voters. Personally, I didn't vote for "no confidence" but the people who did are not here and I just want to bring it into the table.

L. Boswak suggested bringing the matter back for discussion at the meeting on April 24<sup>th</sup>, just before Election.

M. Downer expressed agreement with Councilor Boswak.

**Motion carried unanimously.**

This item will be discussed at the Council's meeting on April 24, 2013.

## **NEW BUSINESS**

Fire Department Impact Fee Purchase

**M. Downer moved to approve the purchase of all software/hardware licensing and delivery in the amount of \$45,521 to be funded from impact fees collected. Motion seconded by L. Boswak.**

**Michael Williams, Fire-Rescue Chief:** We are trying to add more technology to the system we use on a daily basis. The new software/hardware will be used for preplanning, fire prevention, inventory marking and new CAD integration for daily use. This will enable the inventory of all equipment. It will also provide information on businesses in Town that are preplanned, i.e., contact information. This is a new database for fire prevention. This did not go out to bid. These are new additions to the software we currently have. We have the core program and these are part of that software.

Dr. Shankle: One of the things we're trying to do is to improve the amount of data we have so we can keep a better handle on equipment and where are things happening in Town. This will be a big step forward towards what we're trying to do.

**L. Boswak moved to waive the bid requirement. Motion seconded by V. Lembo. Motion carried.**

**Roll call vote to approve the purchase carried unanimously.**

Emergency Management Director  
Removed from the agenda.

Redistricting

**Mike Horne, Supervisor of the Checklist:** There will be a redistricting in March before the period of candidacy declaration. There is still time for input, if residents do not agree with the lines. We had a meeting on April 23<sup>rd</sup>, no resident attended the meeting. We tried to come up with (6) equally populated districts. These are posted on the Town's website. It appears either there are confusion or people are satisfied with the way the lines are drawn.

Chair Sullivan: The concern is that this will impact (2) Councilors, Councilor Danforth (District 2) and Councilor Lovas Orr (District 4).

J. Danforth asked for clarifications on what the impact will be with districts that are overlapping. He was told a special election for District 4 will have to be held in May.

Dr. Shankle: The Town Charter states that "*Councilors elected from districts must be legal residents of that district at the time of election. If a Councilor shall move from his/her said district and shall remain the elected district's Councilor until the next election.*" The Charter does not address the matter with redistricting. RSA 652:12:1 states that, "*A "vacancy" shall occur in a public office if, subsequent to his or her election and prior to the completion of his or her term, the person elected to that office either dies, resigns, or ceases to have domicile in the state or the district from which he or she was elected.*" According to the Legal Counsel, Councilors remain in office until the end of their terms. The Charter also states that the Council is the sole judge of qualification for office.

**J. Danforth moved to make the attorney's opinion a public record (see file). Motion seconded by V. Lembo. Motion carried unanimously.**

Councilors for districts 5 and 6 and one at-large are up for election. At-large candidates cannot be residents of districts 1 or 3 as the (2) current at-large Councilors are from districts 1 and 3.

## **SUB-COMMITTEE REPORTS**

Town Council, Planning Board, Zoning Board, HEDC, DRED Joint Meeting

L. Boswak requested to schedule a special joint meeting between the boards to be headed by HEDC to discuss economic development, working with businesses and being business-friendly.

Town Hall Preservation Committee – J. Danforth

The board met on the 10<sup>th</sup>. There were questions about the deed, i.e., restrictions. The board agreed to stay within the spirit of the deed. The board also discussed shared handicapped access between the Old Town Hall and the Prescott Library. Next meeting is on February 4, 2013 at the Old Town Hall. The Deputy Fire Chief, Code Enforcement Officer and Public Works Director will be there to look at the facility and make suggestions as to what direction the board could go.

Planning Board/ZBA Joint meeting – S. Lovas Orr

Changes to the Zoning Ordinances to be included in the warrant were discussed. One of them would be the sprinkler ordinance.

Heritage Commission

Conservators for the Native American murals are coming in Thursday or Friday. Heritage Day is May 25<sup>th</sup>. The board also discussed having the purview to review buildings built more than 50 years ago prior to demolition. The board is planning fundraiser activities for Heritage Day.

## **PUBLIC INPUT**

**D. Pearl:** I come here very disappointed for removing the discussion regarding the Police Commission. We hear that we want to leave them alone and have some time with the new Chief and not have some bad press article. We just had an opportunity for a good press article that you vote confidence. But you decided not to do that. Now you're going to move it to a meeting right before the vote. You're going to have more impact then, because that's when people are paying attention. I think you have drawn yourselves further into this issue rather than trying to put it to bed, which should have been done. You shouldn't have voted "no confidence" if you really want to stay out of the issue. It seems as though you want to delve into the issue when you want to. But now when things appear to be going well, nobody wants to talk about it. To me, this does not create any calming effect but stirs the water further. You could have voted and left it alone. By election, all would have been forgotten.

**Harold Murray:** I've been coming to these meetings since probably when all of you were still in grammar school. I've attended most of them at the old Town Hall in a room you couldn't put that desk in. When the 3% Comcast cable franchise fees came up for the first time. I heard people say, it's now going to be used for what it was intended to be used for. It was never intended for anything that you are trying to do now, technology didn't exist. This money was here for revenue and was put into the general fund because it was another source of revenue back when those small amounts of money meant something. The 3% is coming from the users. It definitely is a tax on the people. No other department can use revenues without going to the people. You may want to ask DRA if this is proper use of this fund. The \$45,000 is pretty cheap to get things done and have this room set up. I hope the microphones are the very first things that they put in.

**M. Horne:** Earlier this evening, under Nomination and Appointments of Parks & Recreation Advisory Committee, I believe the Chair stated there is now an alternate position vacancy. With me being moved to an alternate position, there is now a full member vacancy. I just want to clear that up.

**Richard Sullivan:** I just want to compliment Councilor Boswak on her attempt to find a reasonable way to let the Town's people know that we are going to have a cable operation. \$40,000 being available to us is a nice situation. If this amount of money were to be used for a truck or a cruiser, we'd be telling the people how we're doing it and why. Bringing it to the voters' attention was the appropriate way to go.

**M. Miville:** Since Councilor Lizotte is not here tonight, I'd like to pass on some information about the Budget Committee. We just finished the school budget. We will get the Town Council's budget starting Friday. The Budget Workshop is Saturday, February 2, 2013. The Town Council approved an operating budget that is \$366,458 over the default budget. I just want to note that last year the voters did not approve an increase of \$327,000. I am concerned about that as the Budget Chair. We had asked for restraint and now, it is up to the Budget Committee to make the tough decisions. I was hoping some of those decisions would have been made here. Tomorrow's meeting is the public hearing for the both Water Precincts' budgets. There will be no rate increases on both water precincts. New Superintendents will be hired for both water precincts. I would like to thank Mr. Murray for his comments. I remember the

discussion on the Newsletter. There was a note that supported the cable vote. We were at odds with all the cable issue. I supported Mr. Murray's comments, that the note supported one side and not the other side. I also do support Mr. Pearl's comments about the vote of "no confidence". I want to remind this Council that Chapter 412 is the governing document for the Police Commission. You have no influence over the Police Commission and yet you keep on stepping into it. Two weeks before election, you want to have a vote. I suggest you do it now and stay out of Police Commission and comply with 412.

Public hearing to accept \$9,503.49 grant reimbursement was closed. This will be formally accepted at the next meeting.

Dr. Shankle mentioned the new sign for the Library is out.

**ADJOURNMENT**

The meeting adjourned at 8:30 pm.

Respectfully submitted by,

Evelyn F. Horn      John H. Danforth  
Administrative Assistant      Town Council Secretary