

Official

TOWN COUNCIL MINUTES Regular Meeting Wednesday, May 25, 2011

CALL TO ORDER: Chair Gahara called the meeting to order at 6:00 pm.

PRESENT: Nancy Comai (arrived at 6:28 pm), Vincent Lembo, James Levesque, Todd Lizotte, Daniel Paradis (arrived at 6:20 pm), Michael Pischetola, William Sirak, Nancy VanScoy (arrived at 6:25 pm), Carol Granfield (Town Administrator) and Chair Bill Gahara.

PLEDGE OF ALLEGIANCE

NON-PUBLIC SESSION

W. Sirak moved at 6:01 pm to enter into non-public session per RSA 91-A:3, II (d) "Consideration of the acquisition, sale, or lease of real or personal property, which if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community."

Motion seconded by D. Paradis. Roll call vote carried unanimously.

J. Levesque moved at 6:17 pm to exit non-public session. Motion seconded by V. Lembo. Roll call vote carried unanimously.

The Council made an announcement that they voted to seal the minutes of the non-public session.

APPROVAL OF MINUTES

April 20, 2011 – V. Lembo moved to approve the April 20, 2011 minutes. Motion seconded by J. Levesque.

V. Lembo: On page 15, where it says, "*M. Paradis: I'm in favor of bringing in Liz Dionne as Interim Town Administrator*". I believe it was Councilor Pischetola who made that statement. On page 17, "*boar should be board*".

Motion carried. T. Lizotte and M. Pischetola abstained.

May 12, 2011– J. Levesque moved to approve the May 12, 2011 minutes. Motion seconded by V. Lembo.

V. Lembo: On page 25, it says, "*V. Lembo: I was there last week, there's still gravel on the road.*" I don't believe I made that statement. I think Mr. Levesque made that statement

J. Levesque: Yes, I had said that.

Motion carried. T. Lizotte and M. Pischetola abstained.

May 12, 2011 Non-Public – J. Levesque moved to approve the May 12, 2011 non-public minutes. Motion seconded by D. Paradis.

V. Lembo: Halfway down it states, "*Councilor VanScoy moved to approve the request from Robert Ohlinger, second by Dan Paradis*". It doesn't say if we voted on it. I believe we voted unanimously but it doesn't state that.

Motion carried. T. Lizotte and M. Pischetola abstained.

PRESENTATION

Eagle Scout Presentation

Chair Gahara presented the plaques to Jacob Collins Murphy and Samuel Anders Gagnon in recognition for their achievement as Eagle Scouts.

Chair Gahara: Scout Master Jeff, how many do we have now? I'm just curious.

Scout Master Jeff Scott: Around 46 now.

Chair Gahara: Wonderful. Unbelievable. Thanks for your leadership.

PUBLIC INPUT

Don Winterton, 10 Prescott Heights Road: I'm in the process of building a house. I thank you for the opportunity to talk to you tonight. This is my third monthly meeting in a row. I'd like to give you an update of where I am. For those of you who don't know, my issue with the Town of Hooksett is an issue of fairness, an issue about following the regulations of the Planning Board and it has become an issue of a cover-up. I've led many organizations. I've been a part of many organizations. And ever organization develops a culture. Unfortunately, I felt I have become, I now feel that the culture of Hooksett is one of, I can't make a decision, someone else should make the decision. It's not my fault. In early February I approached the Code Enforcement Officer about the 6-lot subdivision on Prescott Heights Road. The first house built in there was not required a sprinkler system. The Town regulations require sprinkler system for all new constructions on lots in a subdivision that are not on Town water. I asked the CEO how do I get out of having a sprinkler system. He said, you can't. I said, the house you just gave a CO (certificate of occupancy) to did. He answered, oh expletive deleted. He didn't say it was grandfathered. He didn't say you shouldn't do it. Ten days later, I received a letter from the Town of Hooksett. It basically is "why don't you go away" letter. In the letter it says, *"After conversation with the Community Development Director, the Planning Board's consulting engineer and the Town Attorney, I have determined the Planning Board's conditions of approval did not extend to the parent lot. The Code Enforcement Officer does not have the authority to make that decision."* I then went to the Town Administrator who said, there's nothing I can do about it, you need to go to the Planning Board. Before I went to the Planning Board, I met with Jo Ann, the Asst. Fire Chief and the CEO. There I was told it's in the minutes of the meeting of the Planning Board of March 9th that the Planning Board did not waive it that the Town Administrator added that it's not part of the existing lot, it's not part of the requirement. The Town regulations say that a parent lot is part of the existing lot. Right there I was given incorrect information. I then went to the Planning Board. The Planning Board minutes say, basically what happened in the first Planning Board meeting, which was not really a waiver because they haven't notified the abutters, they said no, you can't do it. Some of the comments are really interesting because they said, this is a quote from Ms. Duffy, *"It's interpreted by the CEO and the Fire that the parent lot is grandfathered for new constructions."* There's nothing on the regulations that allows the parent lot to be grandfathered. It doesn't matter, I'm the new guy in Town, go away. The Chairman of the Planning Board then said that they got a letter, this is a safety issue. And to quote, *"This board goes with the Fire Department's decision."* If the board is there just to rubber stamp the Fire Department, what's the purpose of the board? Anyway, that wasn't a real rejection. I then came back to the Planning Board and requested a waiver. The waiver was rejected. First, I came to the Town Council where the chair advised that I see the Town Administrator as soon as possible because my sheetrock was sitting on the floor waiting to be sheetrock. I met with the Town Administrator after four appointments were cancelled. She had a lot of things going on with disks and everything. She said there's nothing I can do, you need to go to the Planning Board. I went to the Planning Board and got rejected. I then went to my lawyer. The lawyer sent a nasty letter here. Somehow the Planning Board said, you can come back and ask for a waiver. That happened in April. On May 2nd I was allowed to come back to the Planning Board to request a waiver on May 16th because they couldn't do it on May 2nd because it wasn't long enough to send out the certified letters to the abutters, which includes me because I own the lot next door. On May 2nd, the board went into non-public session about my issue, came out of the non-public session, and then voted to let me come back. I came back two weeks later where the board then denied my waiver. So in effect, since middle of March, I've had sheet rock sitting on the floor waiting for someone to make a decision here. Some of the interesting things said at the last Planning Board meeting and I bring this to you because although I've been told you have no authority over the Planning Board. This body appoints most of the Planning Board. You need to know that the Planning Board as it sits today is horrible for the Town of Hooksett. It is horrible. The way I was treated. They could have voted in April, you're not going

to get a waiver. Instead, they dangled me out to dry for over a month. Sitting there with sheet rock, no one working, costing me money. Nobody in the Planning Board cares. The Planning Board told me that one of the reasons I was denied is if they waive it for me they would set a bad precedent. The precedent was set with the first building, not mine. You don't set a precedent on number 2, you set a precedent on number 1. However, this is the same Planning Board that when this subdivision was divided, the regulations of the Town of Hooksett require underground utilities for new subdivisions. Does anyone disagree with that? I know it's in public, so you don't have to reply. Let me tell you, the regulation say that all utilities shall be underground. However, since it was a resident of Hooksett that was asking for a subdivision and since it was a resident of Hooksett that would have to pay for it, that board waived it. According to what the Planning Board tells me then they've just waive that underground utilities for every subdivision that comes to this Town. If it makes sense that they couldn't waive it for me because the next lots wouldn't need sprinkle system, then how does it make sense the other way? It's really important to know that the direction of the chairman of the Planning Board was, well, someone made a mistake in this Town, you should go address that with the person that made the mistake. I said, I didn't know a mistake was made because the culture of this Town is created. Nobody says, I made a mistake. Nobody said in January my CEO made a mistake, we need to fix it. Nobody said that. They circled the wagons. They gave me incorrect regulations and they made me dance and caused me money for four months. You have an appointed Planning Board in this Town. My only remedy is to go to the Merrimack County Superior Court, which may take five to six months. So, yes, you've hung me out to dry. Yes, I'd probably put in a sprinkler system and I will tell everyone I can to stay away from Hooksett.

David Pearl, 79 Main Street: I just want to comment on my observation of Coaker Avenue issue since I've been here for it twice and actually videotaped it and watched it. At the last meeting, it seems as though you had all the players here including the guy from Concord 911. It seems as though you had boiled it down to three possibilities and frankly I was shocked that you delayed it again. These people will have to come back again. I don't know if we need a white board in here or what. But there are three possibilities and one of those should be chosen and go ahead with it instead of delaying these people. To suggest to the CEO and to the departments to go back and work with the developer and maybe get some money out of him or something like that. I don't agree with that. Your CEO is going to bring you the code. That's what he's supposed to do. If you want to waive the code, if you want to veer from the code, that's the elected body's decision. Don't think you can ask your department to make those kinds of exceptions. You folks should have to do that. I really thought when we had all the parties in the room, it looked like it was going to be settled. I think it should have been. It's not that complicated.

NOMINATIONS AND APPOINTMENTS

J. Levesque: Robert Duhaime wasn't sure if his term was up in the Planning Board and he'd have to be nominated. When are we going to do that?

Chair Gahara: Next meeting.

SCHEDULED APPOINTMENTS

Public Hearing re: Acceptance of Grant for Electronic Message Board

C. Granfield: This is a grant for Federal Highway Safety Funds that was submitted. Dan Pike, our Emergency Management Director submitted it seeking the need for several of our Town departments who can utilize this for public safety items, i.e., road closures messaging. That type of thing. Those departments agreed to fund a portion of the half portion of the grant fund. We have been approved to receive the funds in the amount of \$12,260. The Town's side would be split by those departments. It's a great tool for the Town.

Dan Pike, Emergency Management Director: This is something that first came up about two years ago. The former DPW Director had asked me if we could find some grant fund. After looking around through various places, I was able to obtain more or less half funding through the Highway Safety Funds. A little unusual for DPW to be requesting funds but it was approved for us. It took about two years in order for this to come to fruition. The grant money is awaiting approval. As soon as the Council gives its blessing, I can obtain those funds for the Town. The Town's liability on the board is about \$6,200 and is divided amongst five Town departments, Highway (Public Works), Police, Fire, Recycling & Transfer and Emergency Management. That's based on 2010-2011 budget. Beyond that, you have the staff report and there's also another report. We did obtain three bids for this. This is about \$2,500 less than the

highest bid. It's something the Town of Hooksett needs. We probably need two of them but we can start with one. That's a pretty good place to start and maybe in a couple of years when the economy is better, perhaps we could get another one.

Chairman Gahara: Let me open up the public hearing (6:43 pm) and invite the public if there's any input you'd like to provide.

Marc Miville, 42 Main Street: I have some informational questions, if you happen to know. I'm not aware of this sign. How big is the sign, is it LED, where is it going? That kind of information. Thank you.

The information was given to M. Miville.

D. Pike: I just want to add that the message board itself is primarily going to be used for Town roads. It isn't the type of board that you would see on I-93, for example. The reason why we didn't get something that large is the trailer is so big. In the wintertime we'd have no place to get the trailer off the road. This is a little bit smaller and the trailer is a little bit smaller so if we want to use it on Hackett Hill Road, for example. We're able to get the trailer mostly off the road in the wintertime so it doesn't take full lane of traffic.

Chair Gahara: Other comments from the public? I close the public hearing (6:45 pm). Any questions?

V. Lembo: What is the warranty on this in case it breaks and who do we get to fix it?.

D. Pike: I can't answer that question. That's an excellent question. It's something that was discussed. There's virtually nothing could break on this board. The only things that require maintenance are the batteries. This is going to be stored indoors. It can be plugged in so batteries are charged. Someone needs to add water to the batteries and check them once a month. Theoretically, this is going to last for years. There is no moving parts. There's a pda very similar to a blackberry. That's about the only thing and I can't even answer what's the warranty on that.

N. Comai: My curiosity lies with the need of scheduling. I wonder who's taking the lead on the scheduling and how much of a burden would that be on the person that's scheduling it. You have Fire, Police, Transfer, Emergency Management and Highway (Public Works). All departments taking ownership of this sign. Who's taking the lead on scheduling the sign so they know where it is, when and who can take it next. All that logistics.

D. Pike: We're going to have to work out a regulation for scheduling so on and so forth. The sign board itself will be kept under cover at the safety center. It would make sense that perhaps someone from the Fire Department or Police could maintain some type of a log of how we're going to use this. Those details really haven't been worked out. This all came together really within the last few days to the last couple weeks. Some of these details that you're asking I don't have an answer for.

D. Paradis moved to accept the grant in the amount of \$6,000 per RSA 31:95-b,III(a). Motion seconded by T. Lizotte.

Chair Gahara: Any other questions?

N. VanScoy: Could we specify the fiscal impact, the total cost and then the amount that is coming from the grant?

C. Granfield: The motion that you need is to accept the actual grant amount. The others are expended through the budgeting process. So the motion you need is based on the RSA to accept the \$6,000 we're receiving from grant funds.

Roll call vote carried unanimously.

OLD BUSINESS

Town Administrator Search

C. Granfield: The Council will be meeting in non-public session to discuss various candidates. The LGC did receive 35 applications for the Town Administrator. They've screened them and sent recommendations to the Council to review. The intent is to schedule panel interviews next week and then introduce the Council the following week. That's the schedule of events on that.

Chair Gahara: I appreciate the update. One other thing, I don't know if this would be more appropriate for the non-public. I don't think it is but I am asking the question. The citizens' panel, we need to wrap our arms around that and get that set up. They're going to need to come either the 2nd or the 3rd.

C. Granfield: That's going to be on non-public because the names haven't been submitted yet and selected. That's all in the non-public.

Coaker Avenue Renumbering

Chair Gahara: Just a quick update. This item was tabled because Councilor Comai and Peter Rowell (CEO) will meet with the residents. There was a request to hold off until that meeting took place.

N. Comai: The meeting is scheduled for May 31st in room 204 in this building at 6:30 pm and the residents have been notified.

Chair Gahara: We'll bring this back on June 15th.

NEW BUSINESS

Acceptance of Donation of Treadmill to the Fire Department per RSA 31:95-b.

C. Granfield: This is a family who desired to donate a treadmill to the Fire Department. The value of it is \$3,290. The treadmill will be placed at the Fire Station 1 for the exercise area. The donated one then could be used by any Town employee at the safety center. The equipment was to bring greater level of fitness and it's appreciated to have it donated. There's a recommended motion to accept the donation of treadmill.

V. Lembo moved to accept the donation of treadmill valued at \$3,290.15 per RSA 31:95-b,III, (b). Motion seconded by N. VanScoy.

N. VanScoy: I'm assuming it's anonymous.

C. Granfield: Yes, that's why the name wasn't indicated.

N. VanScoy Obviously, I'd like our thanks to get to them if you know who they are.

C. Granfield: Yes, when it came forth from the Fire Department that's the way it was presented but there have been expressed appreciation.

Roll call vote carried unanimously.

TOWN ADMINISTRATOR'S REPORT

C. Granfield informed the Council of the following:

1. The Town offices will be closed this Monday, May 30th in observation of Memorial Day holiday. As far as Memorial Day activities, on Sunday, the 29th, the American Legion Post 37 will host the Memorial Day parade starting at noon from Riverside Park and then on Monday, May 30th, the post will lay wreath and perform full military burial ceremonies at all the cemeteries starting at 9:45 at the Holy Rosary Cemetery.

2. There's a Blood Drive on Monday, June 6th at the safety center from 1 until 6 pm sponsored by Hooksett Fire and Police departments. Donors will receive \$5 coupons from Panera Bread, 24-pack of water coupons from Walgreens and \$10 off coupons for Mt. Washington. They usually get a good turnout. This is through the Red Cross.

3. Hooksett Heritage Day is this Saturday, May 28th, 11 am until 4 pm. Sponsored by Heritage Commission, Historical Society and Robie's Country Store Historic Preservation Corporation. It begins at 11 am with the unveiling of Hooksett 6th historic marker commemorating the Odd Fellows Hall. There will

be an open house at Robie's Country Store. Mrs. Robie will be on hand to discuss the history. At 1 pm, there's a historic treasure hunt starting at the Prescott Library with a fee of \$20 and prizes for the winner.

4. Dan Pike, our Emergency Management Director is leaving July 31st. He's going to go to a warmer weather for part of the time. We're all envious of that. He's done an outstanding job. He's taken the Emergency Management to the next level from where we had it to where it needed to go. He's organized a lot of things. We've got the code red system going. He's done a great job. I appreciate all your hard work. Congratulations. With that, to have a good transition and looking at the process. Under the Charter, the Town Administrator does appoint the Emergency Management Director. It's not a regular position, it's very part-time. In looking at it, now that things are well-established. I am appointing our Fire Chief, Michael Williams to have that role. When things are in place, the only community I am aware of is Seabrook because of the power plant that has a full scale Emergency Management Director. Looking at how great everything is organized now. Thanks to Dan's good work we'll be able to save some monies. The funds for that is budgeted under Administration seeing the Town Administrator appoints it. So it still will be carried under Administration. At this point the Fire Chief during emergencies or when there are items that need to be handled, he will be the Emergency Management Director. The Fire Chief will then be handled by one of his assistants/deputies if there's fire related issues. It's nice because there'll be a good transition between now and August 1st. Dan will be able to get him oriented. That will be going forth.

5. For those of you who were here when the Town sold the property at Leonard Avenue some time ago. You may be interested to look. It's been refurbished. If you drive by or it's on-line for sale. I think the price is something like \$289,000. You wouldn't recognize the place. Those of you who were there. It's an added element in that neighborhood compared to when the Town owned it. It was a good decision the Council made. It was beneficial to the community.

6. Tax bills will be mailed out on May 31st. Due date is July 1st.

7. In June, there's a company by the name of SegTel, a phone/cable company. Based on regulations, they came to the Town wanting to lay cable for services across the Lilac Bridge. In looking at what needed to be done in order to gain that approval, we did talk to Legal to see what process to use. What had to be done for approval and they've indicated it is the same as pole licenses, which we do now. Evaluated, approved engineering-wise, etc. I'm bringing it to your attention so when you see activities there in early to mid-June. Right now there are cables across that bridge for Comcast. This will be another cable. It's been reviewed for structure and how it can go across. They've complied with everything. If you see activities, that's what it is.

8. Last week The Fire and Police departments had a nice ceremony for the acceptance of an artifact from the World Trade Center. It currently is on display at the safety center for anyone to go by. They had a very moving ceremony. Ultimately, it will be at the Fire and Police Ceremonial Park. They plan to do site work this fall. By next spring everything will be in place.

9. We had meetings with the State regarding Route 3 and work will ultimately be done. Everyone will be happy about other than going through the turmoil of having construction, which will resolve flooding on Route 3. It's been long overdue. We met with the State officials. They will be going out with the RFP June 14th. It's a long phase process based on putting culverts and everything in there with the latest design that will resolve the flooding issue. They are anticipating to start work in October and will go well into 2012 for a long period of time. They'll have to have some road closures for that. The other nice part about that particular project is it is State and federal funded. Its not Town funds.

N. VanScoy: What day is the parade?

C. Granfield: The parade is Sunday, May 29th starting at noon from Riverside Park.

T. Lizotte: The roadwork that you mentioned on Route 3, is there a plan in place and is that accessible at Planning in regards to what they're going to do?

C. Granfield: They will be providing us with the plans. They will have a Public Informational meeting at the Town Hall on Wednesday, June 8th at 7 pm.

T. Lizotte: The road closure and all that, is that going to be orchestrated by the Police?

C. Granfield: We talked at great length with, especially for signage because when we had the Martin's Ferry/ Benton Road and Public Works had signs "Thru Traffic for Residents only", that type of thing. They spend a lot of time in detail ensuring the public knows, having appropriate signage. They did indicate through the State, that all that will be worked into the RFP. They tend to use flaggers versus Police because they can get four for the price of one, they said.

W. Sirak: I just want to comment on that project. Obviously, there was a tremendous amount of work done by the Planning Board and some of the merchants in that area. Merchants Auto in particular stepped up to the plate and provided a lot of leadership in securing a lot of those Federal funds. I thought that should be noted.

SUB-COMMITTEE REPORTS

Recycling & Transfer Advisory Board

J. Levesque: I attended my first Recycling & Transfer Advisory Committee meeting last night. Diane is looking for some of the members that served on the Heavy Equipment Committee for the purchase of the automated trucks. A couple of individuals volunteered. The bids for the barrels will be going out soon. We discussed about updating the Solid Waste Policy. Having two different barrels, one for trash and one for recycling, the policy will have to be changed. The facility will be open on Wednesday evenings until 7 pm from June 1st through September 28th. Hopefully, this will increase volunteer recycling.

ZBA

J. Levesque: I didn't attend the meeting because it was election night. I did go back to look at their minutes and talked to a couple of members. Falcon Brook, a development up on Mammoth Road asked for a variance to add 20 units where only 14 was allowed. They went through their application. The board gave their first equitable waiver. Former CEO, Michelle Bonsteel approved the application back in 2006. They had to sell the property and had to get a Certificate of Occupancy. Peter Rowell wouldn't issue one. They had to get an equitable waiver, which was granted provided they take care of a couple of violations. The Heflon pit down on Hackett Hill Road was mined eight or nine years ago. Now they are asking for a lot line adjustment. Peter generated a letter to the Planning Board with regards to their request of a subdivision. The pit was never reclaimed.

Budget Committee

V. Lembo: We had a Budget Committee meeting last week. We accepted resignations from Councilors Lizotte and Comai. We appointed Frank Bizzaro to the board. Mrs. McHugh presented the audit she presented to the Council. Mrs. Farwell came about the safety issues at the Library.

Economic Development Committee

W. Sirak: Craig Ahlquist was appointed as new Chair for that group and myself as the Town Council Representative. We've had follow up meeting with Craig Ahlquist, Jo Ann Duffy and Sid Baines is also involved. We've teed up the concept to begin exploration of bringing sewer to Exit 10 and 11. We'd be getting proposals on how to start that process but we've identified that as a priority. We're excited about that.

Planning Board

N. VanScoy: I missed the Town Hall Preservation Committee meeting because we had our Planning Board meeting. We spoke with Don Winterton regarding his sprinkler system. I certainly cannot speak for the others on the board but my decision was based on two things. It had nothing to do with fairness but it had to do with...on the subdivision plans, it stated that that lot needed to be sprinkled. That certainly was one of the basis for my decision to deny the waiver. The second reason is I do not think that it is the Planning Board's decision to waive a safety issue whether there was a mistake made or not. Denying safety is not a way to correct a mistake. That was my reasoning behind it. If you were to read the minutes, I believe you would get a feel for what the other board members felt. The other thing that was pending is Manchester Sand & Gravel will be looking for a conditional approval. The Head's Pond plans are coming along. I generally do not vote for conditional approvals. I don't think a conditional approval is good for the Town or the people. The other reason I don't at this time agree with conditional approval is because there is still business that needs to come before the Council. That of course is the acceptance

of the land donation and the legal work that needs to be done and myself, I think that should be completed before any consideration of conditional approval. I would ask as a Council if you think it should be discussed further or would you like me to consider my vote differently.

NON-PUBLIC SESSION

J. Levesque moved at 7:15 pm to enter into non-public session per:

RSA 91-A:3, II (b) *“The hiring of any person as a public employee.”*

RSA 91-A:3, II (c) *“Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.”*

RSA 91-A:3, II (d) *“Consideration of the acquisition, sale, or lease of real or personal property, which if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.”*

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 public 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 N. VanScoy. Roll call vote carried unanimously.

J. Levesque moved at 9:57 pm to exit non-public session. Motion seconded by N. VanScoy. Roll call vote carried unanimously.

The Council made an announcement that they voted to seal the minutes of the non-public session.

ADJOURNMENT

The meeting adjourned at 9:58 pm.

Respectfully submitted by,

Evelyn F. Horn
Administrative Assistant

Vincent F. Lembo, Jr.
Town Council Secretary