

TOWN COUNCIL MEETING MINUTES
Wednesday, December 18, 2013

CALL TO ORDER

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

ROLL CALL – ATTENDANCE

Chairman James Sullivan, Nancy Comai, Donald Winterton, David Ross (6:40 p.m.), James Levesque, Todd Lizotte, Adam Jennings, Dr. Dean E. Shankle, Jr. (Town Administrator)
Missed: Susan Orr, Robert Duhaime

PLEDGE OF ALLEGIANCE

NOMINATIONS AND APPOINTMENTS

Swearing in of Police Officers

Chief Bartlett: This is the beginning of a new officer's career, something they will never forget. I'm proud to be here for 2 reasons. It's always good to bring in new faces and make them part of the community and this is special because I worked with this officer's father on the Manchester Police Department for many years. Jeff Czarnec is a resident of Manchester and is a 2006 Central High graduate; he served in the Marine Corps until 2010. He was in Iraq in 2008 and deployed again in 2010 to the Mediterranean Sea, providing relief effort for hurricane victims in Haiti. He was enrolled in the Liberal Arts Program at Golden West Community College in Huntington Beach, CA and is a 2012 graduate of Hesser College with an Associate's Degree in Criminal Justice. He was most recently with the Hillsborough Department of Corrections as a field training officer.

Swearing in of officer Czarnec and badge pinning.

J. Sullivan: On behalf of Hooksett Town Council, we congratulate you and welcome you to the town of Hooksett. Thank you for your service and please stay safe.

APPROVAL OF MINUTES

a. Public: 12/11/2013

***T. Lizotte motioned to approve public minutes. Seconded by J. Levesque.
Vote unanimously in favor.***

b. Non-public: 12/11/2013

***T. Lizotte motioned to approve non-public minutes. Seconded by J. Levesque.
Vote unanimously in favor.***

AGENDA OVERVIEW

Chair Sullivan provided an overview of tonight's agenda.

CONSENT AGENDA

a. 13 – 121 Donations to Family Services

N. Comai motioned to accept consent agenda. Seconded by T. Lizotte.

D. Winterton: I'd like to thank the citizens of Hooksett that demonstrated their generosity to the town.

Vote unanimously in favor.

TOWN ADMINISTRATOR'S REPORT

- Reminder that tax bills are due December 26 and the tax clerk's office will be open until 4:30pm on Christmas Eve
- After Christmas and New Year's there is a budget workshop on January 4 at 9:00 am
- I'd like to wish everyone a Merry Christmas, Happy Holidays and Happy New Year.

D. Ross: I will not be able to attend the January 4 meeting.

J. Sullivan: Please give any thoughts you might have to Dr. Shankle before then. I'd also like to mention that former Councilor Grace Pomeroy died last week at the age of 94. She served on the council for 6

years and was a member of the Historical Society for many years. She was key in naming the Old Bridge the Lilac Bridge. Also, we received a note from Troop 292 – there is an Eagle Scout program on 12/28 at 4:00pm at the Hooksett Public Library. His name is Colin Burns, and he came here to present his project on the sign at Donati Field.

PUBLIC INPUT

None

SCHEDULED APPOINTMENTS

a. Robert McGuigan re: POW/MIA Memorial Chair

R. McGuigan: On behalf of Rolling Thunder I am here to educate the public on POW and MIA issues and there have been 92,000 unaccounted for. We make people aware and work with the government to get a resolution for families of the missing. Several years ago there was an initiative at a race track where a chair was painted black in honor of the POW's and MIA's. All major stadiums in Mass. have had a chair of honor installed. It is left blank in honor of the missing. The city of Manchester installed one in Merchants Auto stadium; Goffstown has one in their town office, Auburn has a memorial bench in the town common area. I'm here to ask the town of Hooksett to sponsor a POW/MIA chair. The chair could have some meaning and symbolism to the town, flanked by flags and accompanied by a letter or plaque explaining what it is and why it's there. We are willing to work with the town on any questions you might have. A company in Maine that builds stadium seating has made custom POW/MIA chairs to be installed in public venues and stadiums. That chair can be donated if needed. Once the town installs it, it can be referenced many times such as Veteran's Day, Memorial Day, etc.

D. Ross: I think it's commendable and I appreciate your efforts. I think it's something that deserves memorializing.

D. Ross motioned to honor POW's/MIA's and allow the Town Administrator to find a prominent spot for this memorial chair. Seconded by D. Winterton.

A. Jennings: This is similar to what we did in the army to remember those killed in action.

R. McGuigan: You can put in a bench which is a polished, granite bench. We would have liked to have done something with the town at the Veteran's Park memorial. You don't have to limit yourselves to just a chair.

D. Ross: A chair and a location will have to be chosen. I would be inclined to include in the motion that the town cover the cost.

D. Winterton: I concur and I would ask the Town Administrator if there is a place in Veteran's Park for something like this.

J. Sullivan: We have a Hooksett soldier, Omar Nadeau, who has been listed since WWII as MIA so this would be more than appropriate. He is memorialized at the Henri-Chappelle cemetery in Belgium.

R. McGuigan: We would like to invite all the veteran groups and make this event as big as we can.

Vote unanimously in favor.

J. Sullivan: Dr. Shankle will be in contact with you once we have some more details.

OLD BUSINESS

None

NEW BUSINESS

a. 13 – 122 Snow Melt Purchase Order

Leo Lessard, Director Public Works

Matthew Scott, NH Ice Melt representative

Dr. Shankle: We are trying to come up with an alternative to salt that is more efficient, environmentally friendly and will save money in the long run.

L. Lessard: This is a solution that is mixed with salt. Roads can be pre-treated and you can save time at the end of the storm. We tried it with material we had and as of right now, by using it, we saved on 2 call-ins so far. We have saved \$10,000 which is about a 29% savings.

J. Sullivan: Combined cost of \$10,340 with the new process but the cost would have been \$10,000 more.

L. Lessard: \$29,000 combined cost with material and \$8,000 for Magic Salt. We saved on the price of salt and hours for call-ins. Usually it takes 3 hours to salt the whole town. Instead of using 435 tons we would have used 614 tons, so we saved \$21,000.

D. Ross: This sounds good. This chemical has been in use for some time? Any issues?

L. Lessard: I have only used this a couple times but it's more environmentally friendly. There are 9 other towns that this company sells to. I talked to 3 other towns and Keene is saving up to 30%. We are saving right now. Instead of putting down 600 pounds, we have dropped down to 400 and some trucks have dropped down to 300.

M. Scott: This has been in use for 12 years. It's a patented product called "Liquid Magic." NH, RI, CT – all of those DOT's have used it at one time or another. We treat the salt – I have been with Keene for 10 years. We have saved them \$80,000 every year for the last 10 years. The rates he is talking about are accurate, possibly lower. I think we are outpacing what I told him. You aren't seeing all the benefits since you haven't built up a residual, and you've already saved \$4,000. It is more environmentally friendly – it helps the longevity of your equipment, it eats rust. And he is using 1/3 of the material he has in the past.

T. Lizotte: Is this a budget transfer or just an approval for the current budget?

L. Lessard: From the current salt budget.

T. Lizotte: Because it's patented and there is some exclusivity to that, there are not a lot of vendors out there. So we have the only 2 bids that we could ever have.

M. Scott: Some Mass. companies bid on another town but they were not competitive because they are so far away.

D. Ross motioned to waive the rules of the bid process. Seconded by T. Lizotte.

Roll Call

A. Jennings – Yes
N. Comai – Yes
D. Winterton – Yes
D. Ross – Yes
J. Levesque – Yes
T. Lizotte – Yes
J. Sullivan – Yes

Vote unanimously in favor.

T. Lizotte motioned to approve the use of treating material from NH Ice Melt not to exceed contract price of \$42,000. Seconded by D. Winterton.

T. Lizotte: One of the things we look at is that it shows technology driving efficiency so we get more for the tax dollar and I think this is a great thing Leo has brought forward to save the tax payers, so I thank you.

Roll Call

T. Lizotte – Yes
A. Jennings – Yes

N. Comai – Yes
D. Winterton – Yes
D. Ross – Yes
J. Levesque – Yes
J. Sullivan - Yes

Vote unanimously in favor.

b. 13 – 123 Discussion of CMAQ Grant (public hearing last week)
J. Sullivan: We held public hearing last week as required.

T. Lizotte motioned to vote on the public hearing. Seconded by D. Ross.

T. Lizotte: The idea with CMAQ, although I am not in favor of putting lots of sidewalks all over town, I think this one has the ability to link housing to facilities at Donati Park. It allows us to create that link to play areas for kids which is important. I think that is why we should consider it.

D. Ross: My concern is that at the prior hearing we were thinking it was state funds but they are federal HUD funds. I would rather put this off and not vote tonight.

J. Sullivan: Since it's a federal grant, are there any strings attached?

L. Lessard: The only string is we are responsible to plow it.

J. Sullivan: Even if it is a state grant?

L. Lessard: Same thing.

D. Ross: I would prefer to see the grant wording in writing that explains how it needs to be used. I think we need to look at this first before we vote.

L. Lessard: That money was accepted in 2010.

D. Ross: There was another back and forth about lighting, and a curb cut that was not there that the state would be "obligated" to do. How do we make the state do it? I think there are some unanswered questions before we accept this. There are always strings attached when you accept a gift from somebody.

N. Comai: Are there any time constraints if this was to be delayed?

L. Lessard: I don't know. I have to check with the state liaison who is working on this.

N. Comai: I understand Councilor Ross's point but I'm all for going after this money.

L. Lessard: The impact money is already allocated for it and tied up so there is no constraint. It's only the federal money.

N. Comai: One of the thoughts at the heritage meetings was to find ways to have more access. This is the kind of thing where the federal funds of \$300,000 – you can't look the other way with that kind of money.

A. Jennings: How many people will use that sidewalk? That is a long walk. I wonder if we are building bridges to nowhere.

L. Lessard: This is connecting University Heights Apartments to the rest of town. From Post Road, they can come through the woods at University Heights.

D. Winterton: If we didn't have this special meeting, we wouldn't have voted on it until January 8 anyway.

Dr. Shankle: This project was approved long before Leo or I got here. On the survey we just got back, one of the major drivers was people wanted to see more sidewalks. When I think of the Village District, it includes the old Town Hall area and this area and Library. It connects the Old Town Hall, Veteran's Park and the library and we have more growth out there. If you decide not to move forward, we will lose those funds and they will go to somebody else. It makes sense in terms of where the town wants to get – building a community center. If you want to hold off on this, we had a public hearing and if you have specific questions you want answered we can get those, but we need some deadline so we can move forward.

T. Lizotte: Mr. Ross' point is valid. Are there really any hooks in terms of HUD? I know HUD money for developing low income housing where you are locked in, but in regards to this I'm not certain what possible hook there could be.

Dr. Shankle: We have done projects like this and CMAQ has to do with air quality. They try to get people walking instead of driving cars. We need sidewalks to encourage them to walk.

T. Lizotte: This board has approved to get the grant. On the air quality, the hook is we have to maintain the sidewalk.

D. Ross: The question was brought up and not answered correctly at the last meeting. I asked if they were federal funds and it was stated that no, they were state funds. I am hesitant with this since it's a large amount of money. I think we should err on the side of caution. Applying for a grant is one thing, but it's up to us to examine it to make sure we got what we applied for.

Dr. Shankle: He seems to be asking for a review of the CMAQ contract and I did not do that for this meeting.

N. Comai: With \$300,000 in grants plus \$74,000 in impact fees, can you do the project for that amount of money? That is the only thing I can come up with that would be a problem. If you say yes I don't believe there are any strings attached.

L. Lessard: That money was set up years ago based on an estimate from the contractor. When we do final copies and reviews, that will tell us exactly what it will be but we can't spend more than that money. We would improvise on other areas so we don't go over that amount. The state runs it for the feds – I had to get certified for this project last year. It's a tedious process. If I mess up, the feds walk away.

D. Ross motioned to table this vote. There was no second.

D. Ross: The concern I have is that if someone gives me something for nothing, I know it's not. It's not an unreasonable request.

J. Sullivan: Since there is no second we will not table.

J. Levesque: When do the impact fees run out?

L. Lessard: You (Council) allocated this money last year so it's already there.

Dr. Shankle: It's committed to this project, but if we don't use it then it goes back.

J. Sullivan: We need to be careful on how we follow up on past decisions. If we didn't have this meeting, we would not vote on this until January 8. For future reference, if we are getting federal grant money, we need to make sure there are no caveats on that. It has been referenced in the Village District that residents want more sidewalks. If this project was approved today, when would you start it?

L. Lessard: Hopefully start construction in spring, but we are working on designs now. We are using the impact money for that.

J. Sullivan: If there is a delay, you can continue the design process?

L. Lessard: It shouldn't affect anything.

T. Lizotte: If you design it and find there are strings attached, you would lose impact fees. How big is this contract? Can we look it up right now?

T. Lizotte removed the motion to vote on the public hearing.

5 MINUTE RECESS

J. Sullivan: Dr. Shankle got more information regarding our questions about the CMAQ grant. There is another potential sidewalk project that connects from this area to Donati. That is handled a different way?

L. Lessard: I want CMAQ to do that too, but I want to get this done first. It will link Donati to the other side of town hall. I think we allocated impact money for that sidewalk already.

Dr. Shankle: In terms of state vs. federal money – the contract we have is with state of NH DOT. Our relationship is with the state.

N. Comai: This would provide jobs and economic stimulus to have a contract of this size go through.

J. Sullivan: Mr. Duhaime mentioned there was a question regarding providing a curb cut to a property on the corner. Did you look into that?

L. Lessard: I talked to the engineering firm and they will do a study and figure it out for us when they get to that point.

D. Ross: It points out that plans have to be submitted to them and it doesn't include the curb cut. The time line in starting the project is 3 months from Dec. 6 and completed in 2 years so I don't see the rush. If this is considered an alteration, that could cause them to pull out.

L. Lessard: They have a set of plans from 2008 but now they are designing the real plans. There are some things that have to go through the engineering process.

D. Ross: That is my concern; the way I read that, if you change what they have been told they can say no and there is plenty of time there. There are 3 months from Dec. 6 to start and substantial completion within 2 years. I think it's proper to do due diligence on our part with regard to the curb cut.

N. Comai: What are we asking him to do? Continue with the design to send it to be approved?

D. Ross: I am asking for more time. I don't think there is any rush on this.

J. Sullivan: What would a 2-week hold do for us?

D. Ross: give us more time to understand what this is. I am not comfortable with what I read and what is proposed. I think it's a good idea. The point is I feel rushed and I don't want to make a decision unnecessarily. We don't need to do it tonight.

J. Sullivan: Is it going up the hill, on the left or right?

L. Lessard: On the right hand side, the Cigna side.

N. Comai motioned to accept the recommendation of the Town Administrator who has concurred with the DPW director to accept the \$300,000 to keep this project moving forward. Seconded by T. Lizotte.

T. Lizotte: The issue was "hooks" and the contract was for federal funds. We are stating that the contract is with NH DOT not the feds. This curb cut issue; let's say you don't put it in. What is the cost of putting it in after the fact?

L. Lessard: It's a state road and needs a driveway permit from the state. It shouldn't be a problem if it's documented but we don't know that yet.

N. Comai: When they bring it to the state with the curb cut in it they will be able to yea or nay it and all the hooks would be revealed.

D. Ross: If we say no, then we've said no. I'm obligated to say no right now. I wish somebody would table this – there is no rush.

J. Levesque: He needs to get the plans developed so we can submit them to the state. This motion will allow him to keep working.

Dr. Shankle: I you want to stop the project, you can. I'm not clear on if we wait for 2 weeks, what do you want the staff to do to clarify your questions?

D. Ross: The plan referenced in the grant document is the plan. Right now the plan as proposed in the application didn't include a curb cut. It has to be there before we accept the money. It says in the grant application.

J. Sullivan: We didn't know about the curb cut.

L. Lessard: When he gets the driveway permit from the state, his contractor will put a wheel chair ramp in and put the curb cut in. It's not an issue here. It's up to the state anyway.

J. Sullivan: We are promising something we have no authority to do since it's state property.

A. Jennings: When did it become state property? Didn't somebody give up land for that?

L. Lessard: The state gave the town of Hooksett Main St. and took that land. It was a swap.

T. Lizotte: The state has that property – is there a document that represents that road?

L. Lessard: There should be. When they do the research they will find it.

D. Winterton: The cost for finding that is coming out of the grant?

L. Lessard: From our impact fees.

D. Winterton: Is there enough?

L. Lessard: No, they are only \$48,000 out of \$74,000. If we go above and beyond then we send to the state for approval. If they say no, we have to pay for it.

J. Levesque: This curb cut – is that on Cigna's property?

L. Levesque: It is the resident on the corner.

J. Sullivan: There is a bank of bushes and the sign for the strawberry festival. It's past the granite wall.

L. Lessard: It is 75'-150' past Main St.

J. Levesque: Why is this issue with us if he has to apply with the state? Did we promise it?

L. Lessard: Yes, but we can't promise something on state property.

Dr. Shankle: If people here gave him the impression of a curb cut, we should fight for it for him. If we can't win, do we not build the sidewalk? I think we build it anyway.

N. Comai: That is the point. We put it in the design for them to yea or nay. We won't know what the final cost will be until after the final design is done. It's OK where we are with things.

J. Sullivan: If Mr. Duhaime hadn't brought this up and we proceeded and after the project was complete, the resident wanting the curb cut is asking for it, what would you do? Apply to the state and if it's approved, you would put a cut in the curb and then we would be done with it.

D. Ross: If the state denies it we have a resident that can't develop property because of the lack of the curb cut. It could end up costing the town more than the \$300,000. I think the rush is wrong.

J. Sullivan: We need to make sure that the Planning Board is not promising things they have no authority to promise, even with the best intentions. That is something we need to caution the Planning Board on because the Council will end up dealing with that.

L. Lessard: This is hearsay; third party hearsay. One of the steps in the design process is to have a meeting with Council to explain how it's going to be done and let the abutters know. There will be a public meeting before it goes too far anyway.

J. Sullivan: I would encourage staff to find the document that explains the curb cut.

Roll Call

J. Levesque – Yes

T. Lizotte – Yes

A. Jennings – Yes

N. Comai – Yes

D. Winterton – Yes

D. Ross – Abstain due to not enough information to make an educated vote.

J. Sullivan – Yes

Vote in favor.

c. 13 – 124 Parking Ordinance Discussion

Captain Daigle, Hooksett Police Department

Dr. Shankle: All you can do tonight is say you want to support this recommendation.

Cpt. Daigle: In reviewing the parking ordinance 00-28, I would like to change two sections of administrative enforcement of parking violations. I am proposing we go from \$10 to \$20 and the other is for disability place. This has not been changed since 1997. I am proposing going from \$50 to \$100 for the first fine and from \$75 to \$200 after 7 days. On the issue of disability place, the actual violation is \$250 plus penalty, so nearly \$300. We are proposing the top end of \$200. That money goes to the town and we don't think it's an exorbitant amount to ask for this.

J. Levesque: After 7 days the amount changes from \$75 to \$200. I don't understand. Is that if they don't pay the fine in the first 7 days?

Capt. Daigle: Yes. All fine schedules in our IMC database double after 7 days. We have to use a separate billing system if they don't double. We thought we would bring that in line with the software. It is still less money than if we issue a state summons.

D. Winterton: How many of these parking violations do we give out?

Capt. Daigle: The disability is less than 24 per year. Parking violations – biggest one is parking in fire lanes and the winter parking ban.

N. Comai: I know they do this in other towns so I concur.

Dr. Shankle: You can tell us you want us to move forward and staff will put together what we need to do to make the changes.

J. Levesque motioned to accept the recommendation to change the violation fine amount for "Disability Place" parking from \$50 to \$100. After 7 days the fine amount would change from \$75 to \$200; also change the violation fine amount after 7 days for "Night Parking Prohibited" from \$10 to \$20 according to Town Charter section 3.6. Seconded by D. Ross.

J. Sullivan: Thank you. We will invite you back when we vote on the adoption.

d. 13 – 125 Discuss possible changes to Council Rules of Procedure

J. Sullivan: This came up at the last meeting regarding me presenting the library with a certificate. We want to make sure the Council Rules reflected this change.

N. Comai motioned to change the Council rules as follows: To add section 11a titled "Community Outreach" to state that the Council Chair has the authority to act on the Council's behalf to present and/or sign letters of achievement for community outreach to include but not limited to Town of Hooksett departments, businesses, residents and volunteer or membership groups if such signing is required between scheduled Council meetings. Seconded by T. Lizotte.

J. Sullivan: And I would hope that the chair would indicate they have done so at the next meeting.

Vote unanimously in favor.

SUB-COMMITTEE REPORTS

A. Jennings: Nothing to report

N. Comai: Nothing to report

J. Sullivan: Nothing to report

D. Winterton: The Planning Board met Monday. We did not have a quorum so we adjourned early. Stantec is not here tonight because we thought it would be better to present at Planning Board first. The HYAA subcommittee has not met since last meeting. We got good coverage in the *Union Leader* and there has been more discussion on the award. Police negotiations are ongoing.

D. Ross: Nothing to report

J. Levesque: Board of Assessors met today and it was mostly housekeeping. There was a list of people whose assessment went down and they paid the first part of the year, so it covered the second part. Some money needs to be returned and we needed a motion to return the money – we can't give them a credit. Robie's asked for a tax abatement for 2013 and it was granted.

T. Lizotte: The budget meeting last week dealt with school budget. It's approximately \$2M higher than last year. Default is \$140,000 below their budget. I suggested they try to pull budget down to default and last night's decision affected the default and could increase \$360,000 plus transportation costs. There is going to be some flux. We meet again tomorrow.

PUBLIC INPUT

M. Miville, 42 Main St.

M. Miville: The school administration, as a result of yesterday's decisions, proposed their operating budget for next FY will be an additional \$134,000 or \$138,000 not \$360,000. Current students that stay in Manchester will not be added in. They have requested an addendum - there is \$194,000 for additional transportation to Pinkerton as a result of that and a guidance counselor to facilitate transfer of students. Transportation was not involved in the default budget number.

Last week I discussed about the disparity of stipends. I never requested a consideration for any committee stipends. I don't know if there is an RSA stating that the Budget Committee can't be compensated, but this is a major board and committee that is not compensated. I would officially ask for consideration. I haven't spoken to the Budget Committee but it is the purview of the Town Council to consider stipends. The Budget Committee members are overseeing a \$45M budget - \$29M in schools

and \$16M in town. We have as many meetings as other boards in town. I won't mention any numbers, which is up to your consideration.

J. Sullivan: It's my understanding that the administration is looking into that based on the discussion last week.

M. Miville: I haven't looked at RSA 32.

T. Lizotte: In regards to my \$360,000 – \$134,000 was on the budget side however default allows predictions of a catastrophic event. They have the ability to say the difference is \$600/student and can be added to the default budget. My assumption is they would do that as it's in their best interest.

D. Winterton: I would like to offer the Council's congratulations to the men's soccer team of SNHU. They are the national champions of Division II. They play in Hooksett. I'd also like to offer encouragement to UNH who play in the semi-finals in N. Dakota. I know Councilor Comai shares my good wishes as her nephew is a member of that team. The championship game will be on Jan. 4. Good luck to UNH!

NON-PUBLIC SESSION

NH 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,

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.

Respectfully submitted,

Tiffany Verney
Recording Clerk