

**TOWN COUNCIL MINUTES
REGULAR MEETING
WEDNESDAY, MARCH 7, 2001**

The meeting was called to order at 6:30pm.

PRESENT: T. Young - Acting Chairman, S. Sheidow, D. Pichette-Volk, P. Rueppel, M. Jolin, P. Ganley, D. Duford, M. Farrell - Town Administrator. R. Dion - excused. R. Holley – excused.

MINUTES: P. Ganley moved to approve the minutes of February 21, 2001 as amended. Motion seconded by P. Rueppel. **MOTION CARRIED.** T. Young abstained due to absence.

P. Ganley moved to approve the minutes of February 28, 2001. Motion seconded by T. Young. **MOTION CARRIED.** D. Pichette-Volk and M. Jolin abstained due to absence.

TOWN ADMINISTRATOR'S REPORT: M. Farrell reported on the following items.

1. A meeting is scheduled with Acting D.O.T. Commissioner Carol Murray from the State regarding the Connector Road.
2. The new officers of Tri-Town Ambulance are reviewing information from the Town regarding placing an ambulance at the Safety Center.
3. There was a large northeaster storm on March 5th and 6th in which all the departments were prepared. The emergency generator was readied, schools were prepared for use as shelters, extra engine companies were on duty in both Fire stations, extra police officers and dispatchers were on duty, the roads were maintained very well and Dot and Diane in the Finance Department came in during the blizzard for payroll so the employees wouldn't go without payroll for an extra day. An extra special thanks to Dot and Diane.

NOMINATIONS/APPOINTMENTS: P. Ganley nominated Steve Couture to the Conservation Commission, Alternate position, exp-6/2003.

P. Ganley moved to suspend the rules in order to nominate and appoint in the same evening. Motion seconded by D. Pichette-Volk. **Roll call vote carried unanimously.**

P. Ganley moved to appoint Steve Couture to the Conservation Commission, Alternate position, exp-6/2003. Motion seconded by S. Sheidow. **Roll call vote carried unanimously.**

TOWN ADMINISTRATOR'S REPORT continued: M. Farrell reported on final item.

4. A memo was sent out on March 2, 2001 to the Council regarding a timeline change for Town Meeting First Session from 4/7/01 to 4/14/01. If the First Session is not changed, the TIF public hearing is not necessary because the timeframe wouldn't allow the TIF article on the ballot.

D. Pichette-Volk moved to change First Session to Friday, April 13, 2001. Motion seconded by P. Ganley.

D. Pichette-Volk spoke to her motion explaining there are other issues besides the TIF. The Budget Committee is behind in their schedule because of the storm, the warrant articles need to be formally approved and there needs to be an extra day in case there's another storm and the meeting is postponed.

D. Duford stated the weekend of April 13th is Good Friday, Holy Saturday and Easter Sunday. It's the most holy week in the Christian religion.

Chairman Young asked if D. Duford was suggesting the Charter be changed.

D. Duford answered he was suggesting it be left the way it was. The Council already set the First Session date in December 2000. Holy weekend is to celebrate the passion, crucifixion, vigil and resurrection. To have the First Session on this weekend would be pagan, sacrilege, very improper and he would not be party to this desecration.

Chairman Young stated comments have been made about the separation of church and state. Over the Christmas holidays many people recognize Christmas and Hanukah and many others don't. We try not to favor one over the other.

M. Farrell explained to D. Pichette-Volk that if First Session was held on April 14th and there was a major storm the proper procedure would be to convene the meeting and postpone it to a date certain, which makes it legal.

P. Rueppel expressed concern because she spends the entire weekend in church and won't be doing anything for the Town.

Chairman Young stated that if there had been a quorum last week, none of this would have to be done. The posting of the first warrant is March 30th, which limits the window.

M. Farrell stated the TIF is driving the 15-day waiting period. The warrant has to be posted 14 days before First Session. Between the 14 and 15 days the Council has a public hearing, the Budget Committee has a public hearing and the warrant has to be posted.

S. Sheidow asked why the First Session couldn't be held after April 14th.

M. Farrell stated the Charter limits it.

D. Duford stated this is not a question of the separation of church and state but of historical significance. Anyone who would do something like this would create a precedent that's never been heard of. The legality of the public hearing is questionable because it was posted before the Council knew of it without an opportunity to deny it.

D. Pichette-Volk offered to withdraw her motion and let the public hearing go forward.

S. Sheidow stated the date has to be finalized before the public hearing is held. If the date is not extended there's no point in having the public hearing.

D. Duford moved to amend the motion to keep the First Session on April 7th as it was originally passed unanimously. Motion seconded by P. Rueppel.

Roll call on amendment:

D. Pichette-Volk	no	D. Duford	yes
M. Jolin	no	P. Ganley	no
S. Sheidow	no	P. Rueppel	yes
T. Young	no		

Motion failed on amendment.

Roll call on original motion:

P. Rueppel	no	D. Pichette-Volk	yes
D. Duford	no	M. Jolin	no
T. Young	yes	P. Ganley	yes
S. Sheidow	yes		

Motion carried on original motion.

SCHEDULED APPOINTMENTS:

Chairman Young opened Scheduled Appointments.

D. Duford interrupted and stated everyone should be very proud and ashamed of themselves for having First Session on Good Friday. He addressed a "Question of Privilege" that his rights as a Councilor are being violated in that the legal notice was placed in the newspaper without him having any contribution towards it, knowledge about it, nor any of the other councilors. Until that is settled, this public hearing cannot happen.

Chairman Young stated he would start the Scheduled Appointments.

D. Duford questioned if the Chairman would take any action on his Question of Privilege.

Chairman Young stated it's undebatable with no action called for.

D. Duford agreed stating it's undebatable and unamendable, but the Question of Privilege hasn't been addressed and needs to be.

Chairman Young asked D. Duford what his question was.

D. Duford stated his question was that his rights and privilege as a Councilor have not been addressed through this presentation and the posting of the public hearing. As a Councilor he has a privilege of having to act on it one way or another. The public hearing notice was done without Council knowledge or authorization.

Chairman Young asked if his Question of Privilege was related to the organization of assembly?

D. Duford stated it was not. It was about his own relationship to this membership, which gives him authority to act on certain motions that are made such as approval to place a notice in a newspaper, which was not done. The Council is the approving authority for the presentation and to schedule a public hearing. The Administrator is anxious to get this through and the proper procedure hasn't been followed. The Council can't have to be stepped on in order to get this through.

Chairman Young asked the rest of the Council if they felt stepped on.

D. Duford responded that it's undebatable and unamendable and his own concern is the only thing that's on the floor. If you think the public hearing has been done properly and is legal, it should be part of the record. A judgment from legal counsel should be obtained because this public hearing is being held illegally, improperly, and should not happen.

Chairman Young tabled the Question of Privilege according to Page 15 of the Parliamentary Law At A Glance.

D. Duford stated T. Young could not table his Question of Privilege but the Council could.

P. Rueppel and S. Sheidow stated the Chair rules.

D. Duford stated the Chair rules whether matters should be handled at once without interrupting business.

S. Sheidow stated the Chair did and he addressed it.

Chairman Young explained the Council doesn't have the ability to discuss or debate this, therefore he can't ask the rest of the Council if they want to act on this. D. Duford has brought this up in hindsight. He's had other meetings that he could've brought this up and has not.

D. Duford disagreed stating this is the first one that there's been an opportunity to do this.

Chairman Young stated there was opportunity at the meeting on February 21, 2001. D. Duford agreed but stated that was the date the notice was placed in the newspaper for the public hearing on the day the presentation was to take place which was postponed to this date.

Chairman Young ruled that this will be postponed until later in this meeting so that we can continue with the public scheduled appointments. T. Young asked the recording secretary to bring this up later in this meeting.

SCHEDULED APPOINTMENTS:

Kemp Holt, Transfer Station Superintendent, longevity award:

Chairman Young stated that Mr. Holt was not present but wanted to show everyone the award and recognize Mr. Holt for his outstanding service with over 31 years in the community. Mr. Holt is the Superintendent of the Transfer Station and has supported the Town and worked hard for many years with officials and citizens. We thank him very much and the award will be given to him.

Public Hearing for Tax Increment Finance Plan for Exit 10 Economic Development District:

Chairman Young opened the public hearing explaining this will address the modification of the TIF District from the boundaries on the Town and State right-of-ways by Exit 10 and address the financing plan on Page 4 of the supplement handout distributed to the Council on February 1, 2001. **(See attachment #1)**

Attorney Ray D'Amante representing Great Island Development (GID) spoke and asked if Mr. Ken Lurvey from the City of Concord could speak first on how it's worked in Concord.

Mr. Ken Lurvey, Business Development Coordinator for the City of Concord spoke that Concord has used TIF several times. It is a tool for NH to use for economic development. It gives a tremendous amount of return. Concord has found that it doesn't impact bonding capacity. School, county and municipal tax revenues may be used to pay off TIF in a quicker fashion. TIF's are time sensitive. In 1989-1990 we used the TIF format and not an actual TIF for the infrastructure around the Steeplegate Mall by investing 2.5 million dollars for infrastructure. Had Concord not done that, the Steeplegate Mall probably wouldn't have been developed. Shortly after completion the economy went bad and a statewide recession occurred. The Mall helped in the recession with jobs, tax revenues, etc. A handout was distributed. **(See attachment #2)** The smallest TIF in Concord was Eagle Square and the largest was a 4.5 million dollar project. TIF's are a good investment and the payback is quick. It's an excellent economic tool to help with new taxes and new jobs.

Gordon Leedy, Director of Land Development, landscape architect and planner with the firm of Vanasse, Hangen, and Brustlin, Inc. in Bedford, NH spoke on the project. This is an old gravel pit and ideal for this type of development due to the proximity to the highway. The area in question is not a greenfields site. It has been mined and the topsoil removed so there's a need to bring in soil with major landscaping. There are tremendous costs involved in restoring this property. The current zoning allows and encourages this type of development, which are important features. We have a number of retail facilities such as Target with an attached retail store, a Home Depot Center which is a home improvement store with another retail facility, a B.J.'s Warehouse, a Kohl's Department store which is an upscale dry/soft goods store and a restaurant. Access off of Quality Drive which is off of Route 3A is key as well. Off site improvements will be needed.

James Winn, project traffic engineer spoke on the traffic. It's anticipated the majority of the traffic will be from the I-93 northbound and southbound ramps therefore those areas were looked at along with Technology Drive and Quality Drive for this survey. Traffic volumes were obtained for those areas and were projected out over ten years plus the opening year, which are within State

guidelines. Without development and improvements these areas will fail in the future and exceed capacity efficiency. The proposals will have two northbound through lanes from the area around the southbound ramps and through the intersection of Quality Drive plus additional turn lanes. The widening of Route 3A on the southerly side will provide a left turn lane onto Technology Drive with two through lanes and a right turn lane. The southbound side will have an exclusive left turn lane, a through lane and a shared through right turn lane. Quality Drive will also be widened with an exclusive left turn lane, a shared left through lane and a right turn lane. All three intersections will be signalized and interconnected which will allow vehicle progression through the corridor. The improvements will be constructed in the proposed TIF area and will only acquire land donations on the Quality Drive side of Route 3A.

Jim Graham, Planning Board Chairman asked if the land donations would be true donations or covered in the TIF.

J. Winn answered true donations.

Steve Korzynioski, 341 West River Road, stated that his family lives on Route 3A and has lived in Hooksett since 1920 and himself for 44 years. A statement was read addressing truck traffic and requesting signage. **(See Attachment #3)** S. Korzynioski asked what could be done to reroute trucks onto 93. S. Korzynioski asked with a TIF in Concord on Route 3A with a Home Depot proposed how can another one go in Hooksett with another Home Depot a few miles south of Concord site.

Attorney D'Amante explained that no general fund money would be used. This won't negatively impact the Town and a tremendous tax base is created. The Council creates an Advisory Board who decides where the extra revenue money is spent in Town with approval of the Council. Hooksett can have more than one TIF simultaneously in the Town as well. Part of the process of the guarantee includes a development agreement which is prepared with great detail and called a development master plan. Guarantees to the Town are put into place and a bond is negotiated and it comes back to the Council.

Chairman Young asked if it would be a surety bond to protect the Town.

Attorney D'Amante explained if the equity is of a great amount, a surety bond wouldn't be necessary. This would all be worked out in the development agreement.

Chuck Irving, Great Island Development (GID) stated they would put a bond in place at an amount that would make the Council comfortable. There are entities in place worth millions of dollars and if necessary one of those would be put in place in lieu of a bond.

Attorney D'Amante distributed a chart showing tax revenue, bond payments and debt service. **(See Attachment #4)**

Jim Oliver, 1465 Hooksett Road #119, asked if Route 3A would become a town road.

Attorney D'Amante answered it would remain a State road.

Mr. Kevin McDevitt of McDevitt Motors spoke that he will be selling his property to GID and fully supports this project.

S. Sheidow asked if additional policemen would be needed.

Chief Agrafiotis answered he doesn't have those statistics at this time.

Jim Graham mentioned that during discussions with the developers, a possible substation was mentioned.

D. Duford asked if GID would be willing to put up a 2.6 million dollar surety bond.

Attorney D'Amante answered it would be in excess of that. An exact amount would be created in the development agreement with a 15-year bond.

D. Duford stated the construction bond would be for 2.6 million dollars but the total commitment would be in excess of 3.6 million dollars including interest. The surety bond should reflect this.

D. Duford asked why not get the tenants to commit first and then ask the voters to decide.

Attorney D'Amante stated no construction would start until the bond has been guaranteed to cover the debt service.

Chairman Young asked for comments seeing no further questions.

Attorney Peter Soloman, representing Merchants Motors, stated they are not opposed to quality development that is appropriate for the community. Route 3 is the main artery of Hooksett and it needs help. Route 3A where this TIF wants to be developed is just an appendage. The real concerns of the local businesses on Route 3 who've provided tax money for years need to be taken into consideration. There's a concern that the community will be distracted by a development that looks great while the problems along Route 3 are ignored.

Cindy Roberts, co-owner and resident of Hooksett Self Storage on Route 3A, stated there are many accidents on Route 3A and the proposed lights will help eliminate many of these problems. The main artery of Hooksett is I-93 with the large businesses off of the exit ramps. The additional taxes that the TIF will bring in will benefit her two children and all children in the school system.

Kevin McDevitt, McDevitt Motors, explained they did some analysis on the site and have discovered that to build a facility on site would be cost prohibitive due to the many levels of topography and work needed to build the site up. Currently McDevitt Motors pays \$4000 annually on taxes on this vacant lot, which isn't helping Hooksett as much as it could be. If Home Depot would be built there, the tax revenue would be much greater in helping the Town. This project could be an example of how Route 3 in the future could be improved.

Marc Pinard, 71 Granite Street, stated he has no financial interest in this project but the TIF makes sense, balances growth and will help the Town budget.

M. Farrell distributed TIF Resolution #12-99-02. **(See Attachment #5)** The map has been refined and the chart shows the actual acreage and doesn't impact the assessed value because the right of ways are State owned.

Chairman Young closed the public hearing at 8:20pm.

Public hearing on proposed Charter Amendments.

Chairman Young opened the public hearing on the proposed Charter amendments at 8:21pm and read each proposed Charter amendment. **(See Attachment #6)**

J. Oliver, 1465 Hooksett Road, #119, asked what a domestic partner was in item #F and stated that implications would be made which may not exist.

D. Duford stated that item #F was too wordy and needed to be simplified. The word "cause" in Item B would lead to a real legal nightmare. Who would determine "cause"? Term limits were always three years as defined by legal opinion in the early 90's and the proposal needs to be clarified further. There are many more changes that should have been brought forward for example 4.8 and 10.12 which are inconsistent.

Henry Roy, Charter Revision Subcommittee member stated the subcommittee had to prioritize the changes and if there had been more than one page of changes on the ballot the voters would lose interest and wouldn't read them.

D. Duford disagreed, stating when SB2 was adopted, he was part of a committee that presented several pages of proposed amendments to fall in line our Charter's May Town Meeting.

D. Duford stated that by not bringing all changes forward, the problems will remain and will create more legal expense. He was the one who moved to review and simplify the Charter so that an attorney's opinion would never again be required.

Chairman Young stated this is strictly for succession. A term needed to be determined. If someone has been elected for a term of 2001 through 2004, that is a term. If he resigns and someone is appointed by the Council to fill in until the next election, that is a fill-in. If they choose to run at the next election and win, that is a term that they ran for and won which is from election to expiration.

D. Duford stated this applies only to the Council, Section 12.7.

Chairman Young closed the public hearing at 8:45pm.

Alan H. Yeaton, Architect, re: proposed elderly housing project.

Alan H. Yeaton explained that he is working on a proposed elderly housing project for the old Yee property, Map 14, Lot 32, located on Route 3 directly across from Pleasant View Drive. This would consist of a two-story, 22 unit facility on a hilly seven acre parcel facing northwest. **(See Attachment #7)** The facility would have 17 one-bedroom units and five two-bedroom units, a community room, a computer room, an outbuilding for storage and some other ancillary features. The current landowner, contractor, management company, architect (Yeaton), and legal counsel have worked on this for several months. NH Financing Authority has been contacted. Three things are being looking at which are community support, pay only municipal and county taxes, no school taxes, and consideration of waivers of impact fees.

P. Ganley explained that the Council isn't in a position at this time to waive any portion of a tax bill and impact fees are a Planning Board issue.

S. Sheidow asked what guarantees this remaining as elderly housing.

A. Yeaton answered NH Housing will be involved and they require age 55 and up while Hooksett requires age 62 and up.

P. Rueppel questioned if this would prohibit low income.

M. Jolin answered if it's federally funded it would have to be a mixed income.

Chairman Young clarified from A. Yeaton that he was seeking community support, decreased school taxes, a Zoning Board Special Exception and exemption from impact fees.

Chairman Young explained to Mr. Yeaton that the Council cannot give tax exemptions; he would need to contact the Zoning Board for special exceptions and contact the Planning Board for impact fee waivers.

Chairman Young asked the Council for their input.

D. Duford stated the Council shouldn't give support on any project and there should be no waiver of any portion of taxes. He had concerns about location in regards to the crossing of Route 3 and available services.

P. Ganley stated he's in favor of the concept of this project and is against any tax waivers.

M. Jolin stated he's against tax waivers and this isn't the proper forum for this housing project.

P. Rueppel stated she likes the location of the project and is against any tax waivers.

D. Pichette-Volk stated she supports the concept of the project, has concerns with the location and is against any tax waivers.

S. Sheidow stated she's in favor of the project and the land abutting this property that was owned by NH College is zoned commercial for retail businesses to be built beside this project.

T. Young stated he's in favor of the concept and has some concerns over waiving tax portions and impact fees.

M. Farrell asked Mr. Yeaton if he wanted a letter on this answers this evening.

Mr. A. Yeaton replied the minutes would be fine or a short note.

The Council consensus was that the minutes would be enough.

PUBLIC INPUT: Mr. George Vaillencourt, 6 Bernice Street, thanked the Council for the drain system installed in the road last fall by the Highway Department. He's had no flooding or ice build-up.

OLD BUSINESS:

Engineer Position: T. Young asked Jim Graham, Planning Board Chairman, to speak to the issue.

J. Graham explained that he, Mark Bourque and Dale Hemeon looked at the current fee schedule. **(See Attachment #8)** They looked at a revised schedule by increasing the fees by 50% and fees from other municipalities, which if applied, the proposed fee schedule to the 98/99 applications would have generated approximately \$64,532 in only application fees and not including inspection fees. Construction services that were subbed out were approximately \$35,000 in fees. We're ahead in application fees compared to last year. If things continue the way they have been, it's not going to slow down. They recommend construction services/inspections be performed by the on-staff town engineer and then build out to a rate that's comparable to rates charged by local engineering firms which is approximately \$80.00 per hour including mileage and tolls. We're recommending that the staff engineer do much of this work and that the Planning Board and Town require inspectors on-site during the entire construction of the road, which could be contracted out to firms because we don't have the staff. We're finding in many cases of road construction that do not have full-time inspectors on the job, are not being done properly. We're suggesting these cases be monitored during the entire construction phase rather than at the end. The application fees and inspection fees could bring in a minimum of between \$60,000 - \$90,000.

P. Ganley stated infrastructure costs are a number one headache for developers and asked how this would affect the development in Hooksett and if there was any statistical information.

J. Graham answered that an example of how these fees wouldn't affect developers is the \$30,000 inspection fees for Quality Drive wasn't a problem. By looking at the statistical information from other towns it shows our fees are below other towns. In 1996 the fees were increased a little but didn't bring us up to an equal level of others.

S. Sheidow asked whom the comparisons were made to.

J. Graham responded that all towns around this area currently charge the fees that we're recommending.

P. Ganley asked if the Council would be approving a town engineer position this evening and if so would the Council get into trouble without amending the Administrative Code.

D. Duford responded we would not be approving the position and yes the Council could get into trouble without amending the Administrative Code.

D. Duford stated that the Town has always hired engineers to do on-site inspections. The Town has never done them and it's not a good idea to do them ourselves because of an appearance of owing someone something. Independent people are needed to do the inspections.

Chairman Young reminded the Council that they asked the Planning Board to bring this information forward.

S. Sheidow questioned how busy an on staff engineer would be now because the figures presented are for 98/99.

Mark Bourque, Planning Board member, responded that the Planning Board has had 17 applications this year thus far, which is the highest number in six years.

D. Duford moved at 9:30pm to extend the meeting for ten minutes. Motion seconded by S.

Sheidow. <u>Roll call vote:</u>	D. Duford	no	P. Ganley	no
	S. Sheidow	no	T. Young	yes
	D. Pichette-Volk	yes	P. Rueppel	yes
	M. Jolin	yes		

D. Duford stated the motion failed because there wasn't a 2/3 requirement.

Roll call vote failed.

Respectfully Submitted,

Elizabeth D. Dinwoodie
Acting Administrative Assistant

Denise Pichette-Volk
Town Council Secretary