

**TOWN COUNCIL AGENDA
Regular Meeting
Wednesday, May 14, 2014**

- 1. 6:30 PM - CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MINUTES**
 - a. Public: April 23, 2014
 - b. Non-public: April 23, 2014
- 5. AGENDA OVERVIEW**
- 6. CONSENT AGENDA**
 - a. Acceptance of \$30.00 donation from Sara Kelly to the Fire-Rescue Dept.
 - b. Acceptance of \$50.00 donation from Diane A. Groux to the Fire-Rescue Dept.
 - c. Acceptance of tree donation from Caroline Masterson to the Parks & Recreation Dept.
 - d. Release of University Heights site bond for \$449,913.
- 7. TOWN ADMINISTRATOR'S REPORT**
- 8. PUBLIC INPUT: 15 Minutes**
- 9. NOMINATIONS AND APPOINTMENTS**
- 10. SCHEDULED APPOINTMENTS**
 - a. Town Planner re: Impact Fees
- 11. 15 MINUTE RECESS**
- 12. OLD BUSINESS**
 - a. 14 – 031 Discussion of Main Street Bridge Project
 - b. 14 – 033 Discussion of Amendment to alarm ordinance
 - c. 14 – 034 Discussion of pawn shop ordinance
 - d. 14 – 035 South Bow Road Fees Discussion
- 13. NEW BUSINESS**
 - a. 14 – 041 Property Liability Contract proposals
 - b. 14 – 042 Discussion Other Ordinances Town Charter/Town Council Rules of Procedure
 - c. 14 – 043 Discussion on Results of Town Elections
 - d. 14 – 044 Discussion of newsletter being placed in tax bills
- 14. SUB-COMMITTEE REPORTS**
- 15. PUBLIC INPUT**
- 16. NON-PUBLIC SESSION:**
 - NH RSA 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,
 - NH 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.

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

17. ADJOURNMENT

Public Input

1. Two 15-minute Public Input sessions will be allowed during each Council Meeting. Time will be divided equally among those wishing to speak, however, no person will be allowed to speak for more than 5 minutes.
2. No person may address the council more than twice on any issue in any meeting. Comments must be addressed to the Chair and must not be personal or derogatory about any other person.
3. Any questions must be directly related to the topic being discussed and must be addressed to the Chair only, who after consultation with Council and Town Administrator, will determine if the question can be answered at that time. Questions cannot be directed to an individual Councilor and must not be personal in nature. Issues raised during Public Input, which cannot be resolved or answered at that time, or which require additional discussion or research, will be noted by the Town Administrator who will be responsible for researching and responding to the comment directly during normal work hours or by bringing to the Council for discussion at a subsequent meeting. The Chair reserves the right to end questioning if the questions depart from clarification to deliberation.
4. Council members may request a comment be added to New Business at a subsequent meeting.
5. No one may speak during Public Input except the person acknowledged by the Chair. Direct questions or comments from the audience are not permitted during Public Input.

TOWN COUNCIL MEETING MINUTES
Wednesday, April 23, 2014

CALL TO ORDER

Chair Sullivan called the meeting to order at 6:34 pm.

ROLL CALL – ATTENDANCE

Adam Jennings, Nancy Comai, Donald Winterton, David Ross, James Levesque. Todd Lizotte, Susan Orr, Chairman James Sullivan

Missed: Robert Duhaime, Dr. Dean E. Shankle, Jr. (Town Administrator)

PLEDGE OF ALLEGIANCE

a. Hooksett Youth Achiever of the Month

D. Winterton: We could award this every day but today we award this to a student from Londonderry HS. We've had students from Central, West, Bow, and now Londonderry. When we started this award, we said it would go to someone special. We've had a golfer, a cancer survivor, engineering student, all sorts of wonderful people. Today we have a versatile student. She plays volleyball, basketball, softball, is a member of the track and field team, and a member of a ski team. She is a member of her church youth group, works as a server for the community kitchen, she is known as the person to call if you need your garden tended, mail brought in and pets tended to while you are away. She is an innovator – member of the first pilot Best Buddies program at Londonderry HS. This is a wonderful achievement from our very special Hooksett Youth Achiever of the Month, Kathleen Murphy.

Presentation of certificate and pin.

APPROVAL OF MINUTES

a. Public: April 9, 2014

T. Lizotte motioned to accept the public minutes of April 9, 2014 with edits. Seconded by J. Levesque.

Vote unanimously in favor. N. Comai abstained due to prior absence.

b. Non-public: None

AGENDA OVERVIEW

Chair Sullivan provided an overview of tonight's agenda.

CONSENT AGENDA

a. \$200 donation to Town for Town Hall Preservation project.

T. Lizotte motioned to accept the consent agenda. Seconded by A. Jennings.

D. Ross: Is this an anonymous donation?

J. Sullivan: This is an individual donor who prefers to remain anonymous.

Vote unanimously in favor.

TOWN ADMINISTRATOR'S REPORT (Donna Fitzpatrick, Administrative Services Coordinator)

D. Riley, 25 Harvest Dr, Town Moderator: Election is May 13. Polling is open from 6 am to 7 pm. I would encourage your presence during the day. Town elections are a little different from state elections, as you are not obligated to be there but you should be there. State elections proclaim it a duty for you to be there. If at least one of you could be there throughout the entire day, that would be great. I need 3 Council signatures to seal the ballots at the end of the day. Two other things: I'm on the ballot this year and I want to make it clear about what the statute says about me participating. It does not allow me to touch a marked ballot. It does allow me to be inside the ropes and perform all other duties. I intend to be inside the ropes. The other item is a carryover. We previously talked about having a Council rep to the Board of Elections. I can't remember how that turned out.

T. Lizotte: I think I volunteered to do that but I don't think we voted on it.

Consensus to allow Councilor Lizotte to represent the Council at the Board of Elections.

D. Riley: If you are on the ballot, you will not be allowed inside the ropes.

T. Lizotte: Is there a meeting coming up I need to attend?

D. Riley: Not at this time, but there will be in September and prior to the November general election.

- Hooksett Landing Development (owner of Goodwill plaza) has a purchase and sales agreement on the site so we no longer have to worry about litigation.
- Old Home Day is Sept 20; last year the town booth was a great success

T. Lizotte: I think the booth was a great idea and I would recommend we do it again.

N. Comai: I'm behind it 100%.

Consensus to have a town booth at 2014 Old Home Day.

- Councilor Winterton's accomplishments with HYA will be highlighted.
- April 26 – Hooksett Earth Day clean up. It's hosted by Recycle & Transfer, Conservation Commission and Community Development from 9-11am at Lambert's Park. No registration required. 8am – 1pm at the transfer station there will be kids touch a truck, shredding, raffles and prizes available.
- Monday, May 12 there will be a Hooksett Chamber of Commerce sign ordinance meeting.
- Yesterday, the governor came to Hooksett for the Riverfront project. We had reps from town officials, state, forestry divisions.
- Last week I went to a workshop on the ACA. I've given you resources/websites to provide as additional information as some key things that have changed:
 - 2015 ACA penalties become effective. We have 124 FT employees as of today. If we do not offer the essential coverage requirement and one of the FT employees goes to the marketplace, we will incur a \$2,000 fine for every individual we don't offer coverage to. Example: 2016 and on – 95% (30 employees) that is 94 employees at \$2,000 equals \$188,000 penalty. The next piece is the affordability. We cannot charge any more than 9.5% of household income. Of our 124 FT employees, if 5 do not believe it's affordable and get approved through the exchange, it's a \$3,000 per employee penalty. This is only for a single plan, not 2-person or family.
 - 2018 – Cadillac Plan: 40% excise tax. The annual limit for a single plan is \$10,200. If we exceed that it's a 40% penalty.
 - Transitional Insurance Program Fee: pay \$63 per person for employees, retirees and dependents. 2015 - \$44 per person; 2016 – even less.
 - Even if the third party pays on our behalf, they will pass that cost onto to the town in the end.
 - Suggested looking at HMO's vs. POS.
 - All municipalities in state with HealthTrust – 47% on Matthew Thornton; .5% in Hooksett. POS plan – 27% statewide; 70% in Hooksett; 65+ plan – 22% statewide; 33% in Hooksett.

N. Comai: That was a lot of information and I have confidence that you are on top of it but I'd like to wrap my arms around it a little better. Perhaps in the future you could have a workshop and educate us further on all of this for planning, budgets, etc.

D. Winterton: There was a meeting scheduled a couple months ago that was cancelled (HealthTrust was coming here). Is that going to be re-scheduled?

D. Fitzpatrick: I can bring that up to Dr. Shankle and move forward with something for us.

Consensus for Town Administrator to look into a workshop for educating employees/staff on ACA rules.

T. Lizotte: I would suggest a Council-only discussion because a calculation I think needs to be made but there are some questions we have to ask to establish base lines. I don't think it's a good idea to do this in front of the employees.

J. Sullivan: I'll work with the Town Administrator to put this on an upcoming agenda.

D. Winterton: Christine is going to look at insurance consulting. I think we have \$2000 in our budget and I know she was going to put out RFQ's for that. It might be good to have a consultant come in too.

PUBLIC INPUT: 15 Minutes

None

NOMINATIONS AND APPOINTMENTS

None

SCHEDULED APPOINTMENTS

a. Tom Walsh for Sign Committee to discuss sign ordinance
Tom Walsh, Berry Hill Rd, Planning Board member: This discussion has been going on for years. Currently we have 3 ordinances. Over time, they all began looking like the performance zone. Over the years, planning and zoning have been getting a lot of variance requests. We looked at it and found out that we have been approving over 90% of the waivers. Sign committee was made up of members from PB, ED, and the public was invited as well. We started by merging the 3 existing ordinances into one. Once that was done, we started with a public hearing and went line by line on each one. Sign companies and staff were a huge help. We had a lot of info from the US Sign Council to back up changes that were made. A lot stayed the same but the significant changes made will address a lot of the concerns the business community had. The allowance is now 20' tall and 32 sq. ft. It was all based on the data from the US Sign Council and what is best for Hooksett. There were people on the committee that came from both sides of this and all the decisions were unanimous. It's not just for business, but for public safety. It's good for businesses and economic development. A big reason some tenants moved in was because the signs were grandfathered in. I hope you all support it.

D. Winterton: As a member of the committee, I want to thank Chairman Walsh as well as staff in Community Development who did a wonderful job. Being on the Planning Board and listening to some situations businesses were put in, Bass Pro Shops would have (1) 32' sign. If the voters approve this, we will be a more business-friendly community. I'd ask the members of the Board and the public to support this.

T. Walsh: The new ordinance is based on the size of the building. It's a well thought-out proposal.

J. Sullivan: Is this a ballot issue?

T. Walsh: Yes, and Article 6 goes with it.

D. Ross: It says the fee for permits should be established by Town Council with recommendation of the Hooksett Planning Board (article J).

T. Walsh: I believe that is the way it was and did not change.

D. Ross: On the examples (KFC/Taco Bell sign) has it been cleared to use their sign?

T. Walsh: That is a good question. We have to check with staff on that.

D. Ross: It could be misconstrued as favoritism and we don't want to step on any toes.

J. Levesque: This change would be greatly appreciated by the Zoning Board. Bass Pro had quite a bit of signage but now that it's up and in place it looks well. Market Basket signage worked out well. I think a little leniency will make it easier for ZBA to do its job and be fairer to businesses that want to come to town.

T. Walsh: The majority of those were waiver requests, but both boards had been approving.

D. Winterton: One of the charges being on the committee is not eliminating the request for variances or waivers but to reduce the number to a reasonable number.

J. Levesque: ZBA faces the problem of issuing variances, and if the company goes out of business, the sign becomes part of the property. Can we look into them taking the sign with them and starting from zero? I think that would be very helpful to the applicants.

T. Walsh: I'm sure it's covered by statutes but I'll take a look into it.

b. Kathie Northrup re proclamation for 10th annual Hooksett Heritage Day

K. Northrup: I'm here to ask Council to sign the proclamation to declare May 10 Hooksett Heritage Day. It will include the same groups as last year, and at 2:00 I will be conducting a walking tour. It's a nice day to celebrate the history of the town.

J. Sullivan: "Embark, inspire, engage" is the theme. She is asking May 10 to be proclaimed as Hooksett Heritage Day.

***T. Lizotte motioned to allow the chair to declare May 10 Hooksett Heritage Day on behalf of Town Council. Seconded by J. Levesque.
Vote unanimously in favor.***

D. Ross: May I ask that a copy be sent to the local newspaper?

J. Sullivan: Yes, along with press releases.

OLD BUSINESS

a. 14 – 031 Discussion of Main Street Bridge Project

J. Sullivan: At our last meeting the 2 reps came and spoke on the two options. One way would be to fully close the bridge and the other is allowing one-way traffic, only Northbound. They would like a decision by our next meeting. We received a letter from Karen Lessard of the Hooksett School District: *"I am writing this letter in response to a conversation I had with Dean Shankle on Thursday April 17, 2014 regarding the work that is being discussed for the Main Street Bridge. It is my understanding from that conversation there are two options being explored (which is different than what was discussed at the meeting I attended on March 12th). The first is closing the bridge completely and getting the work done over the summer so that the buses are not impacted at all, the second is only allowing north bound traffic to flow over the bridge. As I stated at the March 12th meeting closing the bridge to just one lane will create delays to eight of our bus routes. If the bridge were closed to south bound traffic we would have to re-route some of our buses and if this were to occur in the middle of the school year that would be problematic. The best option for the school district would be the summer closure as long as we knew for certain that the bridge would be open for the start of the school year. If that were not possible the next best option would be to have the bridge open during construction to both lanes with reduced width, next would be to allow traffic to flow in both directions with one lane using a traffic control signal. The option to only allow traffic in one direction would have the most impact on us and therefore would be the least desirable for the school district."* Do either the police chief or fire chief wish to comment? I know Chief Bartlett was at our last meeting. Do you have any additional information?

Chief Bartlett: My purpose to come before you was to advise you of concerns I saw. Those concerns haven't changed but until we have a decision, I'll have to make operational changes as to how we provide coverage for the west side of town.

Asst Chief Dean Jore: I mirror Chief Bartlett's sentiments. Complete closure will seriously impact our response time. If Station 1 goes across the street and there is another call up the street, the central station would have to respond and the time would be extended. At the very least we'd request that an emergency vehicle only lane be maintained to uphold public safety. If that is not possible, the impact to our budget will be significant. We'd rather avoid that and just having an emergency lane makes a lot of difference to us.

N. Comai: It's my understanding that one option provided to us was leaving both lanes open but the width would present an issue. That's a subjective comment in my opinion. Was it an option to keep both sides open?

J. Sullivan: The first time they appeared they discussed that option. At their second appearance, they stated that would no longer be a viable option. The current 2 options are to fully close the bridge for 7 ½ weeks or having one-way traffic (northbound) for 13 weeks. They would have some temporary signals for emergency vehicles and buses.

D. Ross: I'm totally opposed to closing the bridge. We need to have the ability to get emergency vehicles across that bridge. I'd request that each of the department heads draft a letter addressing concerns and even including a cost to the town during this process, and how long it would take to respond to an emergency. I have no intention of voting in favor of closing the bridge. The state can find somewhere else to save money.

Consensus to request Fire and Police departments draft a letter expressing the safety and financial concerns as a result of closing the bridge to save the state money. Send copies to Council.

Chief Bartlett: If it's the Board's wishes, I can draft a letter including financial impact that may be incurred if the bridge were to close.

T. Lizotte: If the bridge fell down and was gone, we'd still have a situation to overcome. There are reasons we have mutual aid. We have multiple data to understand when there are peak times. Our taxes go to the state so can we augment our police force with state police or surrounding towns to get extra coverage. I have a fear the state might just say it's going to be closed. I'd rather have us think outside the box instead of dealing in absolutes. I'd like to come up with a solution to both scenarios.

J. Sullivan: The information we are asking for would be helpful in assisting us with a decision.

Chief Bartlett: Regarding mutual aid, if the bridge collapsed, that would be a perfect situation to call on surrounding towns. This is a planned event so I don't believe they would augment our police force for the long term. Mutual aid is for immediate services or help, not for a planned situation. In my opinion it's not impossible. If the DOT closes it, I will have to make operational changes that will have a fiscal impact. We will not jeopardize public safety at any time.

Asst Chief Jore: Our mutual aid will ensure somebody gets there but our primary concern is response times. We've already started considering alternate plans and we will address that in our letter. Our concern is quick arrival. Mutual aid cannot guarantee response times that we have promised to the citizens of Hooksett. Services will be provided; we want to continue what we are currently providing.

S. Orr: I don't remember DOT saying that regardless of our recommendation they are going to do what they wanted. I thought they were going to respect whatever decision we make.

T. Lizotte: I'm not saying it was a threat, but they said they can precisely shut the bridge down for the summer and save money. That is the recommendation from the top. The other recommendation - I got the impression that option could be more than 13 ½ weeks. They emphasized the money side of this and I just want to prepare for the scenario that it's going to be shut down.

J. Sullivan: I don't think they said they would not consider our advice.

S. Orr: I think the letter is a good idea and we should include some cost figures in there because the state needs to be respectful of the fiscal impact. I think it's also important to put the safety issue in there as well. If we have it in writing that we forewarned them of these issues, which could protect us from any potential lawsuit against the town by showing that we had a different recommendation than what the state decided to do.

D. Winterton: Would it be more appropriate for each department to submit the letter to the Town Administrator and he forward it to the DOT with a cover letter?

J. Sullivan: I'd think both departments would coordinate with their front office.

T. Lizotte: We have no authority over these departments, but we can offer our suggestions.

J. Sullivan: Would it be alright with you if both of these departments sent a letter to you?

D. Fitzpatrick: Absolutely.

J. Sullivan: If we can quickly gather all the information we need, we can make our final decision at our next meeting.

A Jennings: Regarding the protective screening, it appears that they are going to install it whether we want them to or not.

J. Sullivan: That is one area we might not be able to budge.

T. Lizotte motioned to waive rules to allow Tom Walsh to speak. Seconded by D. Winterton. Vote unanimously in favor.

T. Walsh: I have already scheduled a meeting with DOT; I want to make sure that we are going forward with no screen and having 2 directions at the same time is what we would prefer. That is our artery, basically. Before I go up there, I just want to be sure.

J. Sullivan: We haven't decided which option we would be in favor of.

S. Orr: I think one of the options that resonated strongly with everyone was one-way controlled by signals. In my opinion that was still a pretty viable option.

D. Winterton: The backup traffic would be difficult to manage if it was one lane with lights. He also indicated State police could not help in terms of enforcement. I don't think we should direct Rep. Walsh with any set guidelines. I think if he has a discussion with front office people, he should express the dissatisfaction with this Council that we feel our input has not been listened to.

J. Sullivan: One other issue on the traffic is you have to allow the last car through the light before the other traffic could proceed.

T. Walsh: I'm of the opinion there is nothing wrong with a 9 1/2' lane. If they are worrying about cost, they can save some of that on the screening. Sen. Boutin has already put a call in to the commissioner as well. Just to let you know we are working on it from the other end.

J. Levesque: With all the programmable things, I don't see why they can't work around the light cycles. It's very feasible.

J. Sullivan: Please contact Dr. Shankle with any questions or comments.

b. 14 – 033 Discussion of Amendment to alarm ordinance

Chief Bartlett: What we have proposed are changes to the existing ordinance. Over the last few months, looking at the way we do business, we are finding deficiencies in the ordinance, and also in the manner we can enforce the ordinance. I think the biggest changes are: initial fee of \$25 for application for permit on annual basis. Another is to regulate the fine schedule and make some changes and to give us the ability to have teeth in holding those that are in violation accountable by allowing us to summons them to court or by allowing the HPD to issue a no response letter to a business or resident for numerous false alarms. I think it's going to cover us by ensuring that the false alarms we respond to decrease. Some preliminary analysis work on responses since January: we spent 28 hrs, 7 min on business alarms and 15 hrs, 40 min on false residential alarms – just over 43 man hours responding to false alarms. If an ordinance is in place to hold these folks accountable, they will contact alarm companies, who should make sure the system is functioning properly.

J. Sullivan: This requires us to move to adopt the changes and then move to public hearing.

N. Comai motioned to adopt these changes to the ordinance.

J. Sullivan: Now this goes to public hearing, then we have a formal vote at the following meeting. We would be able to amend the proposal beyond what the HPD is recommending. This is just beginning the process.

T. Lizotte: The last process didn't do that. We went through the process but never amended it. I was under the impression that once the motion was made on the prior one that followed with public hearing discussions and then a vote. Several iterations came back from the department head but I feel this is different.

J. Sullivan: Section 3.6a of the Town Charter doesn't say we can amend it.

D. Fitzpatrick: I'd just like to bring up that there could be amendments made at the public hearing. A Councilor may recuse himself and speak in public as a business owner.

J. Sullivan: We can change a proposal after public hearing, correct?

D. Fitzpatrick: I will check but it's similar to zoning amendments.

J. Sullivan: We have a Councilor who wants to begin the process but we want to clear this up first. I'd like to ask the Councilor to remove the motion so we can get clarification and proceed at our next meeting if it is amendable.

D. Ross: When it comes to voting to move this forward, I would have to recuse myself. I'd like to engage and make this better and I'm well aware of how many municipalities do this and what works and what doesn't. I'd like to offer suggestions to the chief now and he can use them or not.

J. Sullivan: I think we need clarification and we should hold off on moving this forward so we can proceed correctly.

S. Orr: It seems to me that the process we used for the last issue we addressed did that process. We had a chance to review and make suggestion for changes. The department head incorporated our changes. We want to present what we think is a final version to the public. At what point in this phase...so this is different than a regular motion? You are saying the process is different, and we don't even need a second?

J. Sullivan: According to the charter, yes.

T. Lizotte: Unless the public wants to make some changes.

J. Sullivan: Since we don't know that answer, I'd like to hold off.

N. Comai: In reading the staff report from Dr. Shankle, it states as his recommendation to discuss and if any Councilor wishes, move forward to begin the normal process. I think Dr. Shankle read this and is asking us to discuss. To make this body happy I will remove my prior motion and hope we don't spend 45 hours on something that someone has already spent 45 hours on.

J. Levesque: If anyone has concerns, make your changes before our next meeting, send them to Donna and we will have a revised copy at our next meeting.

J. Sullivan: That is what we want to do – maximize Council input and adhere to the Charter. Donna is going to get clarification on that. In the meantime, if you have any suggestions, you can forward them to anyone. I'm not sure how to proceed at this point.

D. Ross: My suggestions are simple and will take 3 minutes. The charges for false alarms need to be in a different fashion. The third alarm is when the first bill comes. The next alarm doubles and the next one doubles again. The alarm company works for the homeowner and you work for the homeowner. I believe the police interacting with the alarm company will make more work for you. The other suggestion

is charging homeowner a fee for permit. I don't see the necessity of that in the sense that if you get a call, they are already in violation of this ordinance. The permitting process and record keeping will just create a headache for you. The fines will make people move, that's how you get them in line. I think everything else about it is great.

J. Sullivan: We do have to move this down another 2 weeks until we get clarification on making changes after the public hearing. I think we should table this until our next meeting.

J. Levesque motioned to table adopting the proposed alarm ordinance until the next meeting. Seconded by T. Lizotte.

Vote unanimously in favor.

c. 14 – 034 Discussion of pawn shop ordinance

J. Sullivan: I think we need to table this one as well, that would be my suggestion because we are going to run into the same situation. Since there is no motion, we should proceed.

Chief Bartlett: We do not currently have an ordinance for pawn brokers and second hand dealers. I'm looking to establish an ordinance that is going to regulate these businesses because a lot of time they deal in items that have been procured in illicit manners. Unless we have a specific process in place as well as electronic filing system we deem necessary that could be cross checked to any police department that subscribes to that. We looked at towns and cities that have ordinances regulating business practices of pawn brokers and second hand dealers. They have the ability to regulate this and have a better hand in what they are selling. I think it's important and will do a lot for the community by discouraging stolen items being sold. Any legitimate business wants to have those regulations.

N. Comai motioned to table discussion on the pawn shop ordinance until the next meeting to allow Councilors to enter input. Seconded by J. Sullivan.

Roll Call

S. Orr – No

A. Jennings – No

N. Comai – Yes

D. Winterton – No

D. Ross – No

J. Levesque – Yes

T. Lizotte – No

J. Sullivan – Yes

Motion Fails 3-5.

D. Winterton: On the definition of second hand dealer, if someone purchases an unclaimed storage unit and that person sells it at a yard sale, are they a second hand dealer?

Chief: I don't believe so as that is abandoned property.

D. Winterton: If I picked up a DVD player at a yard sale for \$5 and re-sell it at my yard sale for \$25 am I a second hand dealer?

Chief: No. I am referring to anyone who operates a business or storefront.

D. Winterton: I think the ordinance is great but I want to make sure that it doesn't include people we don't want it to include.

Chief: We've had a good thought process regarding that. There is an exclusion section that specifically excludes specific items that still needs to be added. If we put this exclusion section in, it will allay any concerns that people who think that same way may have.

S. Orr: Did you consult other town ordinances for the verbiage?

Sgt. Bouchard: I gathered ordinances from different surrounding towns: Manchester, Bedford, Goffstown and we tailored it to how we thought it would fit Hooksett the best.

T. Lizotte: We have a consignment store. Does that fall under the same thing? The other thing is clothes – second hand baby clothes. Are we going to have people log clothes?

Chief: That's what I'm hoping your input will provide. We think this is a good start but more heads are better than one. I don't believe those types of stores fall under this ordinance.

Sgt. Bouchard: The consignment shops would be included so you would be able to trace coins, stamps, etc.

T. Lizotte: Is there a way to narrow this to stuff that has more tangible value? Coins, electronics, CD's?

Chief: We can exclude certain things if that is the wishes of the Council. It is problematic – we had a theft case in town that resulted in a significant amount of metal being sold to a pawn shop. We can exclude certain businesses if you wish, but I think anything can be stolen and pawned.

T. Lizotte: If you could, just bracket the items that don't have a lot of value. Is there an auditing component?

Sgt. Bouchard: Yes we have the option to spot check at any time to make sure they are reporting to us as they are supposed to and if they aren't they are subject to losing their license.

A. Jennings: Could they take one picture of a lot of clothes instead of individual items? Are there any RSA's or state guidance regarding the online tracking system? It seems like it will cost the shop owners a significant amount of money.

Sgt. Bouchard: We're not looking to include baby clothes or high chairs or that kind of stuff.

Capt. Daigle: There are 2 RSA's that apply.

D. Ross: I'm fully in favor of this ordinance. As far as how to eliminate so many articles, you might want to put a monetary threshold on that. You're typically looking for items valued at more than \$50. That might be a way to streamline it instead of having a list of excluded items. That is just a suggestion in that regard.

Capt. Daigle: We thought it was covered in Section 5.

D. Ross: That goes to Mr. Jennings' point about cost to the shop owner.

Sgt. Bouchard: The risk with putting a monetary value limit is that they will offer \$49.99 instead of \$50 to get around that.

Capt. Daigle: And who determines the value? I think that a lot of communities shied away from that for that reason.

Sgt. Bouchard: I attended training on what it entails for them to report. Once they are set up, they are provided free training and it's very quick and easy. They need a photo of the item, seller and some data entry.

T. Lizotte: I think it looks good.

S. Orr: We've suggested some amendments. Do we have to wait until they come back with the amendments to move it? My inclination is to wait until they make the amendments to make a motion.

J. Sullivan: Correct. We will not make a motion to move this at this time. Once we get clarification, we can motion to move to public hearing.

**J. Sullivan motioned to table. Seconded by S. Orr.
Vote unanimously in favor.**

NEW BUSINESS

- a. 14 – 035 Impact Fees for South Bow Road

***J. Levesque motioned to table until 5/14/14. Seconded by T. Lizotte.
Vote unanimously in favor.***

- b. 14 – 036 Citizen of the Year

***J. Sullivan motioned to authorize XX. Seconded by T. Lizotte.
Vote unanimously in favor.***

- c. 14 – 037 Approval of Street Names

D. Ross: In the past the Council is the last signature. I see only one signature on this.

D. Fitzpatrick: All signatures are there, one on each page.

***T. Lizotte motioned to approve the street names Churchill Drive and Old Mill Lane. Seconded by
N. Comai.***

Vote unanimously in favor.

- d. 14 – 038 Conservation Commission: Clay Pond Stewardship Plan

D. Fitzpatrick: Steve Couture will discuss 14-038 and 14-039.

S. Couture, Conservation Commission Chair: We had a nice Earth Day event at the Merrimack River front property. It consists of 135 acres, ¼ mile shorefront property, and has the last active cornfield in Hooksett. We received funding from LCHIP from the state and that is one of the reasons the governor came. Just wanted to mention Donna and the Chief of Police and DPW who worked quickly to organize this event. We had a good turnout and the governor enjoyed the property a little more after the event.

J. Sullivan: Thank you and the commission and to all those involved.

S. Couture: Stewardship Plan is that step to manage. We received 4 bids, narrowed it down to 2, did another review and made our selection. They happen to also have submitted the low bid. We'd like to move forward with Moosewood.

D. Ross motioned to approve maintenance plan with Moosewood. Seconded by S. Orr.

S. Orr: If price wasn't the main reason can you explain what made you select them?

S. Couture: Their focus on trails was pretty strong.

S. Orr: There is a trail that connects Dube Pond to Heads Pond. Will that be expanded?

S. Couture: There is an abandoned railroad track but that is not within the property we are developing.

D. Ross: The focus on the trail expertise is important – that is one of the driving factors in place for many years and part of the master plan.

T. Lizotte: When will this be completed?

S. Couture: We have to ask for a revised timeline. The original deadline was late fall/early winter of this year. If you approve tonight, we will have our first meeting next week.

T. Lizotte: Conservation Commission meeting or a subcommittee?

S. Couture: A smaller group of us that is going to work with them on a regular basis.

Roll Call –

T. Lizotte – Yes

S. Orr – Yes

A. Jennings – Yes

N. Comai – Yes

D. Winterton – Yes

D. Ross – Yes

J. Levesque – Yes

J. Sullivan - Yes

Vote unanimously in favor.

e. 14 – 039 Conservation Commission: Summit View Open Space Easement

S. Couture: We reviewed the changes in the email from Steve Buckley and were satisfied with those. The Conservation Commission supported this and this was part of the open space required for the conservation subdivision.

N. Comai motioned to accept the open space quit claim deed as amended. Seconded by T. Lizotte.

D. Ross: Note 4 – “*may be well radii from the developed lots that will encumber the Open Space.*” I didn’t see that in the plan.

S. Couture: The well rating identifies space and didn’t raise my concern. Point of clarification – it’s not an easement; it’s a quit claim deed.

Vote unanimously in favor.

f. 14 – 040 Sale of Tax Deeded property back to former owner

D. Fitzpatrick: Kim Blichmann, Tax collector and Dave Scarpetti is the realtor.

T. Lizotte motioned to authorize the Town Administrator to sign the quitclaim deed so he can do it at closing when he receives the funds. Seconded by D. Winterton.

J. Sullivan: The tax collector confirmed that the wording of the motion was satisfactory.

D. Scarpetti, Realtor representing Iris Labrie: This property is scheduled to close shortly. The town attorney and Iris’ attorney have been working together to get the required paperwork completed. It might be pushed to May 1 due to the amount of procedures.

Roll Call-

J. Levesque – Yes

T. Lizotte – Yes

S. Orr – Yes

A. Jennings – Yes

N. Comai – Yes

D. Winterton – Yes

D. Ross – Yes

J. Sullivan – Yes

Vote unanimously in favor.

SUB-COMMITTEE REPORTS

A. Jennings: Nothing to report

S. Orr – Nothing to report

N. Comai: Municipal Records Committee moving forward with the potential of 95% completed record retention policy. It was brought to department heads for input and the next round of feedback is on June 3. The next goal is to be at 99.9% by June 11 for review at that Town Council meeting. Todd Rainier is doing a wonderful job. We are pretty much in compliance. I’m proud of that group – it was a huge undertaking in a short amount of time.

J. Sullivan: Heritage commission – Heritage Day May 18; working with Old town Hall to coordinate fundraising efforts on souvenir items and profits will be given to them as allowed.

D. Winterton: Planning Board met Monday and approved of a connector road at W. Alice – gated at both ends. SNHU is getting ready with what they may do in the future. There was a lot of concern from

neighbors. We made sure properly that even if the neighbor was not a proper abutter, they would be notified as if they were a proper abutter. SNHU was in agreement and it all worked out.

D. Ross: Nothing to report

J. Levesque: Recycle met and we are paying \$14/ton for recycle and \$65/ton for trash. Chronicle will broadcast the story they did on Wednesday, April 30 on channel 9 at 7 pm. They received a check for \$1500 for recycled cardboard. She will come to you in the future about an ordinance regarding recycling cardboard instead of putting it in the trash. Open House this Saturday – shredder truck will be on site to shred for free.

T. Lizotte: Nothing to report except I look forward to being a liaison to the Election Board. Baseball season is upon us. There is a jamboree on May 4. Opening Day is May 10. I'd like to see a lot of people come out and support us.

J. Levesque: Mr. Schroeder on Transfer Committee wanted everyone to know about railroad show coming up on April 27 at Cawley Middle School.

PUBLIC INPUT

None

NON-PUBLIC SESSION

NH RSA 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.

NH 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.

NH RSA 91-A:3 II (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

J. Sullivan motioned to enter non-public session at 9:00pm. Seconded by T. Lizotte.

Roll call

D. Ross - Yes

J. Levesque – Yes

T. Lizotte – Yes

S. Orr - Yes

A. Jennings – Yes

N. Comai - Yes

D. Winterton – Yes

J. Sullivan - Yes

Vote unanimously in favor.

***D. Ross motioned to extend the meeting at 9:30pm to 9:45pm. Seconded by T Lizotte.
Vote unanimously in favor.***

***D. Ross motioned to extend the meeting at 9:45pm to 10:00pm. Seconded by T Lizotte.
Vote unanimously in favor.***

***T. Lizotte motioned to extend the meeting at 10:00pm to 10:15pm. Seconded by D. Winterton.
Vote unanimously in favor.***

***D. Winterton motioned to exit non-public at 10:10pm. Seconded by S. Orr.
Vote unanimously in favor.***

***D. Winterton motioned to seal the non-public minutes of 4/23/14. Seconded by T. Lizotte.
Vote unanimously in favor.***

***T. Lizotte motioned to adjourn at 10:13pm. Seconded by N. Comai.
Vote unanimously in favor.***

Respectfully Submitted,

Tiffany Verney

AGENDA NO. consent

DATE: 5/14/14

Staff Report
Acceptance of Donation from Sara Kelly
5-14-14

Background: Per RSA 31:95-b III (b) for such amount less than \$5,000. Council shall post notice in the agenda and shall include notice in the minutes of a Council meeting in which such moneys or donations are discussed.

Issue: To accept the donation of \$30.00 from Sara Kelly in the amount of \$30.00

Discussion: This donation is in memory of Albert Dionne as a way of saying thanks to Hooksett Fire-Rescue for all you do every day.

Fiscal Impact: The donation is a gift to the Hooksett Fire Department.

Recommendation: Motion to accept donation of \$30.00 to the Hooksett Fire-Rescue Department under RSA 31:95-b III (b)

Prepared by: Fire Chief Michael Williams

Town Administrator Recommendation: *Concur*


Dean E. Shankle, Jr., Ph.D.
Town Administrator

AGENDA NO. insert

DATE: 5/14/14

Staff Report
Acceptance of Donation from Diane A. Groux
5-14-14

Background: Per RSA 31:95-b III (b) for such amount less than \$5,000. Council shall post notice in the agenda and shall include notice in the minutes of a Council meeting in which such moneys or donations are discussed.

Issue: To accept the donation of \$50.00 from Diane A. Groux.

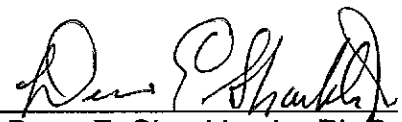
Discussion: This donation is in memory of Jean L. Cuppler as a way of saying thank you to Hooksett Fire-Rescue for your commitment and response to the people of Hooksett.

Fiscal Impact: The donation is a gift to the Hooksett Fire Department.

Recommendation: Motion to accept donation of \$50.00 to Fire-Rescue Department under RSA 31:95-b III (b)

Prepared by: Fire Chief Michael Williams

Town Administrator Recommendation: *concur*



Dean E. Shackle, Jr., Ph.D.
Town Administrator

Staff Report
Tree Donation for Dog Park
May 14, 2014

AGENDA NO. Council
DATE: 5/14/14

Background:

Mrs. Caroline Masterson, has a co-worker that lost both parents, her father most recently. Her goal at work was to have a Coral Crab Apple Tree planted at the Hooksett dog park that she visits every day. With the tree they would like to place a memorial plaque.

Issue:

The Hooksett dog park is an open area and has no trees for shading. This would be appreciated I am sure by all, even the dogs, for shade.

Discussion:

I would like the Council to approve the donation of the tree and Parks and Recreation will plant it in the memory of the resident.

Fiscal Impact:

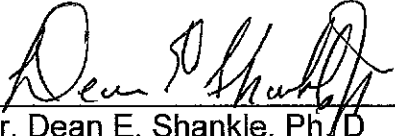
No impact to the town. The tree cost is \$180.00 and it will be donated.

Recommendation:

I would recommend that the Council accepts the donation of the tree valued at \$180.00 for the Hooksett dog park per RSA 31:95-e II.

Prepared by: Leo Lessard, Public Works Director

Town Administrator Recommendation: *concur*



Dr. Dean E. Shankle, Ph.D
Town Administrator

Staff Report
University Heights Apartments Bond Release
May 14, 2014

AGENDA NO. consent
DATE: 5/14/14

Background:

.the plan includes 204 apartment units in nine apartments building's, a clubhouse with office space, model apartment, associated roadway, parking and storm water management infrastructure.

Issue:

To release the site bond put in place in April of 2012

Discussion:

The site work is totally completed as of fall 2013; the buildings are pretty much all occupied. I have reviewed the site against the plans and all is in place and acceptable. Pilot Construction is asking for the release of the \$449,913.00 site bond, while the landscaping bond is just now being put into place.

Fiscal Impact:

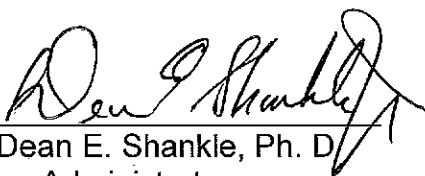
There are no impact issues.

Recommendation:

I recommend that the Town Council release the site bond of \$449,913.00 to Pilot construction after we receive the landscaping bond \$192,647.00

Prepared by: Leo Lessard, Public Works Director

Town Administrator Recommendation: Concur.



Dr. Dean E. Shankle, Ph. D.
Town Administrator

AGENDA NO. Sched. Appxto
DATE: 5-14-14

ARTICLE 30

IMPACT FEE ORDINANCE (Adopted 5/8/01)

A. Purpose. This ordinance is enacted pursuant to RSA 674:21, and in order to:

1. Promote the public health, safety and welfare and prosperity;
2. Ensure that adequate and appropriate facilities are available to individuals who may come to be located in the Town of Hooksett;
3. Prevent scattered or premature development of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services;
4. Provide for the harmonious development of the municipality and its environs;
5. Ensure the proper arrangement and coordination of streets; and,
6. Ensure streets of sufficient width to accommodate existing and prospective traffic.

B. Definitions

1. **Fee payer** means the applicant for the issuance of a permit that would create new development as defined in this Section.
2. **Impact fee** means a fee or assessment imposed upon development, including subdivision, building construction or other land-use change, in order to help meet the needs occasioned by the development for the construction or improvement of capital facilities owned or operated by the municipality, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public libraries; and public recreation facilities, not including public open space.
3. **New development** means an activity that results in:
 - a. The creation of a new dwelling unit or units; or
 - b. The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of dwelling units; or
 - c. Construction resulting in a new non-residential building or a net increase in the floor area of any non-residential building; or

d. The conversion of an existing use to another use if such change creates a net increase in the demand on public capital facilities that are the subject of impact fee assessments.

New development shall not include the replacement of an existing mobile home, or the reconstruction of a structure that has been destroyed by fire or natural disaster where there is no change in its size, density or type of use, and where there is no net increase in demand on the public capital facilities of the town of Hooksett.

C. Authority to Assess Impact Fees.

The Planning Board is hereby authorized to assess impact fees, as herein defined, and in accordance with the standards herein set forth. The Planning Board shall have the authority to adopt regulations to implement the provisions of this ordinance.

D. Standards and Methodology for Assessment

1. The amount of any impact fee shall be a proportional share of municipal capital improvement costs, which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee.

2. Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.

3. The Planning Board may prepare, adopt, or amend studies or reports that are consistent with the above standards, and which define a methodology for impact fee assessment for public capital facilities, and impact fee assessment schedules therefore.

E. Waivers

The Planning Board may grant full or partial waivers of impact fees where the Board finds that one or more of the following criteria are met with respect to the particular public capital facilities for which impact fees are normally assessed.

1. A fee payer may request a full or partial waiver of public school impact fees for those residential units that are lawfully restricted to occupancy by senior citizens age 62 or over in a development that is also maintained in compliance with the provisions of RSA 354-A: 15, Housing For Older Persons. The Planning Board may waive school impact fee assessments on such age-restricted units where it finds that the property will be bound by lawful deeded restrictions on occupancy by senior citizens age 62 or over for a period of at least 20 years.

2. The Planning Board may agree to waive all or part of an impact fee assessment and accept in lieu of a cash payment, a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Prior to acting on a request for a waiver of impact fees under this provision that would involve a contribution of real property or the construction of capital facilities, the Planning Board shall submit a copy of the waiver request to the Town Council for its review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of impact fee assessment. All costs incurred by the Town

for the review of such proposal, including consultant and counsel fees, shall be paid by the fee payer.

F. Administration of Impact Fees

1. All impact fees shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with development.
2. Between the date of assessment and collection, the Planning Board may require fee payers to post security, in the form of a cash bond, letter of credit or performance bond so as to guaranty future payment of assessed impact fees.
3. Impact fees shall be collected as a condition for the issuance of a Certificate of Occupancy; provided however, in projects where off-site improvements are to be constructed simultaneously with a project's development, and where the Town has appropriated the necessary funds to cover such portions of the work for which it will be responsible, the Town may advance the time of collection of the impact fee to the issuance of a building permit.
4. The Planning Board and the fee payer may establish an alternate, mutually acceptable schedule of payment of impact fees.
5. Each impact fee shall be accounted for separately, shall be segregated from the Town's general fund, may be spent upon order of the governing body, and shall be used solely for the capital improvements for which it was collected, or to recoup the cost of capital improvements made in anticipation of the needs for which fees are collected to meet.
6. In the event that bonds or similar debt instruments have been or will be issued by the Town of Hooksett or the Hooksett School District for the funding of capital improvements that are the subject of impact fee assessment, impact fees from the appropriate related capital facility impact fee accounts may be applied to pay debt service on such bonds or similar debt instruments.
7. The Finance Director shall record all fees paid, by date of payment and the name of the person making payment, and shall maintain an updated record of the current ownership and tax map reference number of properties for which fees have been paid under this Section for each permit so affected for a period of at least nine (9) years from the date of receipt of the impact fee payment associated with the issuance of each permit.
8. The total impact fee, as calculated from the applicable fee schedule, is to be assessed to the applicant if a new development is created on vacant land or on land wherein there has been a structure. If a new development replaces an existing use, then the assessed fee is to be calculated as the net fee between that of the former use and that of the replacement use.

(Amended 05/14/13)

G. Refund of Fees Paid

The current owner of record of property for which an impact fee has been paid shall be entitled to a refund of that fee, plus accrued interest under the following circumstances:

1. When either the full or partial portion of the impact fee, whichever is applicable, has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six (6) years from the date of the full and final payment of the fee; or

2. When the Town of Hooksett, or in the case of school impact fees the Hooksett School District, has failed, within the period of six (6) years from the date of the full and final payment of such fee, to appropriate their proportionate non-impact fee share of related capital improvement costs.

H. Appeals Under This Section

1. A party aggrieved by a decision made by the Planning Board regarding the assessment or collection of impact fees authorized by this Section may appeal such decision to the Planning Board;
2. Upon denial of the appeal, a party aggrieved by a decision of the Planning Board under this Section may appeal such decision to the Merrimack County Superior Court as provided by RSA 676:5, III and RSA 677:15, as amended.

I. Applicability

This ordinance shall not be deemed to affect the existing authority of the Planning Board over subdivisions and site plans, including, but not limited to the authority to declare a development to be premature or scattered in accordance with the regulations of the Board and in accordance with RSA 674:36, II(a). Payment of the impact fee under this Section does not restrict the Town of Hooksett or the Planning Board from requiring other payments or improvements from new development. Nothing in this section shall be construed to affect fees that are assessed under the authority of other statutes, town ordinances or regulations.

(end of Article 30)

New Hampshire Town And City

Demystifying Impact Fees

New Hampshire Town and City, May / June 2013

By C. Christine Fillmore

The development of land often creates an increased need for capital improvements such as new or improved roads and intersections, water and sewer extensions, and street lighting. New Hampshire towns and cities may charge the developer for these costs in two different ways: off-site exactions and impact fees. This article looks at what impact fees are, how they work, and what has changed over the past year.

Impact Fees v. Off-Site Exactions

Before discussing impact fees, it is important to contrast them with the other method of cost-recovery. RSA 674:21, V(i) allows a municipality to charge a developer an "exaction" for off-site improvement needs determined by the planning board to be necessary for the occupancy of any portion of a development. In this context, "off-site improvements" are those improvements created by the development but located outside the boundaries of the property that is the subject of the site plan or subdivision application. Exactions may only be charged for highway, drainage, sewer, and water upgrades related to the development, and only in reasonable proportion to the benefit accruing to the development from those improvements. These exactions may be assessed whether or not a municipality has adopted an impact fee ordinance and are assessed by the planning board on a case-by-case basis.

The other, more comprehensive method for recovering these costs is for a municipality to adopt an impact fee system through their zoning ordinance under RSA 674:21, V. In this context, "impact fee" means a fee imposed on a development to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the municipality. One major difference between off-site exactions and impact fees is that impact fees may be assessed for a much wider variety of capital improvements. They are authorized for: water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; municipal road systems and rights of way; municipal office facilities; public school facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district; public safety facilities; solid waste collection, transfer, recycling, processing, and disposal facilities; public library facilities; and public recreational facilities (except for open space).

The fee must be assessed in proportion to the share of municipal capital improvement costs reasonably related to the capital needs created by the development and the benefits accruing to the development from those improvements. Notably, impact fees may not be charged for upgrading existing facilities or infrastructure unless the need for the upgrade is created by the development. RSA 674:21, V(a).

Adoption and Administration of Impact Fees

Adopting an impact fee ordinance is a formal process. First, the municipality must have enacted a capital improvements program under RSA 674:4-7. RSA 674:21, V(b). Next, an impact fee ordinance must be passed by the legislative body (town meeting, town council or city council/board of aldermen) using the ordinary process for zoning ordinances under RSA 675:2-4. This includes drafting by the planning board, public hearing(s), and a ballot vote by the legislative body (town meeting or city council/board of aldermen). The impact fee ordinance is generally part of a zoning ordinance. This makes sense because it goes hand in hand with the planning board's administration of subdivision and site plan review.

The actual assessment and collection of impact fees falls to the planning board. The ordinance should contain sufficient standards to guide the board in its assessment of the fees, including a methodology and specific measurements for the board to consider. The ordinance (or the planning board's regulations) may also include required procedures for the board to use when setting fees, such as whether the board must hold a public hearing before fees are set. Obviously, the actual cost of improvements will fluctuate over time and the proportion to be assessed to each development will be different, so a "one fee fits all for all time" approach will not work. Planning boards have discretion to adjust impact fees periodically as part of their administration duties, but they cannot do so in an arbitrary or unwarranted way. Adjustments may be upheld when the board follows the direction set by the standards in the ordinance. The New Hampshire Supreme Court has spoken approvingly of variables to be considered by a planning board that are "factual," that can be "periodically updated," and that require the board to "compile and assess the underlying data." *Caparco v. Danville*, 152 N.H. 722 (2005). The ordinance may also provide for a waiver process, including criteria for the board to consider in granting a waiver. It is important to note that the waiver criteria should be in the ordinance itself rather than in the planning board's regulations. RSA 674:21, V(g).

Impact fees are assessed at the time the planning board approves the site plan or subdivision. When no board approval is required, or has been made before the impact fee ordinance was enacted, the impact fees are assessed before, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with development. "Impact fees shall be intended to reflect the effect of development upon municipal facilities as the time of the issuance of the building permit." RSA 674:21, V(d). Once assessed, the fees are collected when the certificate of occupancy is issued. If no certificate of occupancy is required, the fees are collected when the development is ready for its intended use. Alternatively, the planning board and developer are free to establish an alternate, mutually acceptable schedule of payment at the time the board approves the development. In this case, the board may require the developer to post some sort of security to ensure the future payment of impact fees. RSA 674:21, V(d).

Once collected, impact fees must be accounted for separately, segregated from the municipality's general fund, and may only be spent on the order of the governing body (i.e., selectmen/town council/city council/board of aldermen). They are exempt from general requirements of the Municipal Budget Act (RSA Chapter 32) regarding limitation and expenditure of municipal funds. Importantly, impact fee revenue may be spent "solely for the capital improvements for which it was collected, or to recoup the cost of capital improvements made in anticipation of the needs which the fee was collected to meet." RSA 674:21, V(c).

Refunding Impact Fees

There is a limit on how long a municipality may hold impact fees after they are collected without using them. The impact fee ordinance must establish a "reasonable time" within which the municipality will use the funds, after which the funds must be refunded with any accrued interest. If the impact fee was calculated as a portion of a project for which the municipality was supposed to pay, the impact fees must be refunded if the municipality fails to appropriate its share of the project costs within that "reasonable time." In any case, the maximum amount of time considered to be "reasonable" is six years. RSA 674:21, V(e).

The requirement to return unused fees after no more than six years places responsibility on the municipality to keep track of the fees separately as they are collected, and review their status periodically (a process called "segregation"). Ideally, a review would take place at least once a year to prevent the municipality from wrongfully holding (and possibly spending) fees that should have been returned. A related issue is identifying who is entitled to the refund. What if the developer has gone bankrupt, or sold all the lots and moved on? If the developer cannot be found and it is not obvious who should receive the refund, the municipality may file a petition with the superior court either for declaratory judgment or a bill of interpleader. This is a type of lawsuit in which the municipality explains the facts and the background, describes their efforts to locate the developer, names everyone who may have a claim to the money, and asks the court to solve the problem. It also deposits the funds with the court at the time the petition is filed. Importantly, when the municipality files a bill of interpleader, it is entitled to collect the costs of the filing fee and its other expenses in filing the petition, so the petition should clarify those costs as well.

Recent Developments

In 2010, these three requirements (segregating impact fees, spending them only for the purpose for which they were collected, and refunding unused fees after six years) combined to create the perfect storm in the Town of Hudson. In connection with a subdivision approval in 2000, a developer was required to pay the Town a fee for improvements to an intersection. The money was placed in a separate account, but the records of expenditures did not fully explain the purpose for which they were spent. From 2005 to 2007 (now hitting the six-year mark), the Town used the funds to pay for work to the intersection as well as other improvements to the road. The developer claimed the work was "general road maintenance" rather than improvements, and demanded a refund of the money. The Town refused.

In the ensuing lawsuit, the developer claimed the money had been spent for purposes other than those for which it was collected. The Town's records were confusing and the Court was unable to determine exactly which funds had been used for appropriate portions of the intersection improvement. Because of the "lack of adequate accounting," the Court ordered the Town to refund a portion of the money to the developer. *Clare v. Hudson*, 160 N.H. 378 (2010). The lesson from this case was that municipalities must clearly account for all funds paid by a developer for impact fees (or off-site exactions). A municipality that can demonstrate through proper records that funds were spent only for the purpose for which they were collected within the six-year time frame is less likely to be required to refund those funds after a lengthy (and expensive) court proceeding.

The New Reporting Requirement

In 2012, the legislature amended RSA 674:21, V to make the lesson of *Clare v. Hudson* part of the law by adding a new subsection (l): "No later than 60 days following the end of the fiscal year, any municipality having adopted an impact fee ordinance shall prepare a report listing all expenditures of impact fee revenue for the prior fiscal year, identifying the capital improvement project for which the fees were assessed and stating the dates upon which the fees were assessed and collected. The annual report shall enable the public to track the payment, expenditure, and status of the individually collected fees to determine whether said fees were expended, retained, or refunded."

In other words, the law now requires municipalities to track each dollar from beginning to end: why it was collected, when it was collected, when it was spent and exactly why, and at what time any unused portion was refunded to the developer. This recordkeeping has always been a good idea, but it is now legally required.

The New State Highway Provision

The other recent development involves the use of already-collected impact fees for improvements to State highways. Under RSA 674:21, V(k), enacted in 2012, impact fee revenues being held for construction or improvement of municipal roads may be spent for State highways within the municipality, but only for improvements that are related to the capital needs created by the development. These expenses may include items such as (but not limited to) traffic signals and signage, turning lanes, additional travel lanes, and guard rails. Obviously, approval is required from the State Department of Transportation for any such improvements.

The statute makes it clear, however, that municipalities are not permitted to assess impact fees going forward for improvements to State highways. This new provision simply permits municipalities to use fees they have already collected for those improvements to the extent they are related to the development. It is, in a way, an amnesty provision for municipalities that have already collected impact fees for improvements to State highways despite the fact that it was not authorized. The State is allowing municipalities to use those already-collected fees, but does not authorize fees to be assessed specifically for that purpose in the future. Municipalities may still require a developer to make improvements to a State highway without collecting an impact fee to pay for it by using their authority to require off-site improvements (the "exactions" discussed at the beginning of this article).

C. Christine Fillmore is Staff Attorney for the New Hampshire Municipal Association. She may be contacted at 800.852.3358 ext. 3408 or by email (<mailto:legalinquiries@nhmunicipal.org>).

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New Hampshire Municipal Association
25 Triangle Park Dr.
Concord, NH 03302
603.224.7447
nhmainfo@nhmunicipal.org (<mailto:nhmainfo@nhmunicipal.org>)
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MunicipalityName	County	RPC	Impact Fees
Allenstown	Merrimack	CNHRPC	<input checked="" type="checkbox"/>
Amherst	Hillsborough	NRPC	<input checked="" type="checkbox"/>
Atkinson	Rockingham	RPC	<input checked="" type="checkbox"/>
Barnstead	Belknap	LRPC	<input checked="" type="checkbox"/>
Barrington	Strafford	SRPC	<input checked="" type="checkbox"/>
Bedford	Hillsborough	SHNPC	<input checked="" type="checkbox"/>
Belmont	Belknap	LRPC	<input checked="" type="checkbox"/>
Bennington	Hillsborough	SwRPC	<input checked="" type="checkbox"/>
Bethlehem	Grafton	NCC	<input checked="" type="checkbox"/>
Boscawen	Merrimack	CNHRPC	<input checked="" type="checkbox"/>
Bow	Merrimack	CNHRPC	<input checked="" type="checkbox"/>
Brentwood	Rockingham	RPC	<input checked="" type="checkbox"/>
Bristol	Grafton	LRPC	<input checked="" type="checkbox"/>
Brookline	Hillsborough	NRPC	<input checked="" type="checkbox"/>
Canaan	Grafton	UVLSRPC	<input checked="" type="checkbox"/>
Candia	Rockingham	SNHPC	<input checked="" type="checkbox"/>
Canterbury	Merrimack	CNHRPC	<input checked="" type="checkbox"/>
Chester	Rockingham	SNHPC	<input checked="" type="checkbox"/>
Chichester	Merrimack	CNHRPC	<input checked="" type="checkbox"/>
Concord	Merrimack	CNHRPC	<input checked="" type="checkbox"/>
Danville	Rockingham	RPC	<input checked="" type="checkbox"/>
Deerfield	Rockingham	SNHPC	<input checked="" type="checkbox"/>
Derry	Rockingham	SNHPC	<input checked="" type="checkbox"/>
Dorchester	Grafton	UVLSRPC	<input checked="" type="checkbox"/>
Dover	Strafford	SRPC	<input checked="" type="checkbox"/>
East Kingston	Rockingham	RPC	<input checked="" type="checkbox"/>
Enfield	Grafton	UVLSRPC	<input checked="" type="checkbox"/>
Epping	Rockingham	RPC	<input checked="" type="checkbox"/>
Exeter	Rockingham	RPC	<input checked="" type="checkbox"/>
Farmington	Strafford	SRPC	<input checked="" type="checkbox"/>
Francestown	Hillsborough	SwRPC	<input checked="" type="checkbox"/>
Fremont	Rockingham	RPC	<input checked="" type="checkbox"/>
Gilford	Belknap	LRPC	<input checked="" type="checkbox"/>
Goffstown	Hillsborough	SNHPC	<input checked="" type="checkbox"/>
Greenfield	Hillsborough	SwRPC	<input checked="" type="checkbox"/>
Hampton	Rockingham	RPC	<input checked="" type="checkbox"/>
Hampton Falls	Rockingham	RPC	<input checked="" type="checkbox"/>
Hanover	Grafton	UVLSRPC	<input checked="" type="checkbox"/>
Hooksett	Merrimack	SNHPC	<input checked="" type="checkbox"/>
Hopkinton	Merrimack	CNHRPC	<input checked="" type="checkbox"/>
Hudson	Hillsborough	NRPC	<input checked="" type="checkbox"/>
Jaffrey	Cheshire	SwRPC	<input checked="" type="checkbox"/>
Kingston	Rockingham	RPC	<input checked="" type="checkbox"/>
Laconia	Belknap	LRPC	<input checked="" type="checkbox"/>
Lebanon	Grafton	UVLSRPC	<input checked="" type="checkbox"/>
Lincoln	Grafton	NCC	<input checked="" type="checkbox"/>

MunicipalityName	County	RPC	Impact Fees
Litchfield	Hillsborough	NRPC	<input checked="" type="checkbox"/>
Londonderry	Rockingham	SNHPC	<input checked="" type="checkbox"/>
Loudon	Merrimack	CNHRPC	<input checked="" type="checkbox"/>
Manchester	Hillsborough	SNHPC	<input checked="" type="checkbox"/>
Meredith	Belknap	LRPC	<input checked="" type="checkbox"/>
Milford	Hillsborough	NRPC	<input checked="" type="checkbox"/>
Mont Vernon	Hillsborough	NRPC	<input checked="" type="checkbox"/>
Nashua	Hillsborough	NRPC	<input checked="" type="checkbox"/>
New Durham	Strafford	SRPC	<input checked="" type="checkbox"/>
New London	Merrimack	UVLSRPC	<input checked="" type="checkbox"/>
Newbury	Merrimack	UVLSRPC	<input checked="" type="checkbox"/>
Newfields	Rockingham	RPC	<input checked="" type="checkbox"/>
Newmarket	Rockingham	SRPC	<input checked="" type="checkbox"/>
Newton	Rockingham	RPC	<input checked="" type="checkbox"/>
Northfield	Merrimack	LRPC	<input checked="" type="checkbox"/>
Nottingham	Rockingham	SRPC	<input checked="" type="checkbox"/>
Plastow	Rockingham	RPC	<input checked="" type="checkbox"/>
Plymouth	Grafton	NCC	<input checked="" type="checkbox"/>
Portsmouth	Rockingham	RPC	<input checked="" type="checkbox"/>
Randolph	Coos	NCC	<input checked="" type="checkbox"/>
Raymond	Rockingham	SNHPC	<input checked="" type="checkbox"/>
Rindge	Cheshire	SwRPC	<input checked="" type="checkbox"/>
Rochester	Strafford	SRPC	<input checked="" type="checkbox"/>
Rollinsford	Strafford	SRPC	<input checked="" type="checkbox"/>
Salem	Rockingham	RPC	<input checked="" type="checkbox"/>
Sanbornton	Belknap	LRPC	<input checked="" type="checkbox"/>
Sandown	Rockingham	RPC	<input checked="" type="checkbox"/>
Springfield	Sullivan	UVLSRPC	<input checked="" type="checkbox"/>
Tilton	Belknap	LRPC	<input checked="" type="checkbox"/>
Webster	Merrimack	CNHRPC	<input checked="" type="checkbox"/>
Westmoreland	Cheshire	SwRPC	<input checked="" type="checkbox"/>
Wilton	Hillsborough	NRPC	<input checked="" type="checkbox"/>
Winchester	Cheshire	SwRPC	<input checked="" type="checkbox"/>
Windham	Rockingham	SNHPC	<input checked="" type="checkbox"/>
Wolfboro	Carroll	LRPC	<input checked="" type="checkbox"/>



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



CHRISTOPHER D. CLEMENT, SR
COMMISSIONER

AGENDA NO. 14-031
DATE: 5/14/14

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

Commissioner's Office
Tel: (603) 271-2731
Fax: (603) 271-2759

May 6, 2014

Dr. Dean Shankle
Town Administrator
35 Main Street
Hooksett, NH 03106 (via email:) dshankle@hooksett.org

Re: Hooksett 28435 - Rehabilitation of Br. No. 080/148
Main Street over the Merrimack River
Traffic Control Options

Dear Dr. Shankle:

I am writing to discuss traffic control options for the above reference bridge rehabilitation project that is to be constructed in 2015. At the Hooksett Town Council meeting on April 9, 2014, the NHDOT requested the Town Council's input on the two traffic control options that were presented. This letter summarizes those options along with a third.

Option 1: Complete bridge closure - This option would close the bridge completely to traffic and pedestrians for construction. This option would minimize the construction duration to about 9 weeks in the summer, when school buses would not be affected. This option, with an estimated cost of \$1.10 million, is the least expensive option, has the shortest duration, but has the most traffic implications with the complete closure of the bridge.

Option 2: Exclusive one-way traffic - This option involves phased bridge construction (half at a time) while providing exclusive one-way traffic (presumed northbound) on the bridge. This option would allow one-way travel to continue throughout the construction. The construction duration would be approximately 22 weeks beginning in the spring through the summer. Remote-activated traffic signals would be installed to allow school buses and emergency vehicles to halt opposing traffic and allow the buses and emergency vehicles to travel southbound. This option has an estimated cost of \$1.45 million, a longer construction duration, and traffic implications given only one direction of travel.

Option 3: Alternating one-way traffic - This option, similar to option 2, involves phased bridge construction (half at a time) while allowing alternating one-way traffic on the bridge with temporary signals that would favor the predominant morning and evening traffic flow. This would allow both directions of travel to continue using the bridge during construction. The duration and cost would similar to Option 2. This option provides traffic availability in both directions, albeit one direction at a time.

There are pros and cons and with all three traffic control option in terms of time, cost, and traffic implications. Given the discussions and concerns that we have had with the Town, and lacking a clear consensus from the Town otherwise, the Department is proposing to move ahead with Option 3. We will seek to minimize the negative impacts and optimize operation to the extent practicable. We will monitor and evaluate the operation during implementation and construction, and make changes or adjustments as necessary, with appropriate feedback from the community.

We also understand that the Town has concern regarding the extent and appearance of the protective screening that will be installed on the bridge as part of this project. For your reference, we have also included a plan and elevation of the bridge depicting the limits of the protective screening, which is currently shown as 5' snow fence on the non-sidewalk side and 9' vertical fence on the sidewalk side. Please note that the protective screens would only be located directly over the railroad and Riverside Street. The limits shown on the plan view are depicted with an exaggerated and overly offset line style for clarity.

We appreciate the Town's input on this project and its potential implications. I hope this summary is helpful in discussing with the Town Council. If you have any questions or want to discuss further, please feel free to contact me.

Sincerely,



William J. Cass, PE

Director of Project Development (BCass@dot.state.nh.us)

dls/WJC

cc The Honorable David Boutin, NH Senate
C. Clement
J. Brillhart
D. Scott



Hooksett School District


HOOKESETT SCHOOL BOARD
SCHOOL ADMINISTRATIVE UNIT NO. 15
90 FARMER ROAD
HOOKESETT, NEW HAMPSHIRE 03106
TELEPHONE 603-622-3731

FRED G. UNDERHILL SCHOOL
TELEPHONE 603-623-7233

HOOKESETT MEMORIAL SCHOOL
TELEPHONE 603-485-9890

DAVID R. CAWLEY MIDDLE SCHOOL
TELEPHONE 603-518-5047

To: Hooksett Town Council
35 Main Street
Hooksett NH 03106

From: Karen Lessard 
Business Administrator
SAU # 15
90 Farmer Road
Hooksett NH 03106

Date: April 18, 2014

Re: Main Street Bridge Closure

I am writing this letter in response to a conversation I had with Dean Shankle on Thursday April 17, 2014 regarding the work that is being discussed for the Main Street Bridge. It is my understanding from that conversation there are two options being explored (which is different than what was discussed at the meeting I attended on March 12th). The first is closing the bridge completely and getting the work done over the summer so that the buses are not impacted at all, the second is only allowing north bound traffic to flow over the bridge. As I stated at the March 12th meeting closing the bridge to just one lane will create delays to eight of our bus routes. If the bridge were closed to south bound traffic we would have to re-route some of our buses and if this were to occur in the middle of the school year that would be problematic. The best option for the school district would be the summer closure as long as we knew for certain that the bridge would be open for the start of the school year. If that were not possible the next best option would be to have the bridge open during construction to both lanes with reduced width, next would be to allow traffic to flow in both direction with one lane using a traffic control signal. The option to only allow traffic in one direction would have the most impact on us and therefore would be the least desirable for the school district.

HOOKSETT FIRE-RESCUE DEPARTMENT

15 LEGENDS DRIVE
HOOKSETT, NEW HAMPSHIRE 03106
Phone: (603) 823-7272 • Fax (603) 626-6742
www.hooksettfire.org



May 5, 2014

Dr. Dean Shankle
Hooksett Town Administrator
35 Main Street
Hooksett, NH 03106

Dr. Shankle,

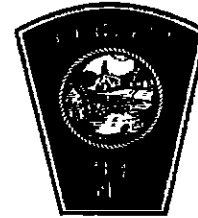
The Hooksett Fire-Rescue Department has been asked to articulate our concerns regarding the closure of the Main Street Merrimack River Bridge. We would like to have the following items considered. Closing this bridge to emergency vehicles would create significant delays for numerous first-due responses, regardless of the call being fire-based or EMS-based. When the Fire Department is notified of an emergency, it is almost always in the early stages and response time is at its most critical. If this bridge is closed to emergency fire apparatus, neighborhoods that currently possess an expedient arrival from us would no longer be reasonably accessible. The Merrimack River creates the biggest natural obstacle in Hooksett, limiting transit options. The Main Street Bridge provides a way to overcome that obstacle. And while it's primarily important to us to access people, it's also important that we work towards reaching recognized national standards for emergency response.

The National Fire Protection Association (NFPA) sets a goal of 4 minutes for first arriving fire/EMS apparatus. That same standard (1710) sets the goal of 8 minutes for 2nd arriving apparatus. In calendar year 2013, nearly 80% of the time, we were able to intervene within 8 minutes; our average response time for first arriving apparatus was 6 minutes and 57 seconds. Our second arriving apparatus reached the emergency location within an average response time of 9 minutes and 38 seconds. Take away crossing this bridge and you sever the ability to quickly intervene with multiple responders in a possible life or death situation. Sounds dramatic but you never know when, where or why the next call will occur. But we know that it is coming.

In 2013, the lowest number of incidents took place on Sundays with 13.5% occurring, while the most emergency responses happened on Tuesdays, at 14.99%. The remaining weekdays had emergency incidents occurring within those percentages, so it's easily seen how regularly we are on the streets. Again, continuous access to cross that Main Street Bridge is constantly crucial.

HOOKSETT FIRE-RESCUE DEPARTMENT

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HOOKSETT, NEW HAMPSHIRE 03106
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One way to overcome the deficit created when we cannot cross the Merrimack River at this location; hire one additional firefighter/EMT to staff an ambulance at Station 1. This will address the response times that have been mentioned, that are crucial to our service and that the many residents in the nearby neighborhoods expect. This would bring the staffing up to 4 responders at that station. Two would be assigned to the engine and two would be assigned to the ambulance. To do this would impact our budget by a cost estimated at \$58,096.65 (wages & benefits for fifty six 24 hour days, [8-weeks] at our average overtime hourly rate) for the predicted 8 week repair timeframe. To achieve a prompt delivery of emergency services, there is obviously a considerable financial consequence created by closing this bridge.

That option addresses only 1st due apparatus response. Hooksett Fire-Rescue answers many back-to-back requests for service. This happens hundreds of times per year. Serious delays could occur when a second call takes place in the same district and the responders travel from the other end of the town. It must be understood that having the capability to cross the river at Main Street becomes more essential to reduce response times during these situations.

It has been relayed to the Hooksett Fire Administration that the NH DOT has proposed the placement of traffic signals at each end of the Main Street bridge, with the flow of traffic controlled to allow for greater passage northbound during the heaviest morning traffic and southbound during the heaviest late afternoon traffic. Our department would fully support that proposal and would like to also have implemented the ability to capture and control the traffic signal devices when an emergency response requires crossing the bridge. This was initially discussed at the Town Council meeting with NH DOT representatives on March 12, 2014. We are open to further discussion as to the method to incorporate those controls.

The town of Hooksett takes pride in the public safety they have chosen to receive. That delivery of emergency services saves lives and property. It is with our strongest recommendation that the town of Hooksett advocates for the passage of emergency vehicles across the Main Street Merrimack River Bridge during the time of construction scheduled for the summer of 2015.

Thank you for your consideration and assistance with this very important request.

A handwritten signature in black ink, appearing to read "Asst Chief Dean Jore". The signature is fluid and cursive, with a large, stylized initial "D" and "J".

Hooksett Ass't. Fire Chief Dean Jore

Cc: Hooksett Fire Chief Michael Williams



Hooksett Police Department

Peter Bartlett
Chief of Police

15 LEGENDS DRIVE
HOOKSETT, NH 03106
TELEPHONE 603-624-1560
FAX 624-6891

May 6, 2014

Dean Shankle
Town Administrator
Town of Hooksett
35 Main Street
Hooksett, NH 03106

Dear Dr. Shankle,

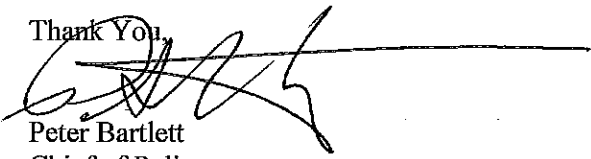
This letter is sent at the request of the Town Council from their April 23rd meeting in reference to the construction project scheduled on the Mains Street Bridge in 2015. The department of Transportation has suggested they will close the bridge entirely for a seven and a half week time frame to complete the construction. At the meeting I was asked specific questions related to public safety and how this closure will impact the police department. I told the council that I would have to place a dedicated patrol vehicle on the west side to cover calls for service and remain in place twenty four hours a day for emergency response throughout the duration of construction.

The Council, I believe was looking to see what the financial impact for the department would be to implement these operation changes. For clarification purposes, we currently do not have the optimal three car coverage for the town. On some nights, especially the midnight shift we will operate with only one officer and one supervisor. This, I believe, is not the safest way to do business and in attempting to deploy resources as efficiently as possible, often run short on late night shifts because of personnel restrictions. The fix for these shortfalls was presented in my personnel plan in 2013 and during budget discussion you and I had in preparation for the 2014-2015 budget.

Should the bridge be closed for the entire construction project and I staff the dedicated west side unit the fiscal impact will be estimated at \$54,522.87. I arrived at this figure by using the highest paid patrol officer position's overtime rate per hour times 8.5 hour shifts times three shifts per day at 42.5 hours per week at eight week of construction

Please let me know if you have any additional questions regarding this. I know the Council is trying to make a decision based on facts that are in the best interest of the Town. Hopefully this will help.

Thank You,


Peter Bartlett
Chief of Police

14-033
AGENDA NO. 14-034
DATE: 5/14/14

The Chief asked for the Council to please table the following two agenda items to the next meeting so he could be present for the discussion:

14 – 033 Discussion of Amendment to alarm ordinance

14 – 034 Discussion of pawn shop ordinance

A handwritten signature in black ink, appearing to read "W. Shultz", is written diagonally across the page.

Staff Report
Summit View Roadway Impact Fees
May 14, 2014

AGENDA NO. 14-035
DATE: 5/14/14

Background:

The proposed site will consolidate two parcels of land off South Bow Road, totaling 100 acres plus, then subdividing the parcel into 38 residential lots and one open space of 58.9 acres. The proposed roadway extends the existing dead end road, Merrill Crossing, through the parcel in the Town of Bow, then over the Hooksett Town line and eventually intersects with South Bow Road. In addition to the through road, the plans also propose a 1,170 lf cul-de-sac road off the proposed road within the parcels in Hooksett. The houses are limited to a maximum of three bedrooms. The drainage system is closed consisting go catch basins, drain manholes, a box culvert and two detention basins. The roadway has granite vertical curb and 5 foot sidewalks.

Issue:

The impact fees for roadways are \$1420.00 per house lot, totaling \$53,960.00. The DPW is in the process of upgrading South Bow road with close drainage. To help the town in this process, the DPW Director approached the contractor about using his impact fees for the offsite improvements. The offsite improvements that are needed total \$81,300.00. The contractor has agreed to do all of the work that the department has suggested. The Planning Board approved a waiver from Article 30, Impact Fee Ordinance, Section E. to allow for facility improvements in lieu of an impact fee payment, pending Town Council consent. A specific note has been added to the plan set, specifying that all off-site improvements would be completed, inspected, and accepted prior to the issuance of the first certificate of occupancy.

Discussion:

This will allow the offsite improvement fees be paid at the beginning of the project which will allow the project to move forward in a timely fashion.

Fiscal Impact:

This will have no fiscal impact and will save the town \$81,300.00 on road repairs of South Bow Road. The town will benefit not only by the \$53,960 payment in lieu of impact fees, but will receive an additional \$27,340.00 of work above the required fees, as agreed to by the applicant.


Recommendation:

I recommend that Council approve the capital improvements to South Bow Road and the acceptance of \$53,960 in lieu of roadway impact fees for the Summit View project.

Prepared by: Jo Ann Duffy, Town Planner

Town Administrator Recommendation:

Cover



Dr. Dean E. Shankle, Ph. D.
Town Administrator

Staff Report
Property Liability, Workers' Compensation and Unemployment
Insurance Coverage
May 14, 2014

Background: In an effort to obtain the most comprehensive and cost-effective Property Liability, Workers' Compensation and Unemployment insurance available, the Town hired William Bald of Risk-ex put these insurances out to bid and to review the proposals.

Issue: As of June 30th the current contract with Property-Liability Trust, Inc. (PLT), formerly Local Government Center, for these coverages will expire. The Town must renew its coverages with the PLT by May 15, 2014. In the attached renewal letter from PLT, they explain that going forward the property liability coverage will be based on an experience rating, which reflects the loss experience over the past five years for Hooksett. This experience modifier will be applied to the base rates.

Discussion: The Town did complete applications for several commercial carriers, but did not receive quotes; however the Town did receive a quote from Primex³.

Primex³ also uses the experience rating which incorporates five years of historical claims and requires the Town to enter into a Loss Mitigation Agreement (see attached). The Loss Mitigation Agreement would need to be modified if the Town did not select Primex³ for all three coverage lines.

Fiscal Impact:

Premium's Quoted for FY 2014-15

Coverage Line	PLT	Primex ³	Difference	Best Cost Plan
Property Liability	\$ 330,160.00	\$ 359,743.00	\$ (29,583.00)	\$ 330,160.00 PLT
Workers' Comp	184,777.00	147,818.00	36,959.00	164,711.00 *Primex ³
Unemployment	15,500.00	13,478.00	2,022.00	13,478.00 Primex ³
	<u>\$ 530,437.00</u>	<u>\$ 521,039.00</u>	<u>\$ 9,398.00</u>	<u>\$ 508,349.00</u>

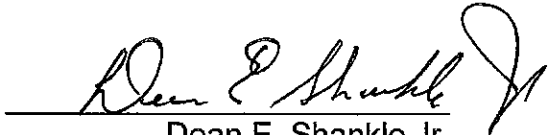
* Primex³ Worker's Compensation cost is higher under the best plan cost due to the removal of the Package Discount.

For FY 2014-15 the Town did budget at the renewal rates with the PLT.

Recommendation:

Prepared by: Christine Soucie, Finance Director

Town Administrator Recommendation: TBT


Dean E. Shankle Jr.
Town Administrator

AGENDA NO. 14-042
DATE: 5/14/14

Staff Report
Discussion of Council Rules of Procedure
Meeting Date

Background: Issue regarding how to handle discussions on possible ordinances before they are presented by a Councilor.

Issue: It is not clear in the charter how Council can discuss and amend potential ordinances.

Discussion: One way to handle this issue is to make a change to the Council rules of procedure. However, Council needs to make sure that they are not circumventing the intent of the Charter.

Town Administrator's Recommendation: Discuss possibilities and decide whether any action is warranted.



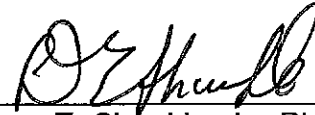
Dean E. Shankle, Jr., Ph. D.
Town Administrator

Staff Report
Discussion on Results of Town Elections
May 14, 2014

AGENDA NO. 14-043
DATE: 5/14/14

Background: Voting on Town Warrant on May 13, 2014

Issue: Council may want to discuss the results of the elections and what budget items passed.



Dean E. Shankle, Jr., Ph. D.
Town Administrator

Staff Report
Discussion of newsletter in tax bill
May 14, 2014

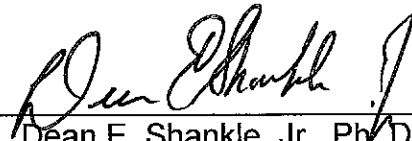
AGENDA NO. 14-044
DATE: _____

Background: It has been the practice to place newsletters in tax bill

Issue: Whether it is ok with Council to continue with this practice.

Recommendation: Allowing practice to continue.

Prepared by: Town Administrator



Dean E. Shankle, Jr., Ph. D.
Town Administrator