

**TOWN COUNCIL MEETING MINUTES**  
**Wednesday, February 26, 2014**

**CALL TO ORDER**

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

**ROLL CALL – ATTENDANCE**

Chairman James Sullivan, Donald Winterton, David Ross, Todd Lizotte (6:31 pm), Adam Jennings, Susan Orr, Robert Duhaime (6:52 pm), James Levesque, Nancy Comai, Dr. Dean E. Shankle, Jr. (Town Administrator)

**PLEDGE OF ALLEGIANCE**

a. Hooksett Youth Achiever of the Month

Chief Bartlett: I was asked to talk about the recipient because it involves the NH Cadet Academy. This is an organization that provides training to those young folks who are interested in a career in law enforcement. Each session is one week long and the cadets sleep and train at the NHTI in Concord, which gives them a true experience. They go through basic training in motor vehicle law, firearms and other aspects of police work. They can return for week 2 which is a leadership phase for more serious cadets to participate in advanced training. They can then come back for advanced academy, such as the Hooksett Youth Achiever of the Month. These young people are seriously committed to the police profession. I'm proud of this month's recipient and his achievements.

D. Winterton: Thank you Chief. When we started this award, we wanted to recognize youth in Hooksett that do something special. We are finding that a lot of youth do something special. Our recipient wasn't nominated for this award; he was nominated for his Eagle Scout award. It was given to him for his work and dedication to build a place for people to change their skates while ice skating at Hanna Ho He Pond. Besides attending the 3-week Police Academy, he is also on the honor roll at Central High School, is a member of the football program and is a wonderful young man from Hooksett. I know his parents are proud of him and we are all proud of him too. Alex Autenrieth.

*Presentation of certificate and pin.*

b. Swearing in of Police Officers

Chief Bartlett: HPD is not a big agency. We have officers from big agencies but we are a small, tight-knit group with a family atmosphere that embodies professionalism and character that the officers take to the street every day when they protect the citizens of this town, and I'm proud to stand next to them on a daily basis. Their dedication is something to be commended. When we talk about law enforcement family, that camaraderie is fantastic but it's the families behind the officers that endure the late shifts, schedule changes, media attention, holidays worked. Those are the folks that give officers motivation to put their lives on the line to protect all of us here. That sometimes gets lost in the daily duties we embody, and sometimes it can get repetitive. It is that family bedrock that allows us to be the professionals that we are. If we can't be on and attentive and professional, there is a chance we might not go home and that is the last thing anyone wants. I'm proud to be a member of the HPD. We have 2 new members of the HPD and both have been in law enforcement and will be a big asset to this department. The first officer is Daniel Byers. He graduated from Memorial in 1993 and worked in telecommunications, finance and electronics before entering law enforcement in 2007. He began in Newmarket and has training in the areas of anti-terrorist, criminal investigations, interviews, and incident command. He is sure to be an asset to the HPD and we welcome him.

*Swearing in of Officer Byers.*

Chief Bartlett: Next is Joseph Ducharme. Joe is a 2004 graduate of Chelmsford High School, and Westfield State College in 2008. He began his career in Washington, D.C. and graduated from the Metropolitan Police Academy in 2009. He has training in drug recognition, terrorist detection, and crisis intervention. He was a member of the civil disturbance team and brings a unique, practical perspective to Hooksett and will also be an asset to this department.

*Swearing in of Officer Ducharme.*

J. Sullivan: On behalf of the Hooksett Town Council we congratulate you and welcome you into the Hooksett family. We wish you the best of luck. Please stay safe.

### **APPROVAL OF MINUTES**

a. Public: 02/12/2014

***J. Levesque motioned to approve the minutes with edits. Seconded by T. Lizotte. Vote unanimously in favor. N. Comai abstained due to prior absence.***

b. Non-public: 02/12/2014

***T. Lizotte motioned to approve the non-public minutes. Seconded by S. Orr. Vote unanimously in favor. N. Comai abstained due to prior absence.***

### **AGENDA OVERVIEW**

Chair Sullivan provided an overview of tonight's agenda.

### **CONSENT AGENDA**

- a. Northeast Record Retention \$2,650 letter of credit release
- b. Fire Rescue Department: acceptance of \$100 donation from Priscilla Bussiere
- c. Neighborworks bond releases: \$7,692 and 14,008
- d. Family Services gift cards from Police Association: \$440

***T. Lizotte motioned to accept the Consent Agenda. Seconded by J. Levesque.***

D. Winterton: I'd like to acknowledge and thank the Police Association for their fundraising efforts. This is another good thing that is happening in Hooksett.

D. Ross: Regarding these donations, is there any kind of fund this goes into or just the general fund?

Dr. Shankle: Depends on which one it is – the \$100 to fire and rescue goes into their ambulance fund, I believe, but I will check on that.

D. Ross: Perhaps if there was a fund for donations, there would be some money for any families who may need assistance from the Fire Department.

***Vote unanimously in favor.***

### **TOWN ADMINISTRATOR'S REPORT**

- We received our audit report and it was an unqualified positive opinion that the Finance Dept does a good job.
- Clerk/Deputy Tax Collector is now a full time position; in order to register cars, you need to have training and as of Feb. 11, Todd Rainier has completed the State of NH DMV training.
- I have some information on the ACA. The Substantially All Statement means all of your employees need to have access to health coverage. The other issue is the Affordability Test. You can be fined if your plan is not affordable. Coverage is considered affordable if the employee's contribution for the employer's lowest cost single coverage does not exceed 9.5% of the employee's household income. At \$10/hour, 40 hours/week, 52 weeks/year that is \$20,800. 9.5% is \$1976. Currently, the employee's contribution is \$900 for the lowest cost single plan, so we are OK.
- We have something from NH Employment Security and I thought it would be nice for you to have copies for informational purposes. This will be put on the website.
- I testified on the sewer bill in the exit 10 area. It went well and there were no real questions from the committee and looks like it will sail through.
- I'm still working on the information I need to give you regarding impact fees. I will read through what I have and update you.
- We talked about where the money for the community profile is coming from (\$2500). I talked to the Community Development director and we agreed that since they used it for the master plan last time, we are going to take it out of that fund.
- Edgewater Drive – DPW director and I think it's important to see the road bed underneath and we can't do that until the snow melts. Mr. Scarpetti is ok with that.

- I spent considerable time with the Police Union contract. We came up with something and we will be talking on that later on in non-public and then voting on it in public.
- Working on upgrade to Fire Station 1. Met with the planner and will talk more when we have more info.
- Hackett Hill light – state asked for more information in terms of 4<sup>th</sup> choice (light but no turning lanes). They want more info from the engineer in terms of traffic counts and environmental issues. The engineer will be coming in at the next meeting for an update.
- Continuing to move ahead on POW-MIA chair that was discussed a few meetings ago. I'm working on that with Kathie Northrup to see if it fits with what they are doing.
- NH DOT announced a public information meeting on 3/12 in Hooksett to discuss the proposed bridge rehab project. It involves bridge preservation/rehabilitation work on Main St, over Riverside St, Merrimack River and B&M Railroad. It starts at 6:30 pm at Town Hall. One of the biggest issues we have to consider is they are talking about closing Main St. while rehabilitating the bridge.
- I would like to have DPW director to talk about plowing budget and procedures.

Leo Lessard, Director Public Works: The salt budget is \$140,000 and total spent to date is \$193,000. That is 38% over budget. When I was spraying with that chemical, we spent \$38,000 on spray and saved \$31,000 because of the spray, we saved \$8,300 on OT labor, and saved 642 ton. Spraying worked but in the month of January, we had so much rain that we went out 3-4 times more often and that hurt us. The small, light storms hurt us also. I've gotten some calls recently that people were not satisfied with the plowing we had done. We have a lot of failing roads in town and they are going to fail even more. Corriveau Dr – SUV's saying they are driving in 4-6" of snow, but that is where the wagon wheels are. Nothing is going to rectify that unless we redo the road. A wagon wheel is formed because the road was not constructed properly and ruts are created where the lane of traffic is from the weight of the vehicles. I've been sending guys at home while it's snowing and having them come back in the early morning so we can open it up for the morning traffic to save money on the OT hours. We are working hard and doing what we can but it's the nature of the beast.

D. Ross: I haven't been contacted by anyone with any complaints.

N. Comai: Relative to being over budget with salt, how is fuel budget?

L. Lessard: Not bad. We will be OK I believe. We haven't gone out as much so we saved a little there. I've only expended \$21,000 in fuel so we are looking good. The salt itself is what we went over on.

R. Duhaime: Are you doing sand and salt as well?

L. Lessard: Yes – we stopped it when we used the spray but now we are just going out when it rains for the grit from the sand.

R. Duhaime: Sewer commission said you used one of their loaders after the last storm. Everybody helped out getting the town in great shape in a short amount of time.

L. Lessard: We've got almost 2000 basins in town we had to open. We had 5 loaders out there. The guys did it in a good amount of time.

S. Orr: I want to say that I appreciate the way you have been placing emphasis on balancing between safety and money. It's difficult to balance and I think you are doing a great job.

J. Sullivan: If at 2 am, the snow comes (6") how long would it take to get the whole town plowed? Is there a priority to certain roads?

L. Lessard: 89 miles. We have 13 routes and schools are done last. They all have main roads and once we get another dump truck if it goes through, I'll have one designated just for main roads. From the time they leave the door, it takes 4-5 hours to do the route once. We try to open everything once then get to the schools.

J. Sullivan: It's good for people to know that time frame so they know to expect a plow at some point.

L. Lessard: Yes unless there is only an inch or so of snow and we keep them sitting longer.

T. Lizotte: The last storm brought a lot of snow in a short amount of time. This is reflective of a default budget so I think that should be stated. You need to make adjustments so maybe that affects timing and materials.

J. Sullivan: Clearly there is a reason why we ask for budget items.

D. Winterton: I'd like to compliment you on the cooperation between departments. This town will run better when we operate together and hearing that makes me feel good.

Dr. Shankle: He mentioned he is over budget, but that is coming out of the paving budget so the roads will not get fixed until we get money for that. The other thing is our misspelled street signs. Can you explain that?

L. Lessard: A few years back they started changing from green to blue which is a safety thing for signs and the format has changed. We usually change them as they get damaged (Autumn Run). There are 4 signs for it and we forgot the "n" at the end.

Dr. Shankle: We are going to fix it.

L. Lessard: Hopefully it will all be changed by Friday.

J. Sullivan: Community groups come out with honors at this time of year. David Dickson is Hooksett citizen of year. He will be honored on May 10. Community leaders: Municipal employee of year, Heather Shumway Rainier; volunteer of the year, Todd Rainier; Delaney Roche, volunteer of the year; Carla Gallivan as educator of the year. Business awards: Barrett Insurance, United Healthcare and Dan Bouchard as business leader. That event is April 12 and Councilors should be attending.

#### **PUBLIC INPUT: 15 Minutes**

None

#### **NOMINATIONS AND APPOINTMENTS**

##### **SCHEDULED APPOINTMENTS**

a. CMA Engineering re College Park Drive sidewalks

L. Lessard: Sidewalk was sent out to bid and CMA Engineering got the contract. They put the plan together. With the state and federal funds, we have to have 2 public meetings so this is one. Dan Hudson, project manager for CMA will explain the process.

T. Lizotte: Who is the authority on the public hearing?

Dr. Shankle: You already had the public hearing on accepting the money so it isn't really a public hearing. This is just to talk about the design phase.

T. Lizotte: Will there be a second public hearing?

L. Lessard: There have to be 2 meetings to update the public on the preliminary design and once again when the final design is complete.

T. Lizotte: Then it's not a public hearing but a public informational item on the agenda, the Town Council discussing the project.

D. Hudson: With me I have Steve who is the project engineer on the project. We have to have 2 noticed public meetings and this has been as part of your public meeting. Location is Merrimack St. to Rt. 3 along College Park Dr. on the south side. This was originally planned as part of the construction of College Park Dr. but it was dropped for funding reasons. This is being run through CMAQ program. Total budget is 20% town responsibility coming from impact fees. We are in the preliminary design phase. We've developed these plans and as part of this we need a complete engineering report to go to

the state for review. We need to develop the whole package and estimate and sent to DOT for review. Then we can move to final design and put final touches on plans. There is still a way to go so there is plenty of opportunity for input. We are looking to start late summer/early fall. Total length is about 2100'. There is no curbing on 1200' of the current road that we would add. 900' of sidewalk offset with grass buffer so we don't have to replace any existing curbing and we won't have to move existing signs. Adding curbing where there is none is part of drainage modifications. There will be crosswalks, signals and signs at the intersection of Route 3. This is a nice connection from the residential areas to the community areas. There is a right of way location on the edge of the sidewalk. There is about 5' of right of way there but the signs are in the way. We either need to put the signs out of the right of way (easement) or we leave the signs, put the sidewalk in and get a permanent easement on that section of the property that encompasses the sidewalk. We will have to evaluate that. No right of way can use federal funding without appropriate evaluation so the land owner gets paid for the use of that land. If we have issues, we will have to revisit that. There might be a future sidewalk on the south side if that lot on the corner gets developed for commercial use at some point. We'd encourage developing that sidewalk if any development proposals come forward. That is an overview and we welcome input from you and residents. If anyone has any questions or concerns they can contact Leo.

D. Ross: There are going to be lighted crossing signals at College Park Dr, but what about the other end?

D. Hudson: We were going to paint to match with the crossing that is there. If that is a concern we can address that. We can look at yellow strobes on a sign to bring visual awareness to the crossing.

D. Ross: Is there a reason you go from slope to vertical back to slope?

D. Hudson: Slope is already there and you don't see the sidewalk because it's more dangerous. The slope curve exists and controls drainage so we propose to divert away from that and then at the intersection we would install vertical curb to come back to the roadway.

R. Duhaime: The state put in a granite wall. Will you be continuing that?

D. Hudson: We need to look at the grading; we may need to continue that.

R. Duhaime: The owner on that corner donated that land. I was curious how far you can take that to at least match the existing.

D. Hudson: We can look into continuing that.

J. Sullivan: Would you take into consideration an easement later on north of this?

D. Hudson: The state issues driveway permits so if there is one approved, the state will allow us to tip down, continue flat and come back up to put a driveway in.

D. Winterton: Who maintains the buffer of grass?

D. Hudson: The town would do the maintenance and beyond that it's the property owner. 5' is a good width so the grass will grow and look nice.

Dr. Shankle: At this point, the state is not acknowledging an easement or driveway, correct?

L. Lessard: Yes, I checked with DOT and not to say there will never be a driveway there, but the resident will have to apply for it. If they apply in the future, it would be the responsibility of the property owner to fix the sidewalk that is damaged. There will be grass cutting in the area anyway, so it won't just be a couple hundred feet of grass we are going there for.

J. Sullivan: Are the plans available for the public to take a look at?

Dr. Shankle: Yes, we can put these online.

b. Steven Keach re discussion of donation of land on South Bow Road  
Keith Coviello, Long Beach Development, representing Sterling Homes: Project is located off S. Bow Road before you enter Bow. This is proposed to be a 38-unit cluster subdivision in Hooksett and 8-lot traditional subdivision in Bow. There is a large tract of land and we brought the proposal to Conservation Commission to see if they want to take the land in fee simple ownership as opposed to putting it into a conservation easement. There are 3 parcels owned by Hooksett and one parcel owned by Bow around the open space proposed for our development and we thought we would enter into fee simple ownership and the Conservation Commission has showed interest. We realize you can't have a vote until the project is approved, but it was suggested we come in and get a general feeling from Council to see if you would be interested in taking this land. The size of the open space is 56.9 acres (57% of parent tract). There is unconstrained land – 41 acres (72%). There are a lot of wetlands on it. Just want to make sure we are moving in the right direction with Conservation Commission and Planning Board.

D. Winterton: One thing planning discussed was the strip of open space land. Can you talk about that a little bit?

K. Coviello: There are 2 pieces to the open space, one that runs all the way to S. Bow Rd. and another that is 50' wide and provides a buffer between Hooksett and Bow. Conservation Commission doesn't want that piece, just the main piece but for us it's both or nothing. The Planning Board did not give us approval to put the strip into the lot and create a no cut buffer behind the lot. That might change a little bit but as of right now, we are proceeding as is.

D. Winterton: My recollection is that the Planning Board was OK putting that back in lots.

K. Coviello: When we asked for a straw poll at the end, I got the feeling from the board that they wanted to keep it the way it was.

D. Winterton: It makes sense to not require a homeowners association to put it in the deed as a no cut zone.

K. Coviello: If the Planning Board agrees, we would put that portion into the lot and put in a no cut buffer and wouldn't need a homeowners association. It changes the policing agency for it. Now it's the Conservation Commission and if you take it out of the open space, the policing agent becomes code enforcement.

T. Lizotte: We should consider if that is a demarcation between our border with Bow is there any advantage for us retaining that. Is there a reason to have a buffer on the line between two towns?

Dr. Shankle: We do need to perambulate the borders. This looks like we are going through someone's backyard. Having some sort of buffer makes sense.

N. Comai: What is the size of that piece and since Bow is abutting that space, are they in the conversation as well?

K. Coviello: They are only abutters in Bow and they are not part of the project. That space is just over 2.5 acres.

N. Comai: On the other side, that is on the Hooksett side of the line and always has been?

K. Coviello: Yes.

Dr. Shankle: Why did you break that out as open space?

K. Coviello: The way I interpreted the ordinance, a 50' section around perimeter is required. At the end of the ordinance it says it's not supposed to be owned by individual people. In talking with the Planning Board, we got the impression they could make the determination that it could be part of the lots but I thought they wanted to have it as open space. That's why it's designed this way. We anticipated it as a homeowner's association and then asked conservation if they wanted to take this land.

R. Duhaime: I don't know why it goes into Bow. It should go straight across the town line.

K. Coviello: There are 2 separate subdivisions, one in Hooksett and one in Bow.

R. Duhaime: There is a 50' buffer for Hooksett and it should continue down the line. We are talking about two towns. The subdivision in Bow, is that cluster? No, so you don't have to put a 50' buffer around it.

Keith Martel, Sterling Homes: Open space is inclusive of all parts. If you removed the open space, you would still meet the ordinance. The 50' strip can come out of the calculations and meet the ordinance. It could be on lots or open space.

R. Duhaime: There is no reason you can't continue the buffer across except where the road is. The whole idea of this subdivision is we have this issue with a 50' buffer and we are leaving the buffer to separate us from Bow. I'm looking at the ordinance saying there needs to be a 50' buffer and there isn't one along the Bow/Hooksett line.

K. Coveille: The buffer doesn't separate towns; it separates the project from the existing abutters.

Dr. Shankle: Why isn't the buffer on those 2 lots on either side of the road?

K. Martel: The interpretation of the ordinance does not require the buffer to buffer land that is owned contiguously.

Dr. Shankle: Who owns the 2 lots on either side of the road?

K. Coviello: 2 Bow residents and 2 Hooksett residents.

Dr. Shankle: Why are those 2 lots different that all the other lots along the buffer?

K. Martel: The intent of the buffer in the ordinance is to protect them from a pre-existing use that was there, not one contemplated simultaneously with it. That's my understanding of it.

J. Sullivan: Buffer is for conservation/aesthetic reasons so if the road is going through we are using the road as a buffer and that makes no sense. A road to me is not a buffer that is where I'm getting confused.

T. Lizotte: The buffer is for preexisting abutters across the border. If they are creating abutters, it sounds like a loophole.

S. Orr: What is the point of the buffer?

K. Coviello: It is a visual buffer. Cluster housing is denser than traditional subdivisions. The majority of abutters we come across are in a traditional setting. When towns write cluster ordinances, they want to protect people from the more dense subdivision with a visual buffer.

S. Orr: The value is to aesthetically delineate 2 properties. It seems to me that when you are talking about a town line it's important to aesthetically delineate between those 2 properties and having access to perambulate and distinguish between town and property lines. In terms of the cluster, you won't feel it's necessary but I feel like it needs to be on a border. We're not talking about a large tract of land. In terms of maintaining control over property lines, I would see value in having a buffer there between the properties.

D. Ross: I believe the intent is not having different types of construction in view of each other. They have existing lots they want to shield from this new development. It doesn't make sense to have a buffer between those 2 lots because they are similar, matching houses. With the 50' strip, we don't want to maintain that property. Perambulation doesn't require us to own the property that we walk. I'd rather tax it than own it and maintain it. The concern of conservation is we are burdening the town. By allowing

them a no cut zone, it's a win win for the town to not have possession of that 50' strip. The big parcel of land is a good addition.

R. Duhaime: A 50' buffer is not part of the approval of Bow, is it? That is just the limits not the 50'? Those homes in Bow are larger and more affluent than the homes you are going to be building. Would you say there is going to be a difference in the size of these homes?

K. Martel: Without having done that it increased elbow room of the lot so significantly that it's not a smaller, workforce feeling. It's like what is up in Carriage Hill. There are some differences from an aesthetic standpoint.

R. Duhaime: Bow is not insisting on a buffer?

K. Martel: Correct.

J. Sullivan: If it's up to Council to accept land, the big parcel makes sense. The 50' strip, I'm not sure of. You are in compliance with the ordinance as it exists now, we can't require you to change it. If we think we need to figure out how the buffer will work that is something we might want our Planning Board rep to bring up. We can't debate this 50' buffer since this is the Planning Board's purview.

T. Lizotte: We want the 50' buffer to protect visual aspects but then we don't want it because we want to tax them more? There is conflict there. I don't mind an argument on taxation if you can show me that by adding 50' and a stipulation you can't cut it, you'd get massive tax revenue. I don't think you get anything. Maintenance, there is a ton of property we do not maintain. What does that constitute? I'd like to see tangible stuff if the argument is going to be made. You can demark the land so I think it might be valuable.

D. Ross: Conservation is required to maintain conservation properties and it is a cost and obligation to the town. Taxation – I was just pointing out the fact that it's worth more to the property owner than us. We wouldn't enforce the no cut anyway. Letting those 50' be part of the lots is the best answer here.

T. Lizotte: This is a fundamental argument that on one hand there is an obligation to maintain and we could let the homeowners do it and not worry about it. Large tracts of land with public access – what constitutes maintenance for parcels of land? Do we need to go back to conservation for clarity?

D. Winterton: If the Conservation Commission doesn't want that land and we are required to maintain a buffer, the homeowners will have to create an association whose only legal function would be to maintain that 50' strip of land. I'd like to hear from the DPW director.

L. Lessard: My thought is if conservation doesn't want it and they have to form an association for 2.5 acres of land, it's not worth it. If the town owns it and a tree falls onto property, the town is responsible for taking care of it. If it hits their shed, we have to pay for the shed. We are better off letting them have it and creating a no cut zone.

K. Coviello: I don't have a clear indication from Council if you would say not to the whole thing if parcel A (smaller parcel) was still included.

R. Duhaime: If you gave us 50' on the right side, it would give us access to the property and wouldn't have to be maintained by homeowners.

K. Martel: There are a couple parking spots on the road and the access to the open space area goes down a maintenance driveway. The buffer didn't provide as much walkable access as we felt coming down the drainage access road did. In addition, there are some trails that would not be accessible from that side.

D. Winterton: The Planning Board will still be in public hearing so the members will vote the way they want to and members of the public can come and give public input.



K. Coviello: If members of the Council feel strongly either way, perhaps you can get something to the Conservation Commission so they know how you are thinking. I think there is consensus that you are interested in taking the large piece of land but parcel A is the question.

J. Sullivan: Consensus is to accept the large parcel with the endorsement of Conservation and to have Parcel A incorporated into individual lot owners that it abuts.

D. Winterton: I will report to the Planning Board that the Council was divided on the issue and we did not take a vote.

N. Comai: There are only 2 of you saying no, I don't think we are divided.

T. Lizotte: Leo Lessard brings up a good point of liability.

N. Comai: We have to rely on the Conservation Commission to adhere to the things they do.

S. Orr: I don't feel strongly either way. My questions and concerns were addressed. My issue is the homeowners association. If for one small strip of land we have to change the entire way this development is going to operate, that is the tipping point to me. I'd say it's ridiculous to create an association for that one strip of land. In theory, I like the idea of delineating our town line but it's not going to work in a practical application.

Dr. Shankle: Having been in this situation before, you have to realize that if we are going to take it we are going to have to be responsible for it. If homeowner A sees homeowner B cut down a tree in that area, they are going to call us to fix it. There is no way to fix a tree getting cut down. If the homeowners have disputes, the town will be in the middle of it, not them.

L. Lessard: This development has agreed with DPW – their impact fees are going to the reconstruction of S. Bow Road. We are getting \$50,000 of work on S. Bow Rd that the town won't have to pay for and we're going to get their impact fees upfront.

## **15 MINUTE RECESS**

### **OLD BUSINESS**

#### a. 13 – 099 Mandatory Recycling Ordinance

Diane Boyce, Superintendent Recycling and Transfer: After meeting with the Town Administrator and reviewing other town ordinances, we decided that after the courtesy notice and written warning, we will issue a \$50 fine and a \$100 per instance subsequent fine.

Dr. Shankle: We talked about changing the title of Third Violation to Fines. We thought it was clearer if we said that a third violation after a written warning will result in a fine. We wanted it to be clear that after a written warning, they would be issued a fine.

J. Sullivan: Is there a time where the \$50 fine would not be enforced? "May" allows more flexibility and this says it "will" occur.

D. Boyce: I would assume after a written warning it would be more of a deliberate offense. If they are not trying to work with me, they are probably a chronic violator.

T. Lizotte: The only thing I see missing is there is a finding charge to a resident for a service they pay for. I'd like to see from Diane or Dr. Shankle how you reconcile this in terms of code enforcement? In this case, how do we know the violation actually took place and what is the appeal process? When it comes before us, what evidence is going to be shown? Will any evidentiary stuff come forward?

D. Boyce: I can take pictures. I would hope it won't go that far, but we may have some. I don't know what you would want for evidence.

D. Ross: I firmly believe in individual liberty and freedom. Regulating speed is an obvious public interest. What goes into a trash barrel crosses the line. If there is a problem with someone putting trash in a

recycle barrel, they are littering. Take their barrel away. We are going to create a whole new level of enforcement and issues that shouldn't be in the purview of the Council anyway. Most of the people are doing the right thing, but it's not our responsibility to enforce other people's beliefs. Forcing people to separate trash is government stepping way beyond its bounds. I appreciate the work you put into it but I will have nothing to do with it and campaign against it.

N. Comai: I think to compromise, we should put "may" in there. I agree with everyone on this whole thing but we should start with an allowance for enforcement and see what happens. This will reduce the amount of appeals.

R. Duhaime: We're not trying to tell you what to do. We have mandatory recycling in this town. I have total trust in Diane managing this but I agree we may have to find some softer steps to enforce before it gets to a fine or cessation of trash collection.

A. Jennings: How much trash per year does an average single family produce?

D. Boyce: I can't give you an accurate number. 30% of trash is recycled. We pay \$14.00/ton for recycling and \$65.00/ton for trash.

S. Orr: I don't think this is about individual freedom, I think this is about what we as a planet have to start doing. It's not about us trying to control individual freedom; it's about saving taxpayers' money, conserving land and resources that are rapidly depleting. It's about moving in a positive direction for our town, environment, financially. We are not the only town facing this. You initially came to us with a concern about enforcing those that were not participating. What do you feel the goal of this regulation is?

D. Boyce: To increase recycling. We have made it so easy. All we want people to do is help save the taxpayers' money. We have done everything we can to get to this goal; we just want to ask for the effort to recycle.

S. Orr: When you talk about those that do not participate, you are talking about someone deliberately putting things that will contaminate product we are receiving money to get rid of.

D. Boyce: It's about not making the effort to recycle. Everyone makes mistakes. Obviously that isn't what we are looking for. For the ones that participate once in a while or not at all, those are the ones we are focusing on.

S. Orr: You can't have a law that you can't enforce. Do you feel you will be able to put in a system that could somehow gather evidence (photographically) to back up any fines or notices we place on people who are violating?

D. Boyce: We would have copies of written warnings and then monitor them. I don't know what else I can do other than document.

S. Orr: You are talking about a process that would take time, not the first time you see something.

D. Boyce: Yes, it would have to be something we watch. The collection crew is great about that. As far as evidence, it would be hard. It would have to be a monitored situation.

S. Orr: That letter will include information and guidelines for them to follow so you are educating in the process not just punishing?

D. Boyce: Yes. I send out courtesy notices everyday with our information.

N. Comai: You've brought up a new twist that I'm not OK with. Because a barrel is not out on the street, that doesn't mean anything. More than likely that person is taking it to the facility. Until now I was behind this but a courtesy letter cannot go out to someone who does not put out a barrel.

D. Boyce: We do have people that don't use the barrels because they come to the facility.

N. Comai: Putting the barrel out or not should not be an issue. I believed that you had a few chronic offenders, but by adding that caveat of sending out the courtesy note to everyone who doesn't have a barrel out, it's saving us more money because we aren't picking up anything.

J. Sullivan: If they put out the recycling barrel, it could be all regular trash and that would be a clear violation. It's going to be up to the Council for appeals so we need some guidance.

D. Ross: What about the person in charge after Diane? I'm looking at this as an ordinance. There is always a question about the fiscal impact. How much will it cost us in monitoring and sending out letters and time spent appealing? We are stepping beyond the bounds far too quickly. We don't have a total cost benefit of this project yet. I'm still not sold on the fact that a mandatory ordinance will benefit the town. It will be an unnecessary burden to us and everyone in the town. If they put the wrong stuff in the recycle barrel, they are littering and already breaking another ordinance that exists. To force people to recycle beyond what they are doing now, you are going to have more than 100 people that are going to stop recycling.

T. Lizotte: I believe that Diane manages that department excellently. My issue is I pay for the service and I did not recycle until we did single stream. One of my concerns is when one of my fellow Councilor's says it's 100 people. We are making an ordinance to cover the .005-.007%. I think education helps and the cost benefit is minimal. Do you just want to rattle cages because it doesn't give Diane any teeth. My original position is I don't want a person to come in to appeal and there is no evidence, only opinion. I'd still like to see more numbers on this. I think there is a benefit in terms of environmental footprint but I still think education will push it.

A. Jennings: Based on the 30% of waste being recycled, 1.43 tons of trash would need to make up for the \$50 fine. It would take me 3 years to make up that \$50.00. Why don't we solidify the courtesy letters you are sending without penalizing the taxpayers for the .007% that aren't recycling? To the evidence portion, how many man-hours would it take to get that evidence? Would that offset what you pay to take the trash to the landfill vs. recycling?

D. Boyce: I don't know how many people aren't recycling or being a chronic offender. I'd say between 50-100. How much is too little to save the taxpayers? All our surrounding communities have mandatory recycling ordinances and it doesn't seem to be an issue there. Regarding the littering ordinance, it wouldn't apply to trash unless it's dumped illegally on the side of the road or pose a health risk. I don't have teeth to enforce a lot of things up there.

Dr. Shankle: Are you saying 98% of the town is recycling?

D. Boyce: They are recycling something.

Dr. Shankle: Then how would you know?

D. Boyce: It's a case of monitoring. It doesn't mean we are going to assume they aren't, we are going to find out what is going on.

J. Sullivan: We did vote on how to proceed. Even though it's been voted to proceed, we need to tread lightly. Would it be prudent to have a mini forum prior to a meeting to get more ideas? There is an interest in mandatory recycling.

T. Lizotte: I came here and offered up an idea – if you come to the facility, that is town property and that could be one of the first things to look at. I think we should set up the rules on what happens on that property. The other thing regarding the 30% mix, national average is 34%. Those that do well in recycling have a composting element. I see an opportunity with sewer department talking about composting and such. There is potential to look at this differently instead of in this direction.

J. Sullivan: Is there anything we can ask the Town Administrator to help us define such as guidelines on if we have to be the appeal board, numbers on recycling, etc, or would a public forum help us?

D. Winterton: Manchester does not have mandatory recycling and Auburn does not.

D. Boyce: Auburn has a deal with Waste Management. It's not mandatory, correct. It's a tax write off for Waste management for Auburn to dump there for nothing.

A. Jennings: It didn't talk about any of that. I think people will jump to conclusions seeing that on a warrant article.

S. Orr: The warrant article is whether the voters wanted the Council to consider making recycling mandatory. We have been talking about this for several months. I say let's vote on it and do it or not. I don't think any further conversation is going to change.

**S. Orr motioned to accept the change in the Mandatory Recycling regulations as presented.**

J. Sullivan: So that moves this to a public hearing. At this point, I would encourage you to maximize the information we have brought up.

D. Boyce: We have questions on condominiums. If we are presenting the ordinance, do we want to address the condos?

D. Winterton: It says the town may amend or rescind this section at any time for condominiums.

Dr. Shankle: Charter 3.6 says an ordinance may be introduced by any member at any regular or special meeting of the Council.

J. Sullivan: We will schedule a public hearing and we will get a copy of the corrected version.

b. 13 – 123 NH DOT bridge fund acceptance

**D. Ross motioned to accept \$138,215.66 from NHDOT Bridge Aid for the expenses related to the Benton Road Culvert project in accordance with RSA 31:95-b, III (a). Seconded by D. Winterton.**

#### **Roll Call**

S. Orr – Yes

A. Jennings – Yes

N. Comai – Yes

R. Duhaime – Yes

D. Winterton – Yes

D. Ross – Yes

J. Levesque – Yes

T. Lizotte – Yes

J. Sullivan – Yes

**Vote unanimously in favor.**

#### **NEW BUSINESS**

None

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

A. Jennings: Nothing to report.

R. Duhaime: SNHPC had a roundtable and we heard about what was going on in all the other towns. Village Water precinct water warrant article was passed Monday. I'm going try to get a map of sewer system. You'd be surprised how large it is. Legislation has to go forward on sewer line at Walmart and they could build a second plant if that goes through. That would speed up town expansion. In January, SNHPC talked about bus transit.

N. Comai: The retention policy is being worked on as we speak. Todd Rainier is moving that group in the right direction. Our facility is compliant as we speak.

S. Orr: Nothing to report.

J. Sullivan: Old Town Hall – awaiting hazmat report; looking at fundraisers; received pictures of attic and results are good. Heritage Commission – talked about POW-MIA monument at Veteran’s Park. As part of the funds we collect through merchandising, we voted \$500 to Old Town Hall. Heritage Commission and Historical Society would like to schedule another Family Feud and those funds would be donated to Old Town Hall. We approved 2 state signs to mark 2 state historical sites – Pinnacle and Lilac Bridge. Demolition discussion to continue.

D. Winterton: Planning Board did not have a quorum and that puts us against the 8 ball with zoning. We still have 3 vacancies for alternates on the Planning Board.

D. Ross: Nothing to report.

J. Levesque: Transfer Committee – recycling single stream is down but the numbers are still good. There have been some problems with a couple of the trucks.

T. Lizotte: Budget Committee went through the municipal budget and nothing was done as of yet.

### **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.

***N. Comai motioned to enter non-public session at 9:30pm. Seconded by D. Ross.***

### **Roll call**

T. Lizotte – Yes  
S. Orr - Yes  
A. Jennings – Yes  
N. Comai - Yes  
R. Duhaime – Yes  
D. Winterton – Yes  
D. Ross - Yes  
J. Levesque – Yes  
J. Sullivan - Yes

***Vote unanimously in favor.***

***D. Ross motioned to extend the meeting to 9:45pm. Seconded by S. Orr.***

***Vote unanimously in favor.***

**5 minute recess**

***D. Ross motioned to exit non-public at 9:45pm. Seconded by A. Jennings.***

***Vote unanimously in favor.***

***D. Ross motioned to seal the non-public minutes of 2/26/14. Seconded by S. Orr.***

***Vote unanimously in favor.***

### **PUBLIC SESSION**

#### **Police Department Collective Bargaining Agreement (CBA) 07/01/2014 – 06/30/2015**

Dr. Dean E. Shankle, Jr., Town Administrator, informed the Town Council that the tentative agreement between the Town of Hooksett (Town) and Police union members was accepted by the union members on 2/24/14. The Town Council will vote on the Police Department Collective Bargaining Agreement (CBA) 07/01/2014 – 06/30/2015 in public session tonight.

Police Department Collective Bargaining Agreement (CBA) 07/01/2014 – 06/30/2015 highlights:

- Salaries and benefits on the warrant article for the May 13th Town ballot is \$52,515.
- Average wage increase is 2.09% with the largest at 3.49%
- 1 year contract
- Grievance language was amended to remove Police Commission and add Town Administrator and there was an increase in the detail rate.

***T. Lizotte motioned to accept the Town of Hooksett Police Department and New England Police Benevolent Association, Inc. (NEPBA) Local 46 of New Hampshire Collective Bargaining Agreement (CBA) 07/01/2014 – 06/30/2015. Seconded by R. Duhaime.***

**Roll call**

J. Levesque – Yes  
T. Lizotte – Yes  
S. Orr - Yes  
A. Jennings – Yes  
N. Comai - Yes  
R. Duhaime – Yes  
D. Winterton – Yes  
D. Ross - Yes  
J. Sullivan - Yes

***Vote unanimously in favor.***

***T. Lizotte motioned to recommend Article 8 be placed on the May 13th ballot:***

*“To see if the Town will vote to approve the cost items included in the collective bargaining agreement reached by the Hooksett Town Council and the Hooksett Police Union Local 46, NEPBA which calls for the following increase in salaries and benefits at the current staffing level:*

**Estimated increase over prior year**

| <u>Fiscal Year</u> | <u>Salaries</u> | <u>Benefits</u> | <u>Estimated Increase</u> |
|--------------------|-----------------|-----------------|---------------------------|
| 2014-15            | \$40,697        | \$11,818        | \$52,515                  |

*And further to raise and appropriate the sum of \$52,515 for the current fiscal year, such sum represents the additional costs attributable to the increase in salaries and benefits required by the new agreement over those that would be paid at current staffing levels. Estimated tax rate impact \$0.03. Recommended by the Town Council (9-0).” **Seconded by S. Orr.***

**Roll call**

D. Ross - Yes  
J. Levesque – Yes  
T. Lizotte – Yes  
S. Orr - Yes  
A. Jennings – Yes  
N. Comai - Yes  
R. Duhaime – Yes  
D. Winterton – Yes  
J. Sullivan - Yes

***Vote unanimously in favor.***

**J. Sullivan motioned to recommend Article 9 be placed on the May 13th ballot:**

*“Shall the Town, if article 8 is defeated, authorize the Town Council to call one special meeting, at its option, to address article 8 cost items only?”* **Seconded by T. Lizotte.**

***Vote unanimously in favor.***

**S. Orr motioned to adjourn at 9:50pm. Seconded by T. Lizotte.**

***Vote unanimously in favor.***

Respectfully Submitted,

Tiffany Verney  
Recording Clerk