

Official
TOWN COUNCIL MINUTES
Regular Meeting
Wednesday, February 13, 2013

CALL TO ORDER

Chairman Sullivan called the meeting to order at 6:50 pm.

ROLL CALL

Leslie Boswak (excused), Nancy Comai (excused), John Danforth, Michael Downer, Vincent Lembo, James Levesque (joined the meeting via WebEx at 6:53 pm), Todd Lizotte, Susan Lovas Orr, Chairman James Sullivan and Dr. Dean E. Shankle, Jr. (Town Administrator)

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

January 23 2013 Regular Meeting – *V. Lembo moved to approve the January 23, 2013 minutes as presented. Motion seconded by J. Danforth. Motion carried.*

T. Lizotte abstained, not present at the meeting.

January 23, 2013 Non-Public – *M. Downer moved to approve the January 23, 2013 non-public minutes. Motion seconded by S. Lovas Orr. Motion carried.*

T. Lizotte abstained, not present at the meeting.

CONSENT AGENDA

T. Lizotte moved to accept the consent agenda. Motion seconded by M. Downer. Motion carried unanimously.

TOWN ADMINISTRATOR'S REPORT

Dr. Shankle informed the Council of the following:

1. Katie Rosengren was introduced as the new Project Coordinator.
2. Old Town Hall Committee meeting was held at the Old Town Hall.
3. The Union Contract will be presented later in meeting during Non-Public session.
4. Village Heritage Project is moving forward.
5. Christine has been putting data together to review the finance software data. Three have been selected and will be giving presentations to the staff.
6. Budget Committee has completed their review of the Budget and will meet on the 28th of February to deliberate and approve.
7. The Revaluation Contract has been signed and will begin over the next few weeks.

8. Dr. Shankle and some Councilors attend the State hearing on Robies Store tax issue which was voted to move to the Senate.

9. Leo Lessard reported that the cost of the recent storm was \$63,000.

V. Lembo stated that a constituent asked when the last day to file a petition warrant article was.

Dr. Shankle will provide that information to the Councilor.

PUBLIC INPUT

D. Pearl, 42 Main Street: I was disappointed that the Police Commission issue was not on the agenda. The Council Representative was absent. I respect the opinion regarding the best form of government for the Commission. The Council's vote of no confidence is really about performance, because I never heard the Council discuss that they object to the form of government. That leaves us with the vote of no confidence being about performance. The level of work being done at the meeting last night was excellent and the level of detail going over the SOP was excellent and there was no one there to see it. I'm concerned that it has left us with a level of no confidence and things have changed and the Council representative was absent. What prompted that vote of no confidence was their refusal to come to your meeting and ironically now you have a representative assigned to that meeting who is not attending the commission meetings and you have no way of monitoring that. The Council should take that vote on confidence or no confidence now and get it off the table rather than wait until you are closer to election time. That statement should be made and then let the voters decide on the warrant article.

NOMINATIONS AND APPOINTMENTS

None at this time

SCHEDULED APPOINTMENTS

Executive Councilor Chris Pappas

Chris Pappas, New Executive council from District 4:

I would like to introduce myself to the Council and state that I am a resource to the towns and boards. I am concerned with the issues of transportation as well as health issues. There are large transportation items impacting Hooksett including the widening of 93, on-going construction for the open road tolling at exit 11, and an RFP which is out to redo the welcome center and the liquor center. The widening of Route 3 and 28 has been awarded and is slated to be completed by the fall of 2014. The Council voted to study passenger rail which would be a federally funded study and could potentially have a stop in Hooksett. There will be an opportunity for public comment for Hooksett residents. If there are things in town government, I want to be a conduit. I will update my website after every meeting at pappasnh.com. Please feel free to contact me at

any time. Another issue is a report from a consultant regarding privatization of the prison system. There is a proposal for a site on Hackett Hill which I do not support.

T. Lizotte asked if the Executive Council takes up the issue of the retirement system.

C. Pappas stated they do not specifically deal with that issue.

Sheryl Pratt, and Michael Campo -Plodzik & Sanderson re: Audit

The auditors gave a report on the audit completed in 2012.

The two items noted were warrants at the Sewer Department should be reviewed prior to going out and the tax deeding by the town was deficient. State statute says the Board **shall** take a property if the lien is outstanding for 2 years and a day, unless there would be a great liability to the town if they take that property.

The Financials were complete and fairly stated and the town received an Unqualified letter. The company audits 75-80 towns and Hooksett is one of ten that received that unqualified status. It is exemplary.

S. Orr suggested a letter be placed in both the Sewer Department and Finance Director C. Soucie file.

OLD BUSINESS

Acceptance of \$9,503.49 Grant Fund Reimbursement for Fire Department per RSA 31:95-b

T. Lizotte motion to accept the grant. Seconded by S. Orr. Motion carried unanimously.

Recycling Warrant Article

No action taken

NEW BUSINESS

Quarterly Financial Report

C. Soucie reviewed the mid-year report.

Hackett Hill Rd/Route 3A Roadway Design Contract

J. Duffy and Jeff Kevan, VP of TFMoran

J. Duffy reported on the proposal for improving the intersection at Hackett Hill.

The engineering cost is \$159,249. This money will come from impact fees. Currently we have \$448,215 in that fund for that area.

V. Lembo motioned to accept the recommendation of using impact fees of \$159,249 and encumber the money from the Roadway impact fee account and approve the contract with TFMoran. Seconded by J. Danforth.

Roll Call unanimously in favor.

Community Planning Grant Application Letter of Support

J. Duffy: The Planning Board was approached by the Chair of the Conservation Commission to put together a plan to allow Developer to transfer development rights. The sending district would be the commercial area and the receiving area would be open space. Someone wants a development in a commercial area would donate an area in a conservation area. There are two towns in the State that have this, Dover and Lee. Lee was using it to create and preserve farm land. Dover is using it for their industrial projects. I moved it forward and plan to apply for the second round of grants from NH Housing. In speaking with SNHP, they have put together a grant application for \$15,000 and the cash match is \$934. This would be to look at if this is feasible for this community. That takes a year. If we decide it is a good idea, it would go before the voters as a zoning change. This grant is the second round, and there is no more funding coming from this process through HUD. The Conservation Commission is in favor of this proposal.

J. Danforth motioned to recommend that the Council apply for the \$15,000 grant and authorizes the signature of the grant by adopting the resolution. Seconded by S. Orr

T. Lizotte asked about the funding and public hearings. He stated that the resolution states that this resolution is to bring this to completion.

V. Lembo stated that this is a \$15,000 grant but the worksheet shows \$18,000. Where will the other \$3000 come from?

J. Duffy explained that the town will provide \$934 and the balance will come from labor, both staff and volunteer.

T. Lizotte stated his concern that if a developer meets the requirement, they could develop a high intensity use. There are concerns.

Dr. Shankle stated he has some concerns however the Economic Development, Planning Board and Conservation Commission are in support of the program. You need to find areas in town where you are willing to allow a more intense development that is allowed under our zoning. You may need to allow commercial and industrial development to be done more closely. Conservation wants to acquire specific lands. The only way that makes sense for the town is if it actually developable land. We need to look carefully at whether there are areas in town that will allow more intense development. The second concern is we have this grant, the heritage grant and the meeting next Wednesday with Economic Development to discuss development. We may be stretching our staff. In planning we have 2 people. Even if you combine with Building, you

only have 4 people. This Transfer of Development Rights is staff intense. Every project that comes in has to fit within the guidelines and make its way through the Planning Board. If the Heritage District goes through, it will have to fit in those guidelines. One concern will be solved when SNHP analysis, and the other is what can staff handle.

T. Lizotte: My concern is we have seen a lot of these come forward. I didn't have the luxury of attending the last Conservation meeting but we have so much conservation land that we haven't developed because of accessibility. I'm concerned we're adding this and the fact that only 2 towns in the State currently have adopted this ordinances raises concerns. When I look at the tasks, which say, "go to public hearing and planning and drafting a warrant article", I'm concerned.

S. Orr: I think that for a small investment, we can be trend setters. I don't care how many towns in the State have this. This doesn't say we will definitely bring it to warrant, it says we will see if this works for our town. I don't think conservation land always has to be developed. For \$900, it is worth looking into.

S. Orr moved to amend the motion to include we ask the Planning Board to come to the Council prior to task 8 so that the Council has a chance to hear the findings to that point and participate in any decision making. Seconded by V. Lembo.

M. Downer asked if the approval requires the resolution which task states create an ordinance. I would be in favor of an amendment to explore the development of a TDR.

All motions and amendments were withdrawn.

M. Downer motioned to accept the staff recommendation to apply for the \$15,000 grant for the purpose of exploring the potential development of a Transfer Development Rights Ordinance and to further authorize the Town Administrator to submit a letter indicating our support of the grant application. Seconded by S. Orr.

T. Lizotte: In preparing this budget worksheet, do we have to have task 9, 10, 11, and 12? My concern is when plans are drafted, they are executed. When the money is there, people want to spend them and take it to completion.

M. Downer: I agree with Councilor Lizotte but the motion is clear that we want to only explore and not write and Ordinance.

T. Lizotte: Planning is a separate body and we have not control over it. My concern is the bandwidth and we have limited staff. There is time to be innovative and spend money and a time to hunker down and do what we do well with the staff we have.

D. Shankle: Looking at the task force, why don't we ask SNHP to bring forward a recommendation before going to task 8.

Roll Call

T. Lizotte No

S. Orr Yes

J. Danforth Yes

M. Downer Yes

V. Lembo Yes

J. Sullivan Yes

Vote 5:1 motion carries

S. Orr motioned that if this grant is awarded, the Hooksett Planning Board, Conservation Commission and SNHPC come before the Council after task 6 with all the information they have accumulated to that point and present to Council for review and determination as to whether or not it is feasible to move forward with the final tasks. Seconded by M. Downer.

J. Danforth amended the motion to add "after task 6 and prior to task 7". Seconded by S. Orr. Vote unanimously in favor of the amendment.

Vote 5:1 on amended motion.

SUB-COMMITTEE REPORTS

Town Hall Preservation – J. Danforth reported that the Committee met with Fire and Code Enforcement on the 4th on the 4th to discuss restoration of the structure and the code violations. Some of the materials on the second floor that were not original will be removed. The Second floor will be used as staging to do work on the original tin ceiling. They will be looking at grants.

S. Orr stated that she was unable to attend the Planning Board meeting which was rescheduled to Tuesday due to weather.

T. Lizotte stated he was unable to attend the last Conservation Commission meeting. The Assessor's Board met last week to conduct business.

PUBLIC INPUT

D. Pearl: As a tax payer I am distressed when I hear that the study will only cost 900 dollars. It will cost \$18,000 whether it is local or state money. If we think of grants as free money, we should not. What concerns me is I took part in the Heritage interview and I was struck by the waste of money even if it was a viable project because there were two planners there and a town volunteer asking questions that didn't require any technical knowledge. Actually the town volunteer was more familiar with the project than us. Also I believed they had an agenda to complete the project. I thought they were talking about preserving buildings in the village. I don't think it was explained well to us. The Council needs to decide if you believe in the principal of the study. You and the PB set the Zoning regulations. If I can transfer some rights from someone else's property, I can build up my property to be denser than the limits that the community has set. You set the limits in the first place. I feel that there should have been a discussion on the principal of the idea and if it is worth spending \$18,000 of taxpayer's money, whether it is local, state or federal taxes to conduct a study. We still pay for it. I'm worried about what Mr. Lizotte said, you get the ball rolling and it is done before you know what you did. You will allow someone violate the zoning laws if someone can make a deal. Why can't that density be higher anyway now if you will allow it if you give something at the other end of time. I discourage spending more money for nothing.

J. Sullivan read a letter of resignation from John Danforth effective immediately and will be available to temporary reappointment until June 30, 2013.

*M. Downer motioned to accept John Danforth's resignation. Seconded by T. Lizotte.
Vote unanimously in favor*

*V. Lembo motioned to reconsider the resignation of John Danforth. Seconded by T. Lizotte.
Vote unanimously in favor*

*V. Lembo motioned to accept J. Danforth's resignation effective midnight of February 13, 2013. Seconded by T. Lizotte.
Vote unanimously in favor.*

NON-PUBLIC SESSION

a. 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 or her, unless the employee effected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted."

M. Downer motioned to enter into non-public at 8:50 pm. Seconded by T. Lizotte.

Roll call vote unanimously in favor.

Personnel Classification Plan

Emergency Management Director/Administrative Code Amendment

13-20 DPW/Recycling & Transfer Union Agreement

ADJOURNMENT