

## Official

### **TOWN COUNCIL MINUTES Regular Meeting Wednesday, September 9, 2009**

**CALL TO ORDER:** Chairman Gahara called the meeting to order at 6:30 pm.

**PRESENT:** David Boutin, David Dickson, James Gorton, Paul Loiselle, George Longfellow, Michael Pischetola, David Ross, Nancy VanScoy, Chairman William Gahara and Carol Granfield (Town Administrator)

#### **PLEDGE OF ALLEGIANCE**

#### **APPROVAL OF MINUTES:**

August 26, 2009 – *P. Loiselle moved to approve the August 26, 2009 minutes as amended. Motion seconded by G. Longfellow. Motion carried with N. VanScoy opposed.*

#### **NOMINATIONS/APPOINTMENTS:**

Available Board Positions

Economic Development Committee – 1 full member

*P. Loiselle nominated John Turbyne to the Conservation Commission, alternate member, exp. 6/2012.*

*N. VanScoy moved to waive the rules of waiting period between nomination and appointment. Motion seconded by D. Boutin. Roll call vote carried unanimously.*

*P. Loiselle moved to appoint John Turbyne to the Conservation Commission, Alternate member, exp. 6/2012. Motion seconded by D. Boutin. Roll call vote carried unanimously.*

#### **PROCLAMATION:**

Metrocenter Proclamation

The Council adopted a similar proclamation sometime ago. The Regional Economic Development Steering Committee has asked all regional communities to update and adopt a proclamation.

The proclamation was read into the records. (see file)

*D. Boutin moved to adopt the proclamation and authorize the chair to sign. Motion seconded by N. VanScoy. Roll call vote carried unanimously.*

#### **SCHEDULED APPOINTMENTS:**

Safety Center Renovation Project

In June, the Council approved a contract with H.L. Turner for the architectural and engineering services for the Safety Center in the amount of \$92,500. The Town went out to bid the Construction Management contract to assist H.L. Turner with the project. The panel, which consisted of Carol M. Granfield (Town Administrator), Harold Murray (Emergency Management Deputy Director) and Bill Hickey (H.L. Turner) interviewed four (4) finalists namely, Bauen Corporation, Harvey Construction, Milestone Engineering & Construction and North Branch Construction. After the evaluation, the panel unanimously decided to recommend Harvey Construction.

The agreement has no pre-construction cost. H.L. Turner and Harvey Construction will come up with a figure to be presented to the voters as a warrant article. A fee of 3% of the total construction costs will be paid to Harvey Construction if the project is approved by the voters. The agreement will be reviewed by the Town Counsel.

Bill Hickey of H.L. Turner and Rob Prunier of Harvey Construction introduced themselves to the Council.

R. Prunier explained that the project will be put out to bid to sub-contractors. Every trade, i.e., electrical, mechanical, etc. will be put out on separate bids and will have at least 3 bids each. As the Construction Manager, Harvey will work with the architect to develop a plan and come up with an estimate of not to exceed number that the taxpayers can vote on. Harvey would handle the upfront costs and would charge 3% of the construction costs only if the taxpayers approve the project.

B. Hickey stated that at their presentation to the Council, H.L. Turner gave a range of \$500,000 to \$3 million depending on the options to correct building issues. H.L. Turner and Harvey will make a recommendation and determine the most cost effective solution.

***D. Ross moved to authorize the Town Administrator to enter into an agreement with Harvey Construction for Construction Management of the Safety Center renovation project. Motion seconded by D. Dickson.***

D. Ross clarified that the agreement involves no fees upfront and Harvey Construction will receive no money until construction begins, after which the fee will be 3% of the construction costs.

The Council will be informed though out the whole process and will have an estimate by December 1<sup>st</sup>.

**Roll call vote carried unanimously.**

Single Stream Recycle Update

Diane Boyce, Recycling & Transfer Department Superintendent updated the Council on the single stream recycling program.

Single stream recycling allows all recyclable materials to go into a single container. A few weeks ago there was an article in the papers saying that the single stream recycling program will not go forward because they could not get enough tonnage. D. Boyce explained that the coop is still going forward. They are behind because they are being cautious. They are waiting to get more tonnage commitment to bring the rates down. The coop will not make profit. Revenues will be split by all community members.

G. Longfellow stated that Hooksett does not have the population to produce the tonnage needed to make it worthwhile. It would take 250,000 people producing 30% recyclables to be able to get the 25,000 tonnage the recycling plant needs to break even. He added that the Council previously voted to send a letter of interest to the coop, which is not a commitment.

Discussion on the matter ensued.

C. Granfield stated she is reviewing all information with the Finance Director, Recycling & Transfer Department and Recycling & Transfer Advisory Board. This will be presented to the Council along with the automated trash pick up information.

**Council consensus was to support the single stream recycling program.**

**OLD BUSINESS:**

Police Commission Legislation

At the July 8, 2009 Town Council meeting, the Council voted to propose a legislation to increase the number of Police Commission members from three (3) to five (5). Councilor Boutin offered to introduce the legislation at the upcoming session. The Town Administrator, per Council's request, sent letters to House Representatives and State Senators seeking their support for the legislation. At the August 26, 2009 Town Council meeting, Councilor Boutin indicated that he would not be willing to introduce the legislation if the Hooksett Police Chief planned on speaking against it.

Chairman Gahara stated that one of the Town's State Representatives will have to introduce the legislation, which have to be written by September 21<sup>st</sup>. In order to make a complete and informed decision, the Chair asked the Council to consider putting together a sub-committee to take a look at the pros and cons of moving from 3 to 5 members and to make a recommendation to the Council.

D. Ross stated he made the suggestion when appointments were being considered. When more people are involved with a decision, there's less chance of any (perceived) ulterior motives. A larger body will make better decisions.

N. VanScoy agreed with Councilor Ross and added that the size of the Town has grown since the Police Commission was formed 35 years ago. She will not support forming a sub-committee, if that sub-committee will only look at the size of the commission.

G. Longfellow stated when he was on the Police Commission, the commission answered more to the Council than they do now. Since then, things have changed. The commission has interpreted the rules to its own benefit.

P. Loiselle stated there are suggestions from residents to have a full-blown third party investigation of the department. He feels strongly about moving from 3 to 5 members.

M. Pischetola stated he is concerned with the Chief of Police saying he has pros and cons about increasing the members but he's never elaborated what those were. The Police Chief also stated going up to Concord as a private citizen to speak against the proposal. Some people, including Councilors are prepared to speak in favor of the legislation.

D. Boutin stated he would consider introducing the legislation if Councilors would speak in support of the proposal. 7 out of 8 Councilors committed to speaking in favor of the legislation. N. VanScoy cannot commit due to schedule conflict.

D. Boutin explained to the Council that he hesitated to initiate the legislation due to what the Chief of Police has said that, "*he would hang Hooksett's laundry out at the meeting*". He is concerned how to defend what the Chief might say.

Discussion on the matter ensued.

***D. Ross moved for the Council to reaffirm its support to propose legislation to increase the members of the Police Commission from 3 to 5. Motion seconded by N. VanScoy. Roll call vote carried unanimously.***

Chairman Gahara stated the Council should look into evaluating the Police Department and assessing the overall performance of the department.

#### Investment Policy Adoption

C. Granfield presented the updated amended policy with modifications proposed by the Council at the last meeting.

***D. Boutin moved to approve the investment policy as amended effective September 9, 2009. Motion seconded by D. Ross. Motion carried unanimously.***

#### Administrative Code

The Town Administrator presented the final version of the amended Administrative Code with modifications proposed by the Council at the last meeting.

***D. Boutin moved to adopt the Administrative Code as amended effective September 9, 2009. Motion seconded by N. VanScoy. Motion carried unanimously.***

#### Benton Road FEMA Grant Agreement

This agreement has been previously authorized and signed, however, due to time requirements must be resubmitted for approval by the Governor and the Executive Council. The amount of the grant is \$242,465.

***P. Loiselle moved to authorize the Town Administrator to sign on behalf of the Town the grant agreement for hazard mitigation for the Benton Road project to eliminate the flooding of Dalton Brook. Motion seconded by D. Boutin. Roll call vote carried unanimously.***

#### **NEW BUSINESS:**

**Bond Releases**

Koffler/GID Landscaping Bond for \$84,480

Upon review of the Code Enforcement Officer, it is recommended that the bond be released.

***M. Pischetola moved to release the Koffler/GID landscaping bond in the amount of \$84,480. Motion seconded by D. Boutin. Roll call vote carried unanimously.***

Coastal Partners (Starbucks pad) Bond for \$60,424.80

Upon review of the Code Enforcement Officer, it is recommended that the bond be released. The only remaining work on the site is the removal of the foundation and paving area. The bond will be held by Community Development Department until the work is completed.

***G. Longfellow moved to release the bond for Coastal Partners in the amount of \$60,424.80. Motion seconded by N. VanScoy.***

D. Ross stated the bond should not be released until the work is completed.

Discussion on the matter ensued.

***D. Boutin moved to table the issue until more information is available. Motion seconded by J. Gorton.***

**Roll call**

D. Boutin	Yes	M. Pischetola	No		
D. Dickson	Yes	D. Ross	No		
J. Gorton	Yes	N. VanScoy	Yes		
P. Loiselle	No	Chairman W. Gahara	Yes	6-3	<b><u>Motion carried.</u></b>
G. Longfellow	Yes				

There have been a number of requests to release bonds prior to the work being completed. P. Loiselle questioned why the Council is being asked to release bonds prior to the work being completed.

The Code Enforcement Officer, Peter Rowell will be asked to attend the next meeting.

John Kelly (Auto Wholesalers of Hooksett) Bond for \$4,383

Upon review by the Code Enforcement Officer, it is recommended that the bond be released.

***D. Boutin moved to release the bond for \$4,383. Motion seconded by N. VanScoy.***

D. Boutin stated that the owners have done a spectacular job with the landscaping.

**Roll call vote carried unanimously.**

**TOWN ADMINISTRATOR'S REPORT:**

C. Granfield informed the Council of the following:

1. The Welcome & Services Directory was completed and is now available. It will be posted on the website.
2. The Annual Town Report is also available and posted on the website.
3. H1N1 & EEE Health issues – Some communities are spraying. People are encouraged to use bug spray. Businesses were asked to prepare losing up to 40% of work force during the flu season.
4. The Legal RFP's were issued and are due on September 22<sup>nd</sup>.
5. The Town Offices will close at noon on Friday, September 18 for the Annual Employees' Picnic. Notices have been posted.
6. 39 people have signed up for the Sep 30<sup>th</sup> Right to Know Law/Conflict of Interest workshop.
7. The Town Administrator will be meeting with the Town Departments including Water and Sewer Departments to streamline the process of development permitting.
8. Beauchesne Development Drainage - No updates, still no agreement signed. Harmony Place went to the ZBA and no approval was given. The Town needed more information. They have to determine which part is the Town's responsibility and which part is the residents'. This is being considered for the next budget season.

Discussion on the matter ensued.

The Town Administrator will speak to Stantec and Public Works Director, Dale Hemeon about the study currently being done on the project and will update the Council.

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

#### **Zoning Board of Adjustments**

Harmony Place came before the ZBA looking for a variance. They own 12.6 acres in a medium density residential area, which according to the Zoning Ordinance, allows them up to 12.6 domiciles. They are requesting to put 3 apartment buildings with 63 units on the piece of property. They offered to replace a water line that needs to be replaced in the area in exchange for the variance. They also offered to come up with \$150,000 for the Beauchesne drainage issue. They also stated they are going to widen Route 3 due to the location of the driveway around the curve from Main Street, which creates a safety issue. According to the developer, they have DOT approval for the driveway. The ZBA is asking for directions on how to handle this type of variance request.

Discussion on the matter ensued.

***J. Gorton moved to schedule a workshop with the Zoning Board of Adjustment and Planning Board to discuss the zoning issues. Motion seconded by D. Boutin. Motion carried unanimously.***

#### **Planning Board**

No meetings since the last update.

N. VanScoy brought up the subject of potentially dangerous driveways being approved by DOT. The PB usually cannot do anything when approved by DOT. Are there any steps the Town can take if there are driveways being approved by DOT that could cause safety hazards?

The Town Planner would be instructed to check with DOT.

#### **Conservation Commission**

- Legal Counsel is still reviewing the Brown Stone Realty and Sibeleski property purchase and sales agreement.
- They are looking into making the land locked Town parcel a part of the easement in the Clay Pond area.
- The environmental studies are still ongoing on the dumping. The bank may clean it up on their own.

#### **High School Committee**

They will meet on Monday, September 21<sup>st</sup>. The Bedford School Superintendent will address the committee. Joanne McHugh is the new Chair.

#### **Economic Development Committee**

Dr. Charles Littlefield, School Superintendent made a presentation to the committee regarding a High School study. Manchester High School is considering their options. They lost the Bedford student body. They could possibly close West High School.

#### **Facility Committee**

The committee received all the questionnaires back from all departments indicating all facilities issues. They scheduled the first visit for end of this month starting with the large facilities, i.e., Safety Center, Public Works and Recycling & Transfer.

### **NON-PUBLIC SESSION:**

***P. Loiselle moved at 9:15 pm to enter into a non-public session Per RSA 91-A:3, II, (e)***

*"Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph."*

***Motion seconded by D. Boutin. Roll call vote carried unanimously.***

***N. VanScoy moved to exit the non-public session. Motion seconded by D. Dickson. Roll call vote carried unanimously.***

***N. VanScoy moved to divulge the minutes of the non-public minutes. Motion seconded by D. Boutin. Roll call vote failed unanimously.***

**ADJOURNMENT:**

The meeting adjourned at 9:30 pm.

Respectfully submitted by,

Evelyn F. Horn  
Administrative Assistant

Nancy VanScoy  
Town Council Secretary