

**TOWN COUNCIL MEETING  
MINUTES  
Wednesday, May 8, 2013**

**CALL TO ORDER**

Councilor Sullivan called the meeting to order at 6:30pm.

**ROLL CALL - ATTENDANCE**

Chairman James Sullivan, Dr. Dean E. Shankle, Jr. (Town Administrator), Nancy Comai, Vincent Lembo, James Levesque, Todd Lizotte, Susan Lovas Orr, Michael Downer, and Robert Duhaime (arrived 6:35pm).

Excused: Leslie Boswak

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF PUBLIC MINUTES 04/24/2013**

*J. Levesque motioned to approve the public minutes of April 24, 2013 with edits to pg. 3 & pg. 7. Seconded by T. Lizotte.*

*Vote unanimously in favor.*

**AGENDA OVERVIEW**

Chairman Sullivan provided an overview of tonight's agenda.

**CONSENT AGENDA**

- a. Donation of \$200 worth of Shaw's Gift Cards to Hooksett Fire Rescue.
- b. Donation of \$50 to Police RAD program.

*S. Lovas Orr motioned to approve the consent agenda. Seconded by T. Lizotte.*

*Vote unanimously in favor.*

**APPROVAL OF NON-PUBLIC MINUTES 04/24/2013**

*T. Lizotte motioned to approve the non-public minutes of April 24, 2013. Seconded by M. Downer.*

*Vote unanimously in favor.*

**TOWN ADMINISTRATOR'S REPORT**

- Regional Municipal Agreement Committee – This is for regional planning. We had a meeting find out about our inter-municipal sharing agreements.
- Union Street ownership – We are researching to straighten out the ownership of this street.
- Library sign – The NHDOT had concerns, but Senator Boutin met with the NHDOT Commissioner and there are no longer any issues.
- Grievance Hearing – I had a grievance hearing for DPW.
- Elizabeth Dionne note – We received a thank you note from Liz for her clock and party.
- Robie's County Store Historic Preservation note – We received a thank you note from the preservation secretary and Senator Boutin was at the signing ceremony.

- Calendar Contest State Fire Marshall office, NH Fire Prevention Society – The society held their first fire and life calendar contest for 3<sup>rd</sup> grade elementary children in the state. The month of May was won by Hooksett student Kevin Mostav. His picture was about electrical safety.
- Moderator Don Riley – Commends the efforts of Lee Ann Moynihan, Katie Rosengren, and Billie Hebert at the April 6, 2013 deliberative session
- Road Race Sunday May 5<sup>th</sup> (Cinco de Mayo) – Nancy Comai, Town Councilor, received a complaint from one of her constituents who was upset about the road closure. Police Chief Bartlett is here to explain.

Chief Bartlett: The road race was planned for a couple of months. Millennium Running is the race company who does these races all over New England. We worked with them for a traffic control plan and route proximity to Shorty's (race sponsor). They went to all the abutters with flyers that indicated delays and road closures. The race was at 9:30am. The flyer had a cell phone number on there to call with any issues. Hannaford's Plaza stores were contacted to share parking spaces. We provided seven (7) officers. The road closure was limited initially and then at 9:20am the road closed and re-opened at 10:25am. The entrance to the plaza to Arah Street was closed 7:00am-10:30am when broken down. At 9:20am it was closed for the route and officers were strategically placed. There were two (2) folks I dealt with. There was one gentleman on Bicentennial Drive who was having an Easter celebration and he wasn't happy about the road closure. There were flyers there. Another individual was a woman who had groceries. She was patient and she was able to pass the closure to get to her home. Along the route of the race people were on lawns in support. We had 1,500 registered runners and 4,500 people actively participating in the event. Based on the amount of people and vehicle traffic the event was a success. Manchester provided an officer(s) for Shorty's as well. There were no other issues.

N. Comai: We can't think of everything and you handled as appropriate as you could. Is there a procedure in place for road closure or are you the only one who signs-off? It was a well-attended event for Cinco de Mayo. Will you be doing this event year-after-year? For the gentleman with the Easter event, he would have changed his time if he was aware of the road race event time.

Chief Bartlett: I am not 100% certain if there is an ordinance for road closures. I was under the impression that Millennium Running was going to obtain some type of Town permit. I have a lot of experience in road closures and event management. I tried to put as much public safety in place as possible. Perhaps there should be a procedure.

N. Comai: We have a (portable Town) electronic sign we could put in a strategic place "road closed".

Dr. Shankle: We have used that sign for the recent Village District Forums.

V. Lembo: Is there a permitting process for road closures?

Dr. Shankle: There is a permit I signed in the past for things like block parties. The Chief and I will look into it. There may not be an ordinance, but at least a form.

V. Lembo: Who paid for the seven (7) Hooksett officers?

Chief Bartlett: Millennium Running paid for the officers.

J. Levesque: When there is a road closure, do they allow people to get to their homes?

Chief Bartlett: No, not during the actual race, because of the congestion. I know where his (Bicentennial) home was relevant to the start line. I couldn't let him or his guests pass, because there were too many people that had started the race and I couldn't allow active traffic. The two (2) instances I signed for road closures with the State Dept. of public safety were: 1) Old Home Day parade and the Memorial Day parade.

Dr. Shankle: The road closures I remember are for block parties.

J. Sullivan: I would like to welcome our newest Councilor Robert Duhaime.

R. Duhaime: From the Community Share Program with SNHPC, you could probably borrow signs from neighboring towns. Is GE paying you for their traffic control?

Chief Bartlett: I had a meeting with Doug Folsom, NHDOT, and Jo Ann Duffy, Town Planner about the GE employee shift change and the need to install a traffic light. I did observations for four (4) days on traffic crossing to head North onto Rte. 3. Doug said we can provide traffic control and GE would pay us at the detail rate; 4 hour minimum. They (GE employees) love it (traffic control).

R. Duhaime: There should be a sign that an officer is doing detail from "x" time to "x" time to alert traffic coming over that hill.

Chief Bartlett: Mr. Folsom and I said the traffic control would be experimental. If GE decides it will become a long-term thing for their company, then we would do a press release and provide more education. The traffic control is a sixteen (16) week cycle at this time. At the recent Kiwanis dinner, Mr. Folsom at GE thought it was a good thing to have traffic control.

J. Sullivan: Dean will work with Chief Bartlett on a road closure ordinance or permits or something.

### **TOWN ADMINISTRATOR'S REPORT, CONTINUED**

- Volunteer Appreciation Dinner – PSNH has been generous in the past. We could hold the dinner in the same place as last year (Legion Hall).

J. Sullivan: Consensus of the Council is yes for the Volunteer Appreciation Dinner.

- Hackett Hill Road & Rte. 3A or Hourglass – previously the Council thought a traffic study was more important for the Hackett Hill Rd. & Rte. 3A intersection. NHDOT thought the issues at this intersection were significant and they sent a request to the Federal Government to see if they will fund the improvements there.
- Next Tuesday, May 14<sup>th</sup> Election Day – come out and vote. The results will be new Councilors and an exciting year coming up.

J. Sullivan: The video presentation is on the web link [www.hooksett.org](http://www.hooksett.org) for further details on the election day to include a sample ballot.

T. Lizotte: Is anyone planning to resign as Councilor after the election? Years back we talked about this. I understand things happen with families and that. Bring it (resignation) forward so that we have as much time as humanly possible to seek out another candidate(s). If anyone is considering that bring it forward so we can at least put a notice out. I hate to come back the day after an election for another candidate.

J. Sullivan: I hope those here after July 1<sup>st</sup> will not be resigning.

V. Lembo: The request for Federal Government funding for the Hackett Hill Rd. & Rte. 3A intersection, will this prolong it getting done?

Dr. Shankle: I don't think so. I will check in on that. We are not stalling it to wait for the Federal Government decision on the funding.

V. Lembo: We can continue with the project and if the Federal Government funds it, we have more reimbursement?

Dr. Shankle: I will check on that.

V. Lembo: What is the status of the Pinnacle fence issue?

Dr. Shankle: Two (2) to three (3) Conservation Commission members went to do a site walk with the Ehlers. The Conservation Commission had two (2) major things: 1) a switchback would be easier for a by-pass, and 2) more signage to encourage people to take the correct trail and not the other one. The Ehlers were there and they understood we are continuing to work on it.

V. Lembo: The Ehlers said the police had to be called the other day, because of trespassers on their property.

J. Sullivan: The best we can do is to be proactive with the Conservation Commission.

R. Duhaime: Did you fill-in the blanks for coverage for election day?

J. Sullivan: That subject in on tonight's agenda for a later discussion.

N. Comai: After Vinnie asked Dean the project status, would we then go to the hourglass project first and then when the Federal Government money comes in for Hackett Hill Rd. & Rte. 3A then that project would get done? In other words go after the hourglass project now to keep things moving.

Dr. Shankle: We need to make sure we get the money first, before we spend it somewhere else. The State wants one project under contract, before we start planning the other project.

T. Lizotte: The State looked at statistics/evaluations for the Hackett Hill Rd. & Rte. 3A intersection. Is that data available?

Dr. Shankle: Maybe Jo Ann could come up to discuss this subject.

T. Lizotte: Will the Federal Government money pay for the whole thing or just our share?

J. Duffy: As far as the delay for the Hackett Hill Rd. & Rte. 3A project pending Federal Government funds, I spoke with the person from State. Before I applied for the funds, I wanted to assure there was no delay. He said if there was a delay it would only be a month or two. We are not stopping now; everything is moving along. We submitted a form to Dr. Shankle to sign for the State to apply. The traffic incidents for the last 3 years at this intersection show a large number of accidents and a large number with personal injury. When the State looked at that traffic information they thought they could apply for funds from another program with the Federal Government to make intersections safer. If we receive the funds, I do not have any idea if it will be just our portion or if it will only be the portion the State would pay. Since the money is allocated for the Town of Hooksett, could it be moved to the hourglass project? We are short on the hourglass at this time. We are very much in preliminary stages, but thought it was worth looking into. If we get monies, we could put our share toward the hourglass. We can't put anything toward the hourglass until the Hackett Hill Rd. & Rte. 3A project is contracted. I have one copy you can see of the traffic information.

T. Lizotte: Is there a digital copy available?

J. Duffy: There are a lot of statistics on traffic counts in the back.

Dr. Shankle: Todd can come in to Community Development and state what he wants copied.

J. Levesque: Three (3) teenagers were on his (Ehlers) property. The Ehlers told them they were trespassing and he took their picture. An Officer was at the Ehlers door, because one of the parents said he was taking pictures of children. Maybe there could be some fine for trespassing.

V. Lembo: What is the timeframe for the traffic light set-up at the intersection of Hackett Hill Rd. & Rte. 3A.

J. Duffy: I believe it is the Spring 2014.

### **PUBLIC INPUT**

None at this time.

### **NOMINATIONS AND APPOINTMENTS**

- a. Parks & Recreation Advisory Board: Michael Young

J. Sullivan: Michael Young completed the application form to become a member of the Parks & Recreation Advisory Board.

M. Young: I am from Hooksett and work at SNHU. A friend of mine mentioned there was an opening on the Parks & Recreation Advisory Board. I thought this would be a good opportunity for me to get involved in the Town.

S. Lovas Orr: Have you been involved in sports in Hooksett to know the field conditions and locations?

M. Young: Yes, I was in recreational sports with Hooksett before. I have a college degree in sports management, and that is another reason I wanted to come in. I have lived here all my life.

***N. Comai motioned to nominate Michael Young to the Parks & Recreation Advisory Board. Seconded by S. Lovas Orr. Vote unanimously in favor.***

J. Sullivan: The nomination is tonight and our next meeting we will determine to appoint. If appointed you get sworn in.

R. Duhaime: I applaud you as a young man to get involved.

J. Sullivan: July 1<sup>st</sup> we will start posting for open Boards & Committees. We should also have for the Town election day what positions are available.

J. Levesque: We can make nominations now?

J. Sullivan: For starting as of July 1<sup>st</sup>, we will wait until our first meeting in June to make nominations. Is Mr. young serving a completion through June 30<sup>th</sup> or is he starting July 1<sup>st</sup> ?

Dr. Shankle: We will know that for our next meeting.

### **SCHEDULED APPOINTMENTS**

- a. Hooksett Village Heritage District update: Roger Hawk
- b. Parks & Recreation Annual Report to Council
- c. Police Commission re purchasing cruiser

#### **a.Hooksett Village Heritage District update: Roger Hawk**

J. Duffy: Roger Hawk is a consultant for Hawk Planning. Roger is unable to attend tonight. He is assisting us with the Neighborhood Heritage District. Recently we held two (2) forums. Prior to that we met with 3-6 people at a time. At the forums we had 30-35 people. The forums were held on April 11<sup>th</sup> and April 22<sup>nd</sup>. At the first session Roger gave an overview, then we broke-up into working groups to answer: 1) What do you like about the Hooksett Village today? (referred to summary of answers to include Robie's Store, architecture, etc.), and 2) What are the (Village) challenges/issues now and in the future? (referred to summary of answers to include mixed use zoning (a few years ago defeated by voters, and still some people concerned it may happen again), lack of sidewalks and trails along the river, etc.). There was mention to put a new bridge to eliminate traffic in the Village, but that is too expensive. At the April 22<sup>nd</sup> forum there were a lot of the same faces. Another group was vocal no additional government, etc. One group wants to preserve things and another group doesn't want to be told to do anything; the Village is still a civic core and needs to remain that way.

We had another meeting this afternoon with Roger and Kathie Northrup. We decided to put together our current zoning and put together what could happen in 50 years under current zoning. There is an opportunity for an ordinance that would go before the Planning Board and eventually before the Town voters for an overlay district. Another opportunity is that we could give

guidelines as discussed in great detail this afternoon. Lastly we could not have an ordinance, but put together a guide book to have some influence what will happen in the future. In June before school lets we will have another session.

J. Sullivan: At another hearing they will show, based on current zoning and Town regulations, what Hooksett could become if we maintain the status quoi. Or what Hooksett could become with the principles of a heritage district; what it could look like in 50 years. We need to define historic vs. heritage.

V. Lembo: How far to Rte. 3 does the historic district go, Mt. St. Mary's?

J. Duffy: Some have it to the old Town Hall and Main Street. Others have it to Mt. St. Mary'. We want public input where the Village district should be bounded by. There has been no past true district.

V. Lembo: If it went to the Library, the sign at the Library would not comply. I got e-mails and calls from folks not happy with the sign. That sign would not be acceptable with that historic district?

J. Duffy: The Town does not need to comply for the sign. Everything in place would be grandfathered.

J. Sullivan: Mr. Lembo mentioned historic and it should be heritage.

J. Duffy: Maybe we should call it the Village Overlay District.

#### **b.Parks & Recreation Annual Report to Council**

J. Sullivan: The person from Parks & Recreation is unable to attend tonight.

#### **c.Police Commission re: purchasing cruiser**

Commissioner McHugh: I am here tonight with Chief Bartlett. I would like to thank the Council for letting us come in this evening for a request from our fund balance. The background is we did a budget presentation to the Council and Budget Committee. One thing said was when the budget first came forward two (2) cruisers were being requested. The Commission only included one cruiser in the budget, because we were mindful the Town received a default budget. The Council said to be as conservative as possible. Therefore we had one (1) cruiser in the budget for next year. Every month when reviewing our expenditure report, and last month in our discussion, the Chief asked us whether or not we would have the ability to get a cruiser. We spoke about it in the budget process. I said at that time we would go through the budget and see if any lines would be under-expended. He did that and he spoke with the Finance Director. This evening we are here based on that exploration. We have nine (9) lines that won't be expended and will have sufficient funds to purchase a cruiser to include the installation of the lighted bar, decals and what else needs to be done to it. The Chief was asked by the Commission for availability of a vehicle. I will pass on for further discussion to the Chief as he did the investigating. It is a vehicle we presently have and want to replace.

Chief Bartlett: When I approached the Commission to make this purchase, I informed them it is for unit 73 that has been out-of-service for almost 4 weeks. It needs a transmission and extensive repairs that will cost \$2,500-\$2,800 per Mario. In 2008 we spent \$5,600-\$5,800 on repairs. It

has 95,000 miles. To spend money on idle hours they run in addition to mileage is not prudent. If we can move some funding from the nine (9) line items to make the purchase Hillsboro Ford quoted a 2013 Ford Interceptor at \$25,218 and includes painting. The black and whites you see are not painted, but have vinyl sheets that in an accident peels. It is better to have permanent paint. The total would be \$35, 536 to include installation of the lighted bar, decals and what else needs to be done to it. We can't use the lighted bar from the old vehicle, because the old one has a strobe system on a power basis. When those break it is \$400 per piece for a power pack. For this new car we will pilfer as many parts from the old; headlights, tail lights, and any other parts before junking it. It is \$419.00 graphics, \$1,200 lighted bar, and \$5,000 radio.

M. Downer: Was this the unit earmarked for replacement?

Chief Bartlett: Yes, and it is the first to go anyway.

M. Downer: Are you still planning for a second cruiser for next year?

Chief Bartlett: Yes, we have another car just in at 90,000 miles, and barring the transmission doesn't go sooner.

Commissioner McHugh: We want to put the department on a cycle to replace vehicles. That previously hasn't happened. Then we won't wait until the last minutes. These vehicles are run hard and there is quite a bit of mileage on them. Previously when we have given vehicles up we gave them to the DPW. If there were accidents on older vehicles, those would be used for parts.

M. Downer: If there is a dead transmission on a unit, what do you do with it?

Chief Bartlett: That is off the books and shipped to highway.

T. Lizotte: I appreciate you coming here year-to-year and disclose what you intention is. You can spend the fund balance without our permission, but I appreciate you coming to make your presentation. A cruiser is a critical element of your dept. In the number of default years, do you know what your fund balance is forecast at?

Chief Bartlett: \$400,000 last I spoke with Christine, but I am not sure how much that would change.

Commissioner McHugh: It is part of our responsibility to come here and make it known. There is an agreement from 2009 between the Town Council and Commission that salary and benefit lines are not used for returns. We will not be touching those lines; it is the nine (9) lines outside of that.

T. Lizotte: I deeply appreciate your comments. We give each department leeway, but also expect them to give things back. The \$400,000 includes excess salary and health benefits.

Commissioner McHugh: For a salary if someone leaves and a new hire is not paid at the higher rate that is a savings there too.

Chief Bartlett: I spoke to Dr. Shankle about a lease program for our fleet and for the up fit for the cost projection with all equipment included. For 4-5 vehicles every 3 years, in Hillsboro



Ford's bid the vehicles would become the property of the Town. I am looking at that as well. We need to get on a regular schedule for flow of vehicles, then there is no need to look at a default budget.

R. Duhaime: I was on the Capital Improvement Program (CIP) for several years and it was great to have a Councilor on the CIP. I look forward to your presentation. Mrs. Comai and I said we wanted different fleets, and to have a vehicle fund so the funds were not designated for one vehicle. It is a 6 year plan at CIP, then you get into a cycle.

J. Sullivan: Thank you for coming tonight.

Commissioner McHugh: Do we have the Town Council go ahead?

*T. Lizotte motioned in agreement with the Police Commission in proceeding with the purchase of a cruiser using the fund balance based on the 2009 agreement between the Town Council and Police Commission that funds come out of lines accurately managed except from salaries and benefits. Seconded by N. Comai.*

J. Lembo: Do we need a roll call?

J. Sullivan: No, they just need consensus of the Town Council.

*Vote unanimously in favor.*

### **OLD BUSINESS**

- a. 12-121 Planning/ Zoning/ Building reorganization
- b. 13- 28 Town Meeting (Finalize Councilor Schedule)

#### **a.12-121 Planning/ Zoning/ Building reorganization**

D. Shankle: The reorganization is to improve efficiencies with Building and CEO with Planning. Last year we tore down the wall between them and did cross-training. The only one left from before that is Jo Ann Duffy, Town Planner. Evelyn is new up there now. Matt has gone to the State and Donna moved downstairs to Administration. I want to combine the two (2) departments, have the Town Planner as head of the department, have Evelyn be the Administrative Assistant, and hire an Asst. Planner and get rid of the Planning Coordinator. Also, we would still have a Building Inspector/CEO/Zoning Officer.

J. Sullivan: The CEO is moving from Public Works to under Community Development.

R. Duhaime: Over the years these departments did not always flow smoothly. I would love to see a change in this department. Have a Community Development Dept. more accepted to businesses and residents.

S. Lovas Orr: My question revolves around the Community Development Dept. In what way is that dept. different from economic development? Are those overlapping?

Dr. Shankle: Now it is the Community Development Dept. and we are just moving the CEO into it. Community Development generally looks at planning aspects; people coming in reacting to

what is going on. The economic development is proactive in trying to bring more business in. Mary Farwell came in and spoke with me yesterday about the budget and the fact the tax rate in Hooksett is close or maybe higher than Bedford. Our operating budget of \$10million is less than their (Bedford) operating budget. Bedford has \$3million in their assessed value to our \$1.6 million in Hooksett. We make our value of what we have more. We are constrained by our borders. The Council expects me to do economic development and I am doing to a degree what I can. You don't want a person worrying about day-to-day plans worrying about economic development.

S. Lovas Orr: I sat on the Planning Board for a while. We need to distinguish clearly between community development and economic development. The role of community development is to follow regulations and procedures and it should not be the same person to bring business in. In the process of reorganization we should keep mind to that as well and keep those two things separate.

V. Lembo: Will you have the same amount of people when you make the move from highway to Community Development?

Dr. Shankle: Yes, code and building will be moved to Town Hall.

V. Lembo: Is there an increase/decrease in salaries?

Dr. Shankle: No, the pay grade for the Asst. Planner is higher, but the starting salary is not more than the previous Planning Coordinator.

V. Lembo: Bedford doesn't have a lot of services that Hooksett has (i.e. garbage pick-up).

Dr. Shankle: Bedford had a \$25 million bottom line in 2012 to our \$15 million. Hooksett is very careful with its money.

T. Lizotte: There is the tax rate and budget evaluation. You just can't do apples-to-apples. The economic development section is in the master plan. To say we kept a flat rate for 10 years didn't include the 30% increase in 2008.

***T. Lizotte motioned in favor of the Community Development reorganization as outlined by Dr. Shankle dated May 8, 2013. Seconded by N. Comai.  
Vote unanimously in favor.***

R. Duhaime: Bedford has a larger building ordinance staff so nothing falls through cracks. We have been understaffed for years in Hooksett. If the reorganization is done right we will have better quality in the end.

### **b.13- 28 Town Meeting (Finalize Councilor Schedule)**

J. Sullivan: Discussion with Councilors on schedule. On the schedule is Leslie, Todd, Jim and Susan at the end. Moderator Riley said there are two (2) time slots to be added. Mr. Downer may be able to do one hour between 7:00-9:00. We need a one hour slot 7:00-8:00am. Susan can probably get in 8:00-9:00am.

S. Lovas Orr: Robert, you are on the ballot so you can't do it.

V. Lembo: I can do 4:00-7:00pm.

J. Sullivan: I can do it with Todd mid-morning.

S. Lovas Orr: Three (3) of us need to stay for the ballots to be counted to sign the boxes.

J. Sullivan: Susan, Vinnie, and Todd will sign the boxes.

T. Lizotte: If the polls close at 7:00pm it typically takes an hour to tally and sign the boxes.

J. Levesque: I have a ZBA meeting that night, but I can stay until 5:45pm.

### **NEW BUSINESS**

- a. 13- 38 Miacomet Trail Easement
- b. 13- 39 Charter Changes: Eligibility for holding certain positions
- c. 13- 40 Finance Director: Quarterly Finance Report

#### **a.13- 38 Miacomet Trail Easement**

Dr. Shankle: The attorney who wrote the letter above the trail easement is here tonight. Webster Woods phase II is part of a Miacomet development being required by the Planning Board to give an easement for a walking trail through the development. In order to meet that requirement, the Council needs to accept the walking trail. You should accept the easement conditional upon final approval of the Planning Board in case something goes awry so you won't own the easement and you can't do anything with it.

***R. Duhaime motioned to accept the Miacomet trail easement conditional that the developer receives final approval from the Planning Board. Seconded by T. Lizotte.  
Vote unanimously in favor. R. Duhaime abstains.***

Sharon Cuddy Somers, Attorney for Miacomet: The trail easement will be effective upon final approval by the Planning Board.

S. Lovas Orr: Do you have an idea where and how long the trail easement will be?

S. Somers: This has been reviewed by your Town attorney as well as the Conservation Commission. I can show you.

Dr. Shankle: Exhibit A in your packet has the trail at 13,389 sq. ft.

J. Sullivan: It is off Rte. 3 as you pass Bert St. on the left before the fork to Pleasant St.

V. Lembo: Who is going to maintain this trail?

S. Somers: The Conservation Commission has reviewed and approved this language.

J. Sullivan: The Conservation Commission will maintain this trail easement.

**b.13- 39 Charter Changes: Eligibility for holding certain positions**

N. Comai: There are apparent unclear line items in the charter, articles and such, and we should address them and put on the docket to become clear. Page 18 of the charter conditions of holding office specified not simultaneously hold positions per RSA 669:7 Incompatibility of Offices. Example is a Councilor or Moderator can't hold another office. My understanding is that the Council received LGC interpretation that a Councilor can be a School Board member. In my opinion that is not the interpretation of our Town forefathers. A Board is meant to be a School Board or other board. What if more than one of us wanted to be on the Council and the School Board? There needs to be a charter change or specification or clarification. Referred to NH.Gov Chapter 12.B Common Law Incompatibility per RSA 669:7. A member of the School Board and this Council, if the School Board is in a deadlock decision, then that decision comes to this Council. What if more than one of us are on both the Board and Council, then there is a hindrance. There may be other charter changes between now and next march. This might be one change we want to consider. Just my thought. Jim and I have talked about this a couple of times. Thank you.

M. Downer: I appreciate Councilor Comai bringing this forward. The charter is clear. A discussion should ensue before members of the Council seek to hold another office or membership. The phrase doesn't apply to subordinate or interfering with the other. I don't think the School Board is subordinate to us. Does this mean a Councilor should not hold another Board membership, HYAA? Consistent application of the charter is what we are looking for more than anything else.

V. Lembo: I don't see a problem with a Councilor also as member of the School Board. It is different than the Budget Committee. To come through the Council for a deadlock vote at the School Board would have to go through the court system. That is my train of thought.

T. Lizotte: We have a governing set of policies we create. Someone would need to motion that the Board feels conflict because of loyalties by the Town Council, because of something with the School Board. We can handle our own Town Council policies.

S. Lovas Orr: I tend to agree with Councilor Lembo on this one. If we are talking about Board positions and we appoint, then there is a conflict and we should not be on that Board. The School Board is an entirely different entity, because we don't see their budget. Even though the Charter says "Boards", we need to clarify it to say "Boards excluding the School Board". There could also be a scheduling conflict; we already have that anyway. There is always a possibility of conflict with schedules, however as adults we can work out scheduling conflicts. We do need to clarify this subject for the next round of Charter changes.

R. Duhaime: I agree with Councilor Lizotte. You are all just one member. It is a whole body as the Board and you should ask them if they mind.

T. Lizotte: Being the Town Council Rep. on the Budget Committee you get a different perspective. You have to look at budgets dispassionately and not wonder left or right to benefit one group or another group. We need to forecast shortfalls and if one of our members was on a School Board and we preferentially swayed their budget this way, then that is a conflict that

could come up. As Mr. Duhaime said, ask the group if they mind. There are so many sub-committees, I don't know how you can do it.

N. Comai: Matt Comai, one of my constituents, just informed me electronically "Thank you Todd the budget is different, but comes from the same place. We could have one group run all".

**c.13- 40 Finance Director: Quarterly Finance Report**

Christine Soucie, Finance Director: We are doing phenomenal. We are comparing ourselves to the last 3 years. \$9.9 million was spent last year and \$10.5 million the year before with \$10.3 million previous to that spent. Debt services dropped. Revenue spent is 3.7% for this year. We are watching our legal line. For fleet maintenance DPW, Fire, and Police are all over. Building maintenance is near expended. Family Services is expected to be over. Banking fees expect to be over. Transfer tipping fees we expect money to come back. For DPW overages he will be able to make-up in other areas of his dept. (i.e. overtime for plowing). We will be returning funds but the question is how much. We had the Peterbrook purchase last year, therefore Administration is at 77.06% Legal services are \$20,000 over. Workers compensation & unemployment has a savings. The Fire Dept. has expended all their money every year; they are even keeled. They are struggling with fleet maintenance, but have wiggle room with the uniform line. DPW has had employee turnover the last couple of months and vacant positions, therefore they can use this line to cover fleet maintenance and building maintenance. There are \$445,000 in tipping fees and 45% spent. June is a large month, because they reimburse condos.

J. Sullivan: Recycle & Transfer is at 58%.

C. Soucie: The numbers are as of March 31<sup>st</sup> for each of those years. For revenues motor vehicles are over budget and that is a good thing. Building permits collected are \$95,000; \$30,000 over budget. Our interest income is deplorable. We have over collected interest and penalties.

N. Comai: The Sewer Dept. \$2 million, do we ever get to see how their \$2million is expended?

C. Soucie: I see that in August with the audit.

J. Sullivan: It would be helpful for the Sewer Commission to come in and update us on how things are going. Dr. Shankle will invite them.

N. Comai: There is \$47,000 for staffing.

C. Soucie: \$16,000 came out of the computer lines, and then we have workers comp.

N. Comai: What about the computer reserve line?

C. Soucie: It has \$2.00 in it.

R. Duhaime: \$30,000 plowing overtime was not used?

C. Soucie: \$30,000 expenditures were budgeted for this past winter but we had a slow start. The last page revenues are \$12,000 certain for developers in Town to pay the Town to plow their roads.

T. Lizotte: The Recycle & Transfer tipping fee line is 45% spent. Is there any way to know what the recycling line looks at for savings – clarification?

Dr. Shankle: The tipping fee line is down, because recycling is up.

C. Soucie: Twice a year they reimburse condos. In June they will spend \$90,000.

S. Lovas Orr: Thank you Christine. Every question you have all the answers and have your finger on everything that is happening. I am very confident we have someone competent managing our budget.

### **SUB-COMMITTEE REPORTS**

S. Lovas Orr: At the last Planning Board meetings we had waivers for the SNHU Library and such. Al Terry Plumbing is constructing a new building and changing their parking configuration. The major agenda item was Miacomet. They have had issues with regard to erosion in the back of Webster Woods. This has been brought to this Council once before. We gave a previous extension. The Planning Board denied them to start selling phase II until they complete the erosion issues of phase I. We gave them another extension for 90-days and they must finish the erosion mitigation and come back to the Planning Board and discuss phase II extension again. I need to step down from my position on the Planning Board, because the schedule conflicts with family and personal issues.

J. Sullivan: In a month and ½ we will have new Boards. Susan would you be willing to go through June 30<sup>th</sup> and then another Councilor can be the Planning Board Rep. starting July 1<sup>st</sup>?

S. Lovas Orr: Yes.

N. Comai: No report.

J. Sullivan: The Heritage Commission, Wednesday May 29<sup>th</sup>, will host the unveiling of the Native American murals that were restored. They will be placed in back of the Chambers. You will be getting invitations. The son of Mr. Cheever will attend. June 13<sup>th</sup> is Family Feud II for a fund raiser for our Veteran's Memorial. The Old Town Hall committee met today and code problems will be gone once we remove the second floor. Administration, Katie, is a valuable position working on the grant application for an architectural person to come in. For the Prescott building, Town building and new access to the old Town Hall, we are looking into fundraising. We want to bring the old Town Hall back to at least a one room town meeting room.

S. Lovas Orr: The NH State Registry of Historic Places does not include photos of the Prescott building and old Town Hall.

J. Sullivan: We have Robie's, old Town Hall, Prescott building, and Head's School (170 years old). There are not more than five (5) on the historical registry. The Prescott building may be eligible for the national registry.

N. Downer: No report.

V. Lembo: No report.

J. Levesque: The ZBA meeting is next week and I have no report on the Transfer & Recycling.

T. Lizotte: No report.

**PUBLIC INPUT**

No comments.

**NON-PUBLIC SESSION**

**Tax Deeding:** NH 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.

**Entered Non-Public Session @ 8:40pm per RSA 91-A:3 II (c) for Tax Deeding**

*T. Lizotte motioned to enter non-public session @ 8:40pm per NH RSA 91-A:3 II (c).  
Seconded by J. Levesque.*

**Roll Call**

**T. Lizotte – Yes**  
**J Levesque – Yes**  
**V. Lembo – Yes**  
**M. Downer – Yes**  
**J. Sullivan – Yes**  
**N. Comai – Yes**  
**S. Lovas Orr – Yes**  
**R. Duhaime - Yes**

*Vote unanimously in favor.*

**Exited Non-Public Session @ 10:17pm per RSA 91-A:3 II (c) for Tax Deeding**

*T. Lizotte motioned to exit non-public session @ 10:17pm per NH RSA 91-A:3 II (c).  
Seconded by J. Levesque.*

**Roll Call**

**T. Lizotte – Yes**  
**J Levesque – Yes**  
**V. Lembo – Yes**  
**M. Downer – Yes**  
**J. Sullivan – Yes**  
**N. Comai – Yes**  
**S. Lovas Orr – Yes**  
**R. Duhaime - Yes**

*Vote unanimously in favor.*

*T. Lizotte motioned to seal the minutes of the non-public session. Seconded by J. Levesque.  
Vote unanimously in favor.*

*T. Lizotte motioned to adjourn at 10:20pm. Seconded by J. Levesque.  
Vote unanimously in favor.*

**ADJOURNMENT**

**Chairman Sullivan declared the meeting adjourned at 10:20pm.**

**Respectfully submitted,**

**Donna J. Fitzpatrick**