

Official

TOWN COUNCIL MINUTES Regular Meeting Wednesday, September 27, 2006

CALL TO ORDER: Chairman G. Longfellow called the meeting to order at 6:30 pm.

PRESENT: Michael DiBitetto, James Gorton, Jason Hyde, Mike Jolin, Paul Loiselle, David Ross, Patricia Rueppel, Stuart Werksman, Chairman George Longfellow, David Jodoin (Town Administrator)

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

September 13, 2006 – D. Ross moved to approve the minutes as amended. Motion seconded by P. Loiselle.

Amendments:

- Page 3 – delete, “*Council consensus was to work towards a zero dollar increase budget.*”
- Page 4 – change to, “*listening and heard three different calls...*”, code red should be “code gray”.

D. Ross suggested putting more details in the minutes. Discussion on the matter ensued.

There was a discussion as to whether the Council actually had a consensus to work on a zero dollar increase budget. The matter would be discussed further under “Old Business”.

Motion to approve the amended minutes carried with M. DiBitetto opposed. P. Loiselle and M. Jolin abstained, not present at the meeting.

PUBLIC INPUT:

Peter Farwell, 24 Grant Drive: I'd like to talk about the hearing held last Wednesday, September 20th regarding Councilor Rueppel. I thought the Council did a good job considering it's a territory they've never been before. I wish we had public access TV so people who were not present at the meeting could see and hear the accusations on both sides. No matter what gets printed in the paper, a lot gets lost in translation. I do ask for the committee members to make great efforts in holding their emotions down. Things came out at the meeting that questioned the impartiality of the board. People who were not here will not have a gist of what actually transpired. I wish there were some method to get impartial people to listen to both sides.

NOMINATIONS/APPOINTMENTS:

Available Positions:

- Building Board of Appeals, Fill-in Full Member, exp. 6-2009
- Conservation Commission, (2) Fill-in Alt. Members, exp. 6/2008 & 6/2009
- Heritage Commission, (2) Fill-in Alt. Members, exp. 6/2008 & 6/2009
- Solid Waste Management Advisory Board, Fill-in Alt. Member, exp. 6/2009
- Trustee of the Trust Funds, Fill-in Full Member, exp. 6/2007

Chairman G. Longfellow suggested for the Council to push on filling the open positions. He asked to list the open positions on the agenda until they are filled.

D. Ross moved to advertise the open positions in the Hooksett Banner. Motion seconded by P. Loiselle. **Motion carried unanimously.**

OLD BUSINESS:

Complaints re: Councilor Rueppel

On September 20th, 2006, the sub-committee heard testimonies from both Councilor DiBitetto and Councilor Rueppel. The sub-committee will hold a public meeting on Wednesday, October 4th, 2006 at 6:30 pm to discuss their findings and vote on recommendations on each charge to be presented to the Council at a later date.

2006-2007 Budget

Chairman G. Longfellow explained that the minutes did not reflect what actually transpired. Budget goals were discussed at the last meeting but the Council did not vote on a consensus. He added that a zero based budget is unrealistic and unattainable. He would rather set a realistic and an attainable goal.

M. Jolin: Zero based budget would be lower than the default budget. Motions were made throughout the year for various projects, which will have to be paid. For the council to aim for a zero increase budget is contradictory.

P. Rueppel: I'd like to see the salary increase to be put back in the Administration Department budget.

D. Jodoin: In the past, the voters voted yes on the warrant article. If they vote "no" on the default budget, it's that's much more to make up under that circumstance if it's in the operational budget.

M. DiBitetto: If we want to do the business we are currently doing, you won't hit a zero increase budget. If you don't change the scope of service you provide. The discussion was to ask the Town Administrator what needs to be changed so we could lay out the arguments to the voters.

J. Hyde: I agree with Councilor Rueppel that salary increase should be handled by the Town Administrator and included in the department budget. We should set a goal for the Town Administrator to modify expenses towards a zero increase budget. It doesn't matter if it is unrealistic or hasn't been done in 30 years. In my opinion, this is what we should be doing to serve our constituency.

J. Hyde moved for the Council to aim for a goal of zero dollar budget increase. Motion seconded by D. Ross.

D. Ross: The objective is to shoot for that goal and to determine how we're going to do it, whether it be removing warrant articles, changing the way we give raises or sub-contracting some services.

The motion was tabled until after the "Scheduled Appointments".

SCHEDULED APPOINTMENTS:

Public Hearing, Road Acceptance per RSA 674:40-a (Lindsay Road, Stirling Avenue, Thistle Lane & Lennox Street)

Chairman G. Longfellow opened the public hearing at 7:00 pm.

Dale Hemeon, Highway Manager asked for the bond release for Glencrest Estates and to accept the roads, Lindsay Road, Stirling Avenue, Thistle Lane and Lennox Street. The agenda listed the project for a bond reduction, it should be a bond release. The Town has retained 10% of the bond for two years.

Public hearing was closed at 7:03 pm.

P. Loiselle moved to accept the roads, ***Lindsay Road, Stirling Avenue, Thistle Lane and Lennox Street*** per RSA 674:40-a and release the bond on Glencrest Estates. Motion seconded by S. Werksman. **Roll call vote carried unanimously.**

M. Jolin motioned to move the agenda item for bond reductions. Motion seconded by P. Loiselle. **Motion carried unanimously.**

Bond Reductions on Carriage Hill Estates and Nancy Lane

D. Hemeon requested bond reductions on the following projects on recommendations by Stantec Consulting Services, Inc.:

Carriage Hill Estates – S. Werksman moved to reduce the bond from \$4,422,000. to \$330,000. Motion seconded by M. Jolin. **Roll call vote carried unanimously.**

Nancy Lane – M. Jolin moved to reduce the bond from \$283,600. to \$28,800. Motion seconded by P. Rueppel. **Roll call vote carried unanimously.**

State of NH Department of Transportation

Charles Watson, Town Planner: I have been tasked with attending the meetings with NH DOT regarding Route 3A. With all the projects going on at Exit 10, Wal-mart/Lowes and Exit 11, it might be a good idea to have them come down to explain the status of the study on Route 3A.

Mr. Robert Landry, Jr. and Mr. John Butler of NH DOT were introduced to the Council.

R. Landry: NH DOT granted a budget for safety and capacity study on Route 3A from I-89 in Bow to north of Exit 7 (I-293) in Manchester. A technical committee and an advisory committee were created for the project. We're trying to get some input to get the information out. We'll try to get some input tonight to see what worked in the Town. We're looking at improving the safety aspects with the roadway with a very narrow road and the river on one side. We haven't gone very far with regards to proposed road designs.

J. Butler: We collected traffic volumes in several locations along Route 3A. At the Manchester border area, average traffic volume is 18,000 – 22,000 vehicles per day. The heaviest traffic is by the Exit 10 area, about 23,000 vehicles per day. Up the road, it drops to about 15,000. Along Hackett Hill and Main Street, about 19,000 vehicles per day. North into Bow, it drops down to 10,000 – 12,000 vehicles per day. We also did vehicle classification counts. There is a high percentage of truck traffic on Route 3A, anywhere from 11% - 22% of the traffic. Also reviewed intersections and signalization along 3A. There are 15 intersections, 8 intersections located in Hooksett, which includes Quality Drive, Technology Drive, Cross Road, Hackett Hill, Riverside Street, Main Street and Pine Street. The project will be sensitive to the Village Area as it is eligible to be on the listing of National Registry of Historic Places. We are also looking into providing shoulder for the entire length of Route 3A for bicycles and pedestrians and sidewalks where appropriate.

R. Landry: The next step after presenting the report would be to develop selection criteria and ranking the selection criteria. The selection process will be done by all the representatives on the advisory committee.

M. DiBitetto: Are you going to put together a proposed construction schedule and how will that get funded?

R. Landry: We will get a preliminary design and final design. There are funds available in the 10-year plan. I don't know exactly what they are. They do start in fiscal year 2013.

P. Loiselle: Is the study complete?

R. Landry: The existing report is complete. It's a part of the consultant's scope of work.

Richard Marshall, Planning Board Chair: This was a Legislative Special from back in 1999 where \$10 million was appropriated for Route 3A from Manchester to Concord. I don't know how the \$10 million slipped to 2013. This study had a letter to proceed in 2003. This has got to be the longest safety-capacity study I've ever seen. With only \$10 million, you probably won't be able to do the whole road from Manchester to Concord. Somebody should move this project along a little faster. Maybe you should carry the message back. This was a Legislative Special. Is anyone reporting back to them to let them know you decided to sit on this? You have the data necessary to make decisions. You only have \$10 million to do it all. By the time you get to it that \$10 million will only be worth \$5 million.

R. Landry: The person responsible for slowing the process down is myself. The study took a little longer than it should have. We'll have final recommendation in May 2008. What you're asking for is to skip over some of the steps of allowing input from communities. About the funding, there are other mechanisms available.

OLD BUSINESS (Continuation):

2006-2007 Budget

M. DiBitetto asked the Town Administrator's input on aiming for a zero increase budget.

D. Jodoin: The easiest way is to have 2 separate columns this year, to work towards a zero increase and make notations of what services would be affected and the actual budget from last year's budget plus the warrant articles. You'll have 2 different options to look at. The major goal is to try to limit the number of warrant articles. The voters usually read the first sentence where it says, "raise and appropriate..." and the dollar amount, then they make up their mind. By the time they get to the rest of the articles, they either skip it or just vote "no".

Chairman G. Longfellow stated that the Town risks having another default budget by including warrant article items in the operating budget.

Roll call vote on the motion to aim for a zero increase budget.

M. DiBitetto	Yes	D. Ross	Yes		
J. Gorton	Yes	P. Rueppel	Yes		
J. Hyde	Yes	S. Werksman	Yes		
M. Jolin	Yes	Chairman G. Longfellow	No	8-1	<u>Motion carried.</u>
P. Loiselle	Yes				

Growth Management Ordinance Study

C. Watson updated the Council on the status of the growth management ordinance study. At a previous meeting, two study proposals from Philip B. Herr & Associates and Applied Economic Research were presented to the Council. The Council directed Mr. Watson to obtain a more detailed proposal from Mr. Phillip Herr. C. Watson advised the Council that Mr. Herr reiterated his original proposal to conduct an initial review for an amount not to exceed \$3,000. He did not give an estimate of how much the whole study would cost. C. Watson recommended entering into a contract with Mr. Herr for the initial review not to exceed \$3,000.

M. DiBitetto motioned to move forward with the contract not to exceed \$3,000. Motion seconded by P. Rueppel.

Roll Call:

M. DiBitetto	Yes	D. Ross	Yes
J. Gorton	Yes	P. Rueppel	Yes
J. Hyde	No	S. Werksman	Yes

M. Jolin No Chairman G. Longfellow Yes 7-2 **Motion carried.**
P. Loiselle Yes

NEW BUSINESS:

Hackett Hill Road Signage

The Council received a proposal from the Highway Department to add the following signs along Hackett Hill Road for safety purposes:

- (5) **No Through Trucking** signs at the Pike entrance, Town line Manchester end, South Bow Town line of Bow, Roy Road Town line of Bow and Goffstown Road Town line of Goffstown.
- **Sharp Curve arrow** and **20 MPH advisory** on Goffstown Road.
- Replace **Sharp Curve Ahead** signs down by Rob Roy's house with **S Curve** signs.
- (2) **S Curve** signs to south end of Hackett Hill Road.
- (2) **Sharp Curve** signs by Power Lines.
- (4) **Children At Play** signs.
- (4) **30 MPH Speed Limit** signs.

D. Hemeon stated that the Highway Department constantly receives requests for road signs. He is most concerned about the "No Through Trucking" signs.

Chairman G. Longfellow stated that the Town needs an ordinance for "No Through Trucking" signs to be enforceable.

Discussion on the matter ensued.

D. Ross moved to accept the signs proposed by Highway Department. Motion seconded by P. Loiselle.

M. Jolin: The whole purpose of the sign committee was to back it up with an engineering study and documentation to prove it. We established a policy for signage. There's a procedure for sign requests. It was voted on.

D. Jodoin: I'm in the process of speaking with SNHPC as well as getting information from engineering firms to see how we can move forward. Without the engineering study, in certain areas, you'll run into the same problems with the Police Department being unable to enforce the speed limit signs.

Chairman G. Longfellow stated that the matter should be referred to the sign committee.

D. Ross: This matter should be expedited for safety. Some of these signs are prudent and proper.

M. Jolin moved to table the motion until the policy is reviewed. Motion seconded by M. DiBitetto.
Motion carried.

Acceptance of Donation to the Heritage Commission

Kathleen Northrup, Heritage Commission Chair informed the Council that \$100. donation towards the Head's Chapel project was received.

D. Ross moved to accept the \$100. donation to the Heritage Commission per RSA 674:44-b. Motion seconded by S. Werksman. **Roll call vote carried unanimously.**

Police Communication Budget

M. DiBitetto moved to authorize the Police Commission to combine the communications budget with the Police Department budget. Motion seconded by J. Gorton.

J. Hyde: Are you concerned at all about having knowledge as to where the money is going by combining these two budget items?

M. DiBitetto: I'm sure they are still going to have line items identifying what's communications because they are still going to have dispatchers and line officers.

Roll Call:

M. DiBitetto	Yes	D. Ross	No		
J. Gorton	Yes	P. Rueppel	Yes		
J. Hyde	No	S. Werksman	Yes		
M. Jolin	Yes	Chairman G. Longfellow	No	5-4	<u>Motion carried.</u>
P. Loiselle	No				

TOWN ADMINISTRATOR'S REPORT:

The Town Administrator reported on the following:

1. Per the Council's request, he obtained statistics from the police Department on reported accidents on the intersection of Route 3 and Main Street. Between January 1, 1990 and September 20, 2006, there were 32 accidents reported, 56 vehicles involved and 19 injuries reported resulting from the accidents.
2. With regards to Cabela's, they (Cabela's) are working on the traffic study with DOT. They are on the Planning Board agenda on Oct. 2nd to review the master plan. He contacted the bond counsel, David Barnes of Divine & Millimet regarding the potential costs for bond structuring. They would act as the bond Counsel for the Town of Hooksett. In addition, (1) they will prepare the TIF documents. (2) Prepare development and guaranty agreement. (3) Prepare condominium documentation and (4) prepare documentation regarding operation, management, ownership and sale of the "museum" facilities. Cabela's is looking at possibilities of them front-ending this agreement for the Town. They will pay the legal costs to get the process moving with stipulations, if for some reason the agreement does not go through, Cabela's will absorb all costs. The total legal costs are estimated at \$25,000. - \$50,000. He asked for a Council consensus to move forward.

J. Hyde asked for clarification on who would be absorbing the costs incurred if the agreement does not go through.

D. Jodoin explained if Cabela's backs out for some reason, they absorb the costs. If the Town backs out, the Town absorbs the costs.

J. Hyde stated that when the bond was approved, the voters were assured it will not cost the Town a dime. It sounds like it may cost the Town up to \$50,000 if the deal does not go through. He stated Cabela's should pay for all legal costs whether the agreement goes through or not.

M. DiBitetto agreed with J. Hyde. The town should bear no risks unless the deal goes forward.

D. Jodoin: The Legal Counsel has some concerns with Cabela's paying for all the costs. Public perception may frown upon it because it would look like they are the ones structuring the deal. I am also trying to get some information from the State of NH. They offered some other ways of handling the matter where they would be the agent. Cabela's would send them the money and they would pay the attorney.

J. Hyde: My other suggestion would be to set up an escrow account. All expenses to be drawn from that escrow account.

M. Jolin: It should be handled the same way consulting fees are handled. They upfront the cost based on the estimate and whatever is not spent goes back to them including interest. That way, there's no illusion that Cabela's influenced the attorneys.

P. Loiselle: Cabela's originally presented a breakdown of costs. Is it assumed that the Council already agreed to this breakdown of costs?

D. Jodoin: They gave us a construction budget for their proposal plus \$4.5 million, which was \$500,000 for the Water Department, \$1.5 million for the Sewer Department and the rest was going towards the bridge and other upgrades to the pump station.

P. Loiselle: The curb cut was also in there and the museum. They presented it but the Council never said "yea" or "nea" to any segment of it.

D. Jodoin: The Town agreed to the \$18 million.

P. Loiselle: Do we need to have a discussion as to what the Council find acceptable on that break down, such as the museum element? At what point do we start addressing this?

M. Jolin: I think the motion that we passed, which I voted "no" on identified specific items. You won't be able to take those out.

M. DiBitetto moved to table the matter for the Council to review. Motion seconded by P. Loiselle.
Motion carried.

3. The Town Hall furnace needs to be replaced. The cost would be a little over \$5,000, no need for Council approval. The building line is combined with the Safety Complex and the Fire. The Council may be looking at overspending that line.

SUB-COMMITTEE REPORTS:

Police Commission

1. The Police Department purchased a new emergency response vehicle.
2. Det. Nicholas Pinardi, Det. Jake Robie & Police Chief Stephen Agrafiotis will receive awards from the Congressional Law Enforcement Award Night on October 1st. The Town Administrator was asked to send commendation letters.

Planning Board

1. Cinemagic was approved. Cinemagic will provide and pay for details on curb cut as required.
2. The board would like to know if the Town Administrator could ask SNHPC to conduct a study on the Main Street / Connector Road matter.

Conservation Commission

The DES presentation, "Dollar and Sense of Open Spaces" will be held on Thursday, September 18th 6-8 pm at the Memorial School cafeteria.

Solid Waste Management Advisory Board

The Solid Waste Department is looking to purchase a recycling trailer with 8 bins on it for \$18,000.00. Merrill Johnson consulted with a local business, Macy Industries and was told that they can build the recycling bins, which would save money. They are also looking into requesting additional staff to haul the recycling bins to schools and back to the facility everyday.

J. Hyde: I don't think they have to haul the trailer back and forth. If they do, why do they need additional staff when we have our own transportation department who could do the hauling?

Discussion on the matter ensued.

PUBLIC INPUT:

David Paquette, 154 Merrimack Street: On the budget, why not combine the Town and School budget? Your maintenance budget should be where it is right now. Your changed budget should be what the departments want plus the warrant articles. I also want to say thank you, to the Town Administrator and the Town staff for taking care of connector road construction issues. The last item is regarding the meeting with the sub-committee on September 20th. The Council has to adhere to the RSA's. Personally, I think the attorney is a risk to the Town. There are reasons why we have to go into non-public sessions as stated on the RSA. When we go into non-public sessions, I think we should watch how we go into it and be sure we're clear why we're going into it. The attorney did not know the RSA.

D. Jodoin handed Mr. Paquette a copy of RSA 91-A:2, I, (c), (attached) which defined a meeting with legal counsel is not considered a public meeting. Mr. Paquette thanked D. Jodoin for the clarification.

ADJOURNMENT:

The meeting was adjourned at 9:17 pm.

Respectfully submitted,

Evelyn F. Horn
Administrative Assistant

Jason M. Hyde
Town Council Secretary