

## Official

### **TOWN COUNCIL AGENDA Regular Meeting Wednesday, May 27, 2009**

**CALL TO ORDER:** Vice-Chair P. Loiselle called the meeting to order at 6:30 pm.

**PRESENT:** William "Bill" Gahara, James Gorton, Paul Loiselle, George Longfellow, Michael Pischetola, David Ross, Patricia Rueppel, Nancy VanScoy, Chairman David Dickson (excused), Carol Granfield (Town Administrator)

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:**

April 22, 2009 – *N. VanScoy moved to approve the April 22, 2009 minutes as presented. Motion seconded by M. Pischetola. Motion carried.* D. Ross abstained, not present at the meeting.

May 13, 2009 – *W. Gahara moved to approve the May 13, 2009 minutes as amended. Motion seconded by M. Pischetola. Motion carried.* P. Rueppel abstained, not present at the meeting.

**PUBLIC INPUT:**

Harold Murray: I'd like to correct the minutes. It was stated I was the Fire Marshall. I'm not the Fire Marshall but the Fire Warden.

David Pearl, 79 Main Street: Having been a supporter of the public television. Seeing it go down four times, I am convinced that the residents do not want to go forward with that. You voted at the last meeting to keep the Comcast fees. What justification the Council has to tax one group of Comcast subscribers when it's not going to be used for public television and we're using it as general revenue?

P. Loiselle: The revenue has been coming into general fund for many years. If we take it out of the general funds, it will affect the tax rate. It's as fair as property taxes.

D. Pearl: It doesn't come in fairly because property taxes are assessed on everyone that owns a property and we're not taxing people who are using satellite dishes, antennas, etc. We're only taxing the Comcast users and provide no other service. I understand we need to make up for the fees going into the fund but it has to be spread out over the entire tax base. There is clearly no targeted use for it. What I'm saying is that what's to stop you from initiating fees for other services.

P. Loiselle: I honestly don't think there's such a thing as fair tax. When a household with 7 children pays the same tax as a household with no child in the school system, that's not a fair tax. Taxes in general, I believe, are not fair.

W. Gahara: I was more inclined to keep it there, at least throughout the remainder of the contract to see if public television is voted on.

P. Loiselle: The contract has another year or two to go. It could be renegotiated at that time.

**NOMINATIONS/APPOINTMENTS:**

Appointments

*G. Longfellow moved to appoint Mike Reed and Keith Moon to the Economic Development Committee. Motion seconded by D. Ross.*

N. VanScoy asked how they heard of these positions.

Economic Development Committee Chair Bill Sirak explained they were recruited. They were looking for profile of individuals who are well versed in the economic development activities. Those two fit the profiles they were looking for. Mike Reed is a resident of Manchester and Keith Moon is a Hooksett resident.

**Roll call vote carried unanimously.**

**SCHEDULED APPOINTMENTS:**

Planning Board Update

John Gryval, Planning Board Chair: I feel that the Planning Board has made significant improvements on many issues. All proposed zoning amendments were passed by the voters. The Development Regulations are being updated. Members of CIP attended a roundtable. Issues were brought up to the board. We've had joint meetings with the ZBA to listen to the developers' presentations at the same time. Everyone starts at the same ground level. That's been working out real well. The Planning Board has also been attending their site walks.

Joanne McHugh, Planning Board Vice Chair: As John mentioned, we've been having joint meetings with the ZBA on some of the major projects. This way, issues are addressed at the same time. Some members of the Planning Board who are also CIP members attended a roundtable discussion. They came back to the Planning Board with some concerns. The Planning Board did address some of those concerns and hopefully we'll have a workshop to address some of those. You will be hearing what those issues are and which issues we'll need help with.

J. Gryval: The roundtable discussion is scheduled for Tuesday, June 30<sup>th</sup>. We have the first draft of the Town Traffic Study. The second phase will be ready in July. We'll have a better idea of traffic areas that need attention. There are three different town segments where we could use impact fees for improvements.

P. Loiselle: The communication between the Planning Board and ZBA in the last year is commendable. There has been measurable progress.

J. Gryval: It's also nice to do the site walk and see the property in the "raw" before development starts. It's easier to see the way it is on the ground than on the plan. That's been helpful to us.

J. McHugh: Is there any plans to do an update of the Master Plan?

Note: The Master Plan has to be updated every 5 years. It's been 4 years since it was last done.

J. McHugh: I would suggest to set aside some funds for next year's budget for that to be done.

C. Granfield: The warrant article was approved for this purpose.

J. Gyval: We are also working on the Village Zoning Area. They will make recommendations for the zoning changes next year.

N. VanScoy: What do you see as the biggest challenge for the Planning Board?

J. Gryval: I guess it's trying to keep up with the changing times. A lot of new types of materials we have to research before we approve a plan.

Economic Revitalization State Tax Credit Zone

C. Granfield: The Economic Development Committee has been working with the Town on this issue. This will help the Town in terms of economic development.

B. Sirak: The committee is working with SNHPC in developing an atlas of commercial/industrial mixed-use land use. We would like to share this with the Planning Board and the Zoning Board. This will be a part of our website. I'd like to introduce Michael Bergeron from the State of NH Department of Resources and Economic Development (DRED). He is the Business Development Manager. He will explain the definition and legal parameters of the economic revitalization zone. His comments will be followed by Jack Munn, Chief Planner of SNHPC.

Michael Bergeron: I am an out of state business recruiter for the State of NH. My job is to recruit companies to relocate or expand in NH. I have been asked to explain the economic revitalization tax credit. As a background, this was formerly called crop zone. This is a tax credit against business profit enterprise tax. This does not affect the local property taxes. This program is not a tax impact. It is a benefit for companies in Hooksett. It is a two-step process. The first step is for the Town to apply with DRED. Once approved, any company within that zone can apply for credit with DRED. There are 2 guidelines for application (1) if the property is identified as a Brownsfields site, or (2) if it fits a particular demographic profile, which Hooksett does not qualify for. Hooksett can qualify for existing vacant industrial park and/or existing vacant buildings and land. Those areas are geographical defined on a map. DRED reviews the application and approves it. Anyone within that zone can apply for the State tax credit for up to \$200,000 over five years capped at \$40,000 per year. The Town's responsibility is to define the geographical location, apply to DRED and being approved.

Jack Munn presented the proposed Economic Revitalization State Tax Credit Zone map (see file).

J. Munn: We have been working with the Hooksett Economic Development Committee to identify these five areas, which are areas in that community that needs revitalization and primed for growth. These form the foundation of your Economic Development Master Plan. Most of them are vacant parcels. Next step would be to review the information. Some of these areas are identified as Brownsfields site.

P. Loiselle asked if the Brownsfields sites could be expanded.

J. Munn explained that Brownsfields sites are defined as *known or suspected contamination of petroleum or other hazardous substances*. There is a list of DES sites that are identified as Brownsfields sites. There is also Brownsfields Program, which is through an EPA grant to identify potential sites.

D. Ross: Does this apply to existing operating businesses? Are they required to do anything to qualify?

M. Bergeron: Any existing company within the zone that is operating could apply. There is a list of qualifications:

1. Quality and quantity of jobs to be created.
2. Duration of the taxpayer's commitments with respect to the economic revitalization zone.
3. The amount of taxpayer's investment in the project.
4. A precise definition of the location of the facility eligible for the credits.
5. The maximum amount of jobs created and for construction or reconstruction expenses.

N. VanScoy: Does DRED have workforce housing assistance?

M. Bergeron: That is still on the legislative level. We do not have special funds.

J. Gorton: Can new zones be created?

M. Bergeron: Yes.

B. Sirak: Our next step is to contact the property owners and offer assistance.

***N. VanScoy moved to proceed with the economic revitalization State Tax Credit Zone. Motion seconded by D. Ross. Roll call vote carried unanimously.***

P. Loiselle thanked the Economic Development Committee for all their work in adopting this program.

Ethics Complaint

Vincent Lembo, 56 Main Street: I did receive the letter from the Town Council. Although, I do agree with some parts of it, I disagree with some. When I filed the complaint, there was a procedure and policy in place. With the Town Council rescinding that, the fact is that the ball is still on their court. They have to do something with it, as far as I'm concerned. I think it's up to the Council to move forward with this, not me. I'd like my Councilor to make a motion to forward the matter to either the Attorney General's office or the County Attorney's office to investigate if the Town Council feels they are unable to do it.

N. VanScoy: I do think it's important that the Town Council, when they are contacted by their constituents, that we do take the responsibility. And if we think we're not responsible that we should forward it to the right people. I would make the motion right now...

***N. VanScoy moved to take responsibility for our Town and our constituents and by act of procedure forward the concern onto the appropriate responsible supervising authority while advising our constituent that their complaint has been passed onto the appropriate overseer copying both our constituent and out Town board, commission, or department supervising authority. Motion seconded by P. Rueppel.***

J. Gorton: I'd have concerns on the blanket policy that to me on the surface seems to be all encompassing. With complaints being filed against anybody. This motion is way too broad.

Discussion on the matter ensued.

V. Lembo: I followed the procedure that was in place. I think it's the responsibility of this Council to take any necessary steps to address the situation. Our Police Commission, our Police Department and the Police Chief are getting beat up in the papers on a daily basis by certain individuals in this Town. It's up to the Council to set the record straight. It shouldn't be up to a resident to do this. I brought it to your attention in the manner that you prescribed in the Code of Ethics, when it was in place.

P. Rueppel: Mr. Lembo, we really can't overstep our jurisdiction. The Police Commission is taking care of that. I was at the meeting where Chairman Gagnon said that he would send it to the Sherriff's Department. We have been accused of overstepping our bounds in the past. We cannot overstep our jurisdiction.

V. Lembo: That is an internal investigation for other issues. This is a separate issue. This is an issue with the budgeting process that is going on between the Budget Committee and the Police Commission. It's got nothing to do with the internal investigation by the Sherriff's Department.

Further discussion on the matter ensued.

**Roll call vote:**

W. Gahara	No	D. Ross	No		
J. Gorton	No	P. Rueppel	Yes		
P. Loiselle	No	M. Pischetola	No		
G. Longfellow	No	N. VanScoy	Yes	2-6	<b><u>Motion failed.</u></b>

**OLD BUSINESS:**

Arleigh Greene re: Fire Station Land

C. Granfield: At the last meeting (see 3/11/09 Town Council minutes) Mr. Greene attended, he proposed an alternative that might be feasible for land and indicated that he would be in touch with the Chief to take a look at the property. He also indicated that he would contact his attorney and would get back to the Town. We did hear from his attorney. He is proposing to sell an alternative land (3.3 acres at 500 Quality Drive) for the difference in assessed value between this land and what he originally offered to the Town (400 Technology Drive). The net difference is \$84,000. Chief Williams actually walked the property.

P. Loiselle: (To Chief Williams) The land that you looked at with Arleigh Greene down by Home Depot sometime in the past that he proposed to give to the Town, this is the same land? So the land he proposed in the past to give to the Town for zero dollars, he now wants \$84,000 for?

Michael Williams, Fire Chief: Correct. That was the piece of property myself and Harold Murray did walk with Arleigh Greene and Jimmy Watkins.

P. Loiselle: Is there any reason why you didn't accept the land at that time?

M. Williams: We wanted to make sure the property was suitable and the station would fit on it. Stantec walked the site. Stantec did say it is suitable. We told him we'll take it and that's when communication stopped. When Mr. Greene attended a previous meeting, he said the property is no longer available. This is the same property he is now offering for \$84,000. I think what we have to do is to write him a letter and say the land would work and we'll take it for zero dollars.

Richard Marshall, Planning Board: It went back quite some time. The condition of approval for that development at Exit 10 was for them to provide a suitable site for the Fire Station. The Town will determine suitability of the site.

D. Ross: Two members of the community did walk the site with Mr. Greene. Verbal or otherwise, there is an agreement.

Discussion on the matter ensued.

***N. VanScoy moved to accept the suitable parcel of land at 500 Quality Drive, map 29, lot 64/3 for \$0 dollars per original agreement. Motion seconded by W. Gahara. Roll call vote carried unanimously.***

D. Ross suggested attaching a written testimony of Chief Williams and Harold Murray to the letter to Arleigh Greene.

**NEW BUSINESS:**

Old Home Day

N. VanScoy recused herself.

Note: N. VanScoy is the Old Home Day Committee Chair.

Old Home Day will be held on October 10<sup>th</sup>, 2009 at Donati Park.

C. Granfield: The Council will have to address what the Town is actually providing. There are funds budgeted for fireworks, porta potties and overtime pay for some staff.

P. Loiselle: Last year, we did not have Fireworks and took \$5,000 out of the budget because of the financial condition caused by fuel costs. The Council will have to decide whether to have fireworks for this year or not.

J. Gorton: Other towns in the area have already canceled Old Home Day because of the economy. I'm not suggesting we cancel Old Home Day totally but we have to make sure that the Town's expenditures are kept at a minimum.

N. VanScoy, speaking as the Old Home Day Chair: We already reserved the field and we will have Old Home Day regardless of what the Town provides. Old Home Day does not depend on Town support, it depends on what the committee will be responsible for. We just have to know what the Town is providing so we know what we have to raise for funds.

Dale Hemeon, Parks & Recreation Superintendent: Normally, Parks & Rec supplies the fireworks (\$5,000), porta potties (\$1,000) and the band (\$1,000). There is a \$7,000 line on the budget. Fireworks is the highlight of the event. I received a number of e-mails for not having fireworks last year.

N. VanScoy: There were a lot of disappointments expressed for not having fireworks. Sponsorship is low. We just started planning. There are a lot of volunteers and interests this year. We usually raise anywhere from \$13,000 to \$15,000 every year. But we think fundraising is going to be harder this year.

Council consensus is to have fireworks on Old Home Day.

**TOWN ADMINISTRATOR'S REPORT:**

1. The Town Administrator asked the Council to sign the certificate of appropriation following the election. This indicates what was voted in.
2. The Police and Fire Departments are holding a blood drive at the Safety Center on June 1<sup>st</sup>, from 1 pm until 6 pm.
3. Hooksett Heritage Day will be held this Saturday, May 30<sup>th</sup> starting at 10 am.
4. The concrete pad was poured where the dumpster and the portable generator will be placed at the Town Hall. It will be fenced in. The Town is looking into the funding for the generator's electrical wiring. Emergency Management is also looking into possible grant for the Town Hall to be designated as an emergency shelter.
5. She will meet with the Eagle Scout, JP Brennan on May 28<sup>th</sup> regarding the Food Pantry Scout project.
6. The Sullivan property that the Council previously approved is closing this Friday, May 29<sup>th</sup>. The property could be used for the Martin's Ferry Bridge, if needed.
7. On the Beauchesne project, Highway Department started doing some work. At this point, an agreement will be drafted, with the developer paying \$100,000 upfront, the remainder of \$50,000 to be paid over a period of time. There is a contingency for the developer to get back funds not used for the project. It was suggested to phase the project for the Town to do the work. The Town is also checking into possible grants available.

Dale Hemeon, Highway Manager: Grant Road drain is being worked on right now. If Sonny Sell pays for it we'll be able to do Morgan and Kennedy and get that section done. If we can get a grant we may be able to budget a little bit a year even if the developer doesn't come up with the money.

P. Loiselle: Is there any way we could go forward and take it from the Town's budget?

N. VanScoy: Are we in agreement that these improvements should be done? If we are, should we direct the Town Administrator to look into where these funds would come from?

C. Granfield: I think phase 1 could move forward. The next phase, which would cost about \$500,000 would be a problem. If it's phased, you can do so much each year. We're looking at overall financial situation. We can factor it in if that's what the Council wants to do.

8. HL Turner will provide a final updated report on the Safety Center assessment. The Town Administrator has been in contact with a construction manager and will come back to the Council with recommendations including actual cost.
9. The Maintenance Personnel will go full time starting July 1st. He will be reporting directly to Highway Department. All buildings will be evaluated relative to preventative maintenance needs.

10. A press release will be released to solicit members for the new Facilities committee to start looking into town buildings.

P. Loiselle: Kathie Northrup, Heritage Committee has expressed interests in the old Town Hall. She believes a committee should be formed to advise the Council on what to do with the old Town Hall. She would be interested in being a part of the committee or even chair. I would suggest taking her up on this offer. Right now there is no plan in place.

D. Ross suggested adding this item to the agenda and inviting Kathie Northrup.

J. Gorton suggested inviting Bill Sirak.

#### **SUB-COMMITTEE REPORTS:**

##### Recycling & Transfer Advisory Board

P. Loiselle and G. Longfellow visited a single stream recycling system facility in Auburn, MA. The facility processes about 11,000 tons a month. Recyclables are picked up and dumped into a conveyor belts and sorted manually.

##### Planning Board/Zoning Board/CIP

There will be a workshop for the Council, Planning Board, Zoning Board and CIP on Tuesday, June 30<sup>th</sup>. There are a lot of concerns with meeting schedules and the timing of the budget, how much time everyone has to review the budget.

##### Heritage Commission

The ceiling work at the Head School is completed. New windows were put in and re-glazed. They used the original frames.

#### **PUBLIC INPUT:**

D. Pearl: Having attended the last Police Commission meeting, I agree that the Council needs to look into what's going on at the Police Commission. I understand your concerns with jurisdiction. As a citizen, I asked for the scope of the investigation. They were unable to explain that to me. There was confusion whether there was a vote taken on it. They said the Sherriff's Department was going to determine the scope. I think there's a lack of procedure. The investigation, which is a major undertaking does not appear in the minutes. There was not a motion to conduct that, not a vote. Going forward with your appointment of a new commissioner. I would hope that you pick someone with some experience who could conduct the meeting properly so the public can get the answer they ask for regardless of issues at hand. I just feel we're not being served as citizens. It was revealed at the last meeting they were paying for a lawyer upstairs secluded from the meeting. I think the Council needs to look into this, whether it's a hearing, an audit, etc. I've contacted the Attorney General's office and they asked me why I haven't gone to the Town Council. I told them I have. It seems as though this is a ping pong ball that goes back and forth. Meanwhile it doesn't serve the citizens of Hooksett.

M. Pischetola: How did you know that there was a lawyer upstairs in seclusion?

D. Pearl: At their April meeting Chairman Gagnon referred to having to take a break because they had someone up there they were paying. At the last meeting, he was asked what he meant. He stated their lawyer was upstairs. It's on the videotape if it does not appear in the minutes.

P. Loiselle: For the sake of clarification, you didn't know what the attorney was there for. It could be for a personnel matter, an entirely separate issue.

Richard Sullivan, Morgan Drive: Is Mr. Pearl appearing as a budget committee member or a citizen this evening? There seems to be a reasonable explanation about the lawyer being elsewhere in the room. I just get puzzled by the fact that these seem to go on and on and on. There is an investigation going on. Perhaps if we stood back and wait for the results, then we can make some intelligent appraisal of how to go forward. But to have a constant attack mode against these folks, who are volunteers, is not for the

benefit of the community. The question on the minutes, the commission has addressed that. The meeting which I attended recently, there was one set of minutes which had been taped over. Many a town boards do that, they recycle tapes. I don't think it's a good practice myself and the commission had apologized for that and indicated they've taken steps to keep minutes on tapes for a long period of time.

Marc Miville, 42 Main Street: I wasn't here to talk about the Police Commission tonight but I feel I need to address it because I've been involved with that as well. My purpose in attending these meetings was to address the facts. I regularly used the minutes from previous meetings and asked them questions to clarify. The reason why it continues to be addressed is that the Police Commission is in fact controversial. They do things that are against process. I've sat here many times respectfully in front of you and addressed process. You have reciprocated respectfully back to me and listened carefully. And I appreciate that. I go there in a professional manner, not as a Budget Committee member. I am first and foremost a citizen of Hooksett, much like you are. We are all sitting here tonight because of our passion for the betterment of the community. When we see something is wrong, we attempt to correct it. Don't shoot the messenger, dispute the facts. Debate the facts. Don't criticize me for speaking up. On March 17<sup>th</sup> meeting, they started early and when I arrived, they stopped. They did not allow public input. I got an audio tape of that meeting, transcribed it. At the following meeting, I presented that transcription to the Police Commission requesting that they put it in the official minutes as an addendum. They have yet to submit that as an addendum to the minutes despite my professional and respectful request to do so. I did the same thing at the April 21<sup>st</sup> meeting as I saw no reference on important issues in the minutes. I am concerned that they are not correctly addressing what actually transpiring at these meetings. That's process. That has nothing to do with personalities. I don't know what you can do about that but I am responding to them. I also want to address the Comcast fees. I want to express my dismay at the Town Council's vote. Despite four straight years of the voters turning down Public Access Television. That is now a hidden tax only targeted for Comcast subscribers. That is not right. I think the rest of the Town should pay as well.

P. Loiselle: I was at the March 17<sup>th</sup> meeting. The timing of the meeting was extremely poor on the part of the Chair. It was opened and closed in less than four minutes. It shouldn't happen and it won't happen again.

**NON-PUBLIC SESSION:**

***P. Rueppel moved to enter into non-public session at 9:07 pm under 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, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted. Motion seconded by G. Longfellow. Roll call vote carried unanimously.***

***G. Longfellow moved at 9:17 pm to exit the non-public session. Motion seconded by W. Gahara. Roll call vote carried unanimously.***

The Council made a statement that they had voted not to divulge the minutes of the non-public session.

**ADJOURNMENT:**

The meeting adjourned at 9:20 pm.

Respectfully submitted by,

Evelyn F. Horn  
Administrative Assistant

Nancy VanScoy  
Town Council Secretary