

Official

TOWN COUNCIL MINUTES Regular Meeting Wednesday, August 22, 2007

CALL TO ORDER: Chairman P. Loiselle called the meeting to order at 6:30 pm.

PRESENT: David Dickson, William "Bill" Gahara, James Gorton, Jason Hyde, George Longfellow, David Ross, Patricia Rueppel, Stuart Werksman, Chairman Paul Loiselle, David Jodoin (Town Administrator)

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

August 8, 2007 – **S. Werksman moved to approve the August 8, 2009 minutes as amended. Motion seconded by W. Gahara. Motion carried.** J. Hyde abstained, not present at the meeting.

PUBLIC INPUT:

Michael Sorel, 54 Cross Road: I was asked by the Library Trustee to provide the Council with copies of the e-mail correspondence provided to the Planning Board to inform everyone of what's happening and what's not happening with the Library sign. I received seven e-mails today on this matter. I went to the intersection at 6 pm this evening. There are stakes now on the ground that says "*Proposed Sign Location*". So in the last 24 hours there has been progress made.

Philip Fitanides: If the Union Leader was accurate in reporting that the Planning Board voted to support waiving the \$500,000 roadway impact fees for the Cabela's project, I am asking to hold off on concessions until some type of agreement has been signed.

Robert Duhaime, Planning Board member: On Monday's meeting, there was no one there from the State to answer questions regarding Cabela's. We're giving them this \$500,000 roadway impact fees waiver and we don't know what the State is going to do. As far as Planning Board making a decision, I abstained from any decisions because I was not informed enough.

SCHEDULED APPOINTMENTS:

Heritage Commission - Acceptance of \$500 donation per RSA 674:44-b

Kathie Northrup, Chair asked the Council to accept the \$500 donation, which was received from the mass mailing sent out for the preservation of the Heads Chapel.

S. Werksman moved to accept the \$500 donation per RSA 674:44-b. Motion seconded by P. Rueppel.

P. Rueppel thanked Kathie Northrup for all her work for the Heritage Commission.

Roll call vote carried unanimously.

Conservation Commission - Open Space

David Hess, Conservation Commission asked for the Council's approval to create a sub-committee in charge of converting current land use into conservation easement.

D. Ross: I think it's a great idea. The commission has the ability to create a sub-committee.

D. Hess: Often, conservation easements are sold to various conservation organizations like the Audobon Society, Nature Conservancy, etc. It will be a matter of negotiation and desire on the part of the private property owners.

Council consensus was to support the Conservation Commission in this matter.

Acceptance of Street Names for Carriage Manor

G. Longfellow moved to accept the street names, *Manor Drive and Tower Lane* for Carriage Manor. Motion seconded by D. Ross. Roll call vote carried unanimously.

Sewer Commission - Future Capacity Issue

Bruce Kudrick, Sewer Superintendent: The Town's permit on expansion plans was approved to go out to bid but DES will not put it in writing until Wetlands signs off. A letter was sent to Wetlands in June. They have a 75 days window for decision. If Cabela's were to come into Town, we would have to do some upgrades to the pump station. An expansion study was done, which included the Palazzi site, the Pinnacle area, the hotel, restaurant, fast food restaurant and the Cabela's building. Future development was not included in the study. This area was not designed for growth. Engineers are looking to see what needs to be done and at what cost. At this point no one could even give us an estimate on what it would cost to go across the river, west of I-93.

Discussion on the matter ensued.

M. Sorel: What we learned from Scarborough, Maine was that there were a lot of obstructions but everyone worked together, the local government and the state level.

J. Gorton: We're sitting here regular citizens trying to negotiate a multi-million project. I don't see anyone from the State sitting in at these meetings. There is no committee from the State to help us in negotiations.

D. Hess (State Representative): We'd be happy to meet with the State but unfortunately, we can't guaranty any answers from the executive branch. I wish I could give you some optimistic answer.

J. Hyde: It would be helpful to ask the Town Administrator to write a letter on the Council's behalf to the Executive Council of the State.

D. Hess: The Governor was very supportive of this project. There was considerable movement on DOT's part once the Governor's office expressed its support for the project. I suggest we go that route again.

Debbie Brewster, TF Moran: I recommend focusing on the Commissioner of DES. Send a letter from the Council requesting full support.

D. Ross moved to direct the Town Administrator to write a letter to the DES Commissioner. Motion seconded by J. Gorton. Motion carried unanimously.

D. Ross suggested preparing all the facts and supporting documents on the matter to give them more than one option.

OLD BUSINESS:

Cabela's

David Barnes, Town Bond Counsel: To continue the discussion on this matter. We'd like to discuss the special meeting, the warrant article, the financial projection on TIF, tax impact fees as discussed at the Planning Board meeting the other night. The new financing arrangement would be \$16 million financed privately with payments being used for improvements and a \$2 million

bond, which will be supported by a letter of credit. I shared with you my view that this arrangement was not unusual. I am comfortable that it satisfies the Town's requirements. I have prepared a warrant article. A special meeting will address the new warrant article. We attempted to put together an explanation of what the article is trying to accomplish. The Council does have the power to hold that meeting. The warrant article needs to be posted at least 14 days prior to meeting. The earliest we could hold the special meeting would be October 11th, September 12th for the 1st session (deliberative session). The warrant will have to be posted by August 28th.

Chairman P. Loiselle: I was wondering if we should have two warrant articles. I look at it as a separate venture.

D. Barnes: The original warrant article that was approved is already authorized for up to \$18 million. You also have to think about what if one passes and one does not. It unnecessarily complicates matters for the voters.

Marc Hughes, TIF Advisor: In previous discussions, two concerns came out, one is the Town has to be protected from liabilities. The other is that the Town repays this debt as soon as possible. The proposed financial arrangement takes away the burden from the Town and the taxpayers. The Town's liability is more clearly defined. This is a projection (attached) of how this transaction is going to go. The "Increase in Value" is the property value increase over time. "Mill Rate" is the tax rate. The next column is the assessed tax amount owed to the Town. Out of that amount, i.e., year 1, \$1.157 million, \$1 million would be applied to pay back the amount financed and the balance of \$157,750 goes to the Town. Property taxes almost always go up. That amount would increase over time. The deal is in two components. The Miami & Pierce development is not included in these figures. We can assume that the hotel would generate about \$200,000 annually. Assuming a payment of \$100,000 towards the \$2 million bond, the Town would make \$100,000. If we apply the remaining tax increment towards the financed amount the debt would be paid off in approximately seven years. This is an all around better deal than the original plan.

J. Hyde: We need to know what happens with State Aid. How much money we're going to lose by doing it this way? We need to know what the County and the State are looking for. But even given those, I think this is a far much better deal than the original plan.

D. Ross: With regards to the state aid issue, is there any way to quantify what the effect is going to be if this development is to go forward? Can you present a reasonable presumption?

M. Hughes: It's not an uncommon thing you're asking for. We could do an analysis to try to quantify that. I can present it in a way similar to this one.

D. Barnes: I think there will be a number of presumptions that are reasonable but no one knows what the State would do as far as school is concerned.

M. Hughes: Feldco's lender to a certain degree is driving the boat. Lenders could sometimes be difficult.

Chairman P. Loiselle: Can we add something like, "In compliance with RSA 162 K..." relative to the school?

J. Hyde: If all tax increment is applied towards the loan, will that reduce the term of the loan?

B. Feldman: Yes, of course like any other loan.

D. Jodoin: But on the Town's side, you can't overspend your budget.

D. Hess: In terms of public understanding and approval. If we are going to sell this warrant article, should we indicate that the dollar amounts combined is the same dollar figure as the original warrant article? I suggest including the original warrant article from 2006 for the voters.

D. Barnes: That was actually how the first draft was written, and it was unanimously rejected.

Robert Sullivan, 8 Burbank Way: What happens if, worse case scenario, the lot is left abandoned.

M. Hughes: This is not a bond. This is a deal between Feldco and the lender. The Town does not care to some extent.

R. Sullivan: Is this transferable?

M. Hughes: There is no agreement yet. There are 50/50 chances whether it's transferable or not.

M. Sorel: If this is going to be recommended by various committees, the Council needs to take into account when these committees are going to meet. Keep their schedule in mind if you'd like their input and recommendation.

G. Longfellow moved to hold a special meeting on the revised TIF financial proposal. Motion seconded by S. Werksman.

J. Hyde: If we decide to do this. It would be helpful to schedule at least two public hearings with everyone present so the voters would be well informed.

D. Jodoin: Could you add something like, "*should this pass, the \$18 million would be rescinded*".

D. Ross: We should schedule the 1st session on a Saturday and the voting on a Tuesday.

Roll call vote carried unanimously.

J. Hyde moved to adopt the warrant article (attached) as written. Motion seconded by J. Gorton. Roll call vote carried unanimously.

Building Board of Appeals

Chairman P. Loiselle: There was some discussion in the past whether this Board should be eliminated.

G. Longfellow: The Board has never met and never needed to meet. Under the RSA, the ZBA could hear the appeals. There is another stipulation that members should include specific members, such as mechanical and electrical engineer, plumber, etc.

D. Jodoin: According to the Town Counsel, since the Town has a Building Code, it must have a Building Code of Appeals.

Chairman P. Loiselle: I think even if there's no need for this Board, it has to exist, in case there's a need for it.

Sewer Commission Council Representative

Sid Baines, Sewer Commissioner stated it would be helpful to have a Council representative to the Sewer Commission who would come to some of the meetings to pass information between the Council and the Commission.

D. Ross nominated G. Longfellow.

G. Longfellow was appointed as the representative.

Cabela's Roadway Impact Fees

Deb Brewster, TF Moran: The highway infrastructure proposed by the developer for the Exit 11 Master Plan is above and beyond that attributed to the highway development of the Palazzi development program. The costs associated with the increased volume capacity bring the total estimated project costs to \$7.2 million dollars. It turned out they are short by \$3 million. \$2 million would be covered which leaves another \$1 million. This is for the traffic study. Stantec reviewed the conceptual costs estimate and found that the estimate appears to be a reasonable representation of the work included in the project. The roadway impact fees for the Palazzi area would be approximately \$500,000. The applicant is respectfully requesting to waive all or part of the impact fees to be applied towards improvements.

J. Hyde: My concern with the waiving of the fees is that Cabela's made promises that this project will not cost the taxpayers and that they would pay for any overage. By waiving impact fees, we are waiving taxes.

Dick Marshall, Planning Board Chairman: The Planning Board proposed waiving the impact fees. In essence, we have come to the Council to earmark those funds for specific use, once it's collected, to close the gap. That's the whole purpose of collecting these fees. We felt secure in voting to support waiving the impact fees.

D. Ross: Impact fees cannot be used to offset tax rate so it does not affect the taxpayers.

G. Longfellow moved to waive the roadway impact fees not to exceed \$500,000, contingent on the project being completed. Motion seconded by S. Werksman.

J. Hyde: I would reiterate my comment. I don't feel it is right to waive impact fees.

D. Brewster: They need this to make the financial model works.

D. Ross: In my opinion the Town wins by gaining a road.

Roll Call:

D. Dickson	Yes	D. Ross	Yes		
W. Gahara	Yes	P. Rueppel	No		
J. Gorton	Yes	S. Werksman	Yes		
J. Hyde	No	Chairman P. Loiselle	Yes	7-2	<u>Motion carried.</u>
G. Longfellow	Yes				

TIF Boundaries

Chairman P. Loiselle: I feel that keeping the district the way it is may be advantageous for future development.

J. Gorton: Now that we came up with this new financial plan, it would provide for improvement. Can you come back and get more financing for future development, which may come up?

M. Hughes: I typically advise my clients to make the TIF district as large as you can.

D. Barnes: I don't think you can make that decision tonight. There are some requirements.

D. Hess: I would urge the Council to take it out of the district. We have a deal now with 65 acres. That parcel is not required to finance this deal. The idea of a TIF is to provide an incentive to developers. We know that sewer and water lines are going to end on the east side of I-93.

G. Longfellow: We have 5 years where we could shift the TIF district. Why not take it out now and put it back in, if needed?

Chairman P. Loiselle: I think it's a marketing ploy to leave it in the district and have services available.

D. Brewster: We heard a lot of info on the sewer for the first time tonight. We'll get back to the Council with more information to address the sewer issue.

D. Ross moved to accept the new boundaries without the properties to the west of I-93 as proposed. Motion seconded by G. Longfellow.

Roll Call:

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

P. Rueppel moved to extend the meeting until 10 pm. Motion seconded by D. Dickson.

Roll Call:

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

Edgewater Drive Street Signs

In July, the Council eliminated the Street Sign committee. Normally, request for signage would be directed to that committee, which consisted of the Police Chief, Highway Manager, the Town Administrator and a Council representative. The committee would then review and make a recommendation to the Council.

D. Jodoin consulted the Police Department and the Highway Department on this matter. Dale Hemeon, Highway Manager recommended installing the following:

(1) 18" x 24" yellow sign with black letters, "*Edgewater is a dead end street. NO OUTLET*", at the corner of Route 3A and Edgewater Drive.

(1) 18" x 24" "*Slow Children*" sign, just before 36 Edgewater Drive.

(8) 12" x 18" "*No Parking This Side of Street*", 4 heading in the north direction and 3 heading in the south direction.

W. Gahara moved to add street signs as recommended by the Highway Manager. Motion seconded by J. Gorton. Roll call vote carried unanimously.

NEW BUSINESS:

Berry Hill Estates

The Town Administrator received a request from Berry Hill Estates to install a directional sign on a town right of way at the end of Berry Hill Road to direct future residents into the project.

G. Longfellow moved to allow the sign. Motion seconded by J. Gorton. Roll call vote failed unanimously.

The Council suggested contacting and working out an arrangement with the neighbor and apply for an offsite sign.

TOWN ADMINISTRATOR’S REPORT:

1. The Code Enforcement Officer sent out letters to residents regarding vehicles for sale on the corner of Route 3A and Riverside Street.
2. He thanked several individuals from the Fire Department namely, Brad Balise, Fred Deveau, Gary Lambert, Michael Hoisington and William Palmer who volunteered their time at the 2007 Hooksett Hurricanes Football Jamboree.
3. He asked the Council to make a correction on their previous motion to divulge non-public minutes, which included the 6/28/05 minutes. According to the department’s records, no non-public session was held on 6/28/05. There was one held on 6/28/06.
4. Bid requests were sent out for the Village School windows. The Town received only two bids back. He asked for authorization to award the bid based on the 2 bids received.

G. Longfellow moved to authorize the Town Administrator and the Council Chair to award the bid based on the 2 bids. Motion seconded by S. Werksman.

The motion was tabled.

J. Hyde moved to waive the 3-bid rule. Motion seconded by D. Dickson.

Roll Call:

D. Dickson	Yes	D. Ross	No		
W. Gahara	Yes	P. Rueppel	Yes		
J. Gorton	Yes	S. Werksman	Yes		
J. Hyde	No	Chairman P. Loiselle	Yes	7-2	<u>Motion carried.</u>
G. Longfellow	Yes				

Roll call vote on the original motion.

D. Dickson	Yes	D. Ross	No		
W. Gahara	Yes	P. Rueppel	Yes		
J. Gorton	Yes	S. Werksman	Yes		
J. Hyde	No	Chairman P. Loiselle	Yes	7-2	<u>Motion carried.</u>
G. Longfellow	Yes				

The next meeting would be Wednesday, September 5th instead of September 12th due to scheduling conflicts.

G. Longfellow moved to extend the meeting for another 10 minutes. Motion seconded by P. Rueppel.

Roll Call:

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

NON-PUBLIC SESSION:

G. Longfellow moved at 9:58 pm to enter into a non-public session under RSA 91-A: 3, II (c), *“Matters which, is discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting.”*

Motion seconded by J. Gorton. Roll call vote carried unanimously.

D. Jodoin recused himself from the non-public meeting.

D. Ross moved at 10:08 pm to exit the non-public session. Motion seconded by S. Werksman. Roll call vote carried unanimously.

The Council announced that they voted not to divulge the minutes of the non-public session.

ADJOURNMENT:

D. Ross moved to adjourn at 10:10 pm. Motion seconded by W. Gahara. Motion carried unanimously.

Respectfully submitted,

Evelyn F. Horn
Administrative Assistant

David Dickson
Council Secretary