

TOWN COUNCIL MEETING MINUTES
Wednesday, May 13, 2015

CALL TO ORDER

Chair Sullivan called the meeting to order at 6:34 pm.

ROLL CALL – ATTENDANCE

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

PLEDGE OF ALLEGIANCE

SPECIAL RECOGNITIONS

APPROVAL OF MINUTES

a. Public: April 22, 2015

T. Lizotte motioned to accept the public minutes of April 22, 2015. Seconded by D. Winterton. Vote unanimously in favor. S. Orr and A. Jennings abstained due to prior absence.

b. Public: April 29, 2015

T. Lizotte motioned to accept the public minutes of April 29, 2015. Seconded by D. Ross. Vote unanimously in favor. S. Orr, A. Jennings, and D. Winterton abstained due to prior absence.

c. Non-public: April 22, 2015

T. Lizotte motioned to accept the non-public minutes of April 22, 2015. Seconded by D. Winterton. Vote unanimously in favor. S. Orr and A. Jennings abstained due to prior absence.

d. Non-public: April 29, 2015

T. Lizotte motioned to accept the non-public minutes of April 29, 2015. Seconded by R. Duhaime. Vote unanimously in favor. S. Orr, A. Jennings, and D. Winterton abstained due to prior absence.

AGENDA OVERVIEW

Chair Sullivan provided an overview of tonight's agenda.

PUBLIC HEARINGS

CONSENT AGENDA

- a. \$352.47 donation from Comcast for Town Earth Day Clean-up 4/25/15
- b. \$2,341.66 Homeland Security Grant Funds Reimbursement to Fire Dept.
- c. \$5,824.00 bond release to Regency Mortgage for 2 yr. landscape surety
- d. \$54,431.55 bond release to Pike Industries for site plan improvements

N. Comai motioned to accept the Consent Agenda as written. Seconded by J. Levesque.

D. Winterton: I have a question about item "b." I couldn't totally understand page 2 of the request. Were those funds given to people who worked overtime or those who took courses? If not, who took the courses?

Dr. Shankle: My understanding is they are getting paid overtime for taking the courses.

D. Winterton: Does anyone know what fire ground survival techniques are? My concern is, is this a skill or a credit that would benefit under the previous bargaining agreement for stipend?

J. Sullivan: Should we wait for an explanation before we approve?

D. Winterton: I have no problem approving the consent agenda, but I would like a clarification on that if the federal government is paying for things that we are eventually going to be paying for later.

S. Orr: I think we need to remove item "b" from the Consent Agenda and table it pending the explanation.

D. Ross: Usually the consent agenda is similar items and none of these are similar items. I'd be more comfortable as handling them as separate items.

N. Comai removed original motion. J. Levesque removed the second.

D. Ross motioned to accept Consent Agenda item "a" as written. Seconded by T. Lizotte. Vote unanimously in favor.

S. Orr motioned to table Consent Agenda item "b" pending clarification on questions raised. Seconded by D. Ross. Vote unanimously in favor.

N. Comai motioned to accept Consent Agenda item "c" as written. Seconded by A. Jennings.

R. Duhaime: The parking lot seems to be built undersized. There is parking on the side of the roadway along the entrance. I wasn't sure if that was noted during the inspection.

D. Ross: Traditionally the Public Works Director would answer these questions, if that's OK?

J. Sullivan: The acting Public Works Director is here.

D. Boyce: The landscaping was OK. I know nothing about the driveway.

R. Duhaime: It's like they don't have enough parking; they have been parking on the side of the driveway. Maybe code enforcement could check on that.

S. Orr: This is only about landscaping; if there is a question about the driveway that should be brought up as a separate item on the agenda.

J. Sullivan: The director reviewed the landscaping and approved it. If there is another question, that is something we can ask the Town Administrator to have the Code Enforcement Officer check to see if they are allowed to park outside the parking lot.

D. Ross: I understand his point. The grass is landscaping; if it's going to be destroyed quickly, we need to check that before we release the bond. If this is the only tool we have to ensure they comply with the total landscaping requirements for the project, then I think we should hold off.

T. Lizotte: I concur with Mr. Duhaime and Mr. Ross. Maybe we should hang on to this bond until we determine if they are damaging the landscaping because of inadequate parking.

J. Sullivan called the question.

N. Comai: There is a document here that states the interim director of Public Works has reviewed it and feels the project has been completed. We have folks saying it's not completed. Are we saying since they park there it's not completed?

R. Duhaime: The idea of a bond is 2 years after it's installed, they should still be alive. Technically, the trees and shrubs should have that time to mature; if they are dead or dying, they need to be replaced. The lawn issue – whether snow plow damage or parking, the lawn was seeded and now the whole side of the lawn is dead. It's not looking like it's supposed to. I don't know the reason but the side of the driveway looks more like a dirt parking lot than a driveway.

J. Levesque: I agree with Councilor Ross and Councilor Lizotte. If we pass this we give them the bond back and they are never going to do anything, it's just going to be a dirt parking lot. This is our only chance.

J. Sullivan: It may be a melding of two things. Is someone parking on the lawn meeting the requirements?

Roll Call

R. Duhaime – No

S. Orr – Yes

D. Ross – No
J. Levesque – No
A. Jennings – No
N. Comai – Yes
D. Winterton – No
T. Lizotte – No
J. Sullivan – Yes

Motion fails 3-6.

J. Sullivan: Can this be brought back for another vote since it failed? We will have this on the next agenda and ask the Town Administrator to check with the appropriate departments.

D. Ross: Perhaps the company should be notified as to why it was denied.

Dr. Shankle: We are questioning whether Diane looked at the right place. She will go review it again; there is no reason to notify them. If there is a problem that she didn't notice, then we will notify them.

T. Lizotte motioned to accept Consent Agenda item "d" as written. Seconded by R. Duhaime.

Roll Call

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

Vote unanimously in favor.

J. Sullivan: Could we move up the scheduled appointment at this point? He is very gracious to be here.

Consensus to move up the Schedule Appointment.

SCHEDULED APPOINTMENTS

- a. Brian Dobson, Director of Military & Veteran Services – presentation of flag

J. Sullivan: I'd like to ask Mr. Dobson make the presentation to our Councilor Adam Jennings who is a member of the Army Reserves. He has served in the military for many years, and I think that would be appropriate.

B. Dobson: Thank you. On behalf of Congressman Guinta, I thank you for having us and for the request for a flag for your Veteran's Park. He has requested that an American Flag be flown over the U.S. Capital Building for a period of 24 hours that you can they use in Veteran's Park. If there is anything we can do for you, please don't hesitate to reach out. We thank you for your service.

Presentation of flag and certificate.

TOWN ADMINISTRATOR'S REPORT

- Update on Health Insurance Review Committee – Donna Fitzpatrick

D. Fitzpatrick: We are in the middle of having vendors coming out to present. Our current vendor, Health Trust, has provided different options for our top tier plan (Blue Choice). They gave us 4 different items for our Matthew Thornton plan; and our luminous high deductible stayed as is. They gave us different options for keeping the same co-pay but having different co-pays for pharmaceuticals. At our next meeting, we are going to review what other communities pay for their stipends. We pay a \$2,400 annual stipend for our employees who opt out. Excise (Cadillac) Tax – we calculated what our anticipated tax will be on what we know today. We have completed compensation charts for town employees on our

payroll so they can determine how much is wages and how much goes toward benefits, inclusive of time off and other benefits they may not think of. We are meeting twice a month right now.

D. Winterton: How is participation from employees?

D. Fitzpatrick: We have had great participation; we have an alternate at all times if the main person can't show up. They are asking a lot of questions also.

J. Sullivan: You mentioned an estimated Cadillac Tax.

D. Fitzpatrick: As is, if nothing changes, we are looking at \$90,000 for first year we have to pay in 2018.

J. Sullivan: This process of is to eliminate that tax burden because of the Affordable Care Act. Thank you.

- There was an election yesterday; one way Administration is preparing for the new Council is we sat through a webinar sponsored by ICMA on how to do orientations for new Councilors and got a lot of ideas.
- Spent a lot of time on the Lilac Bridge. We sent out RFP's and got 3 back in.
- Went to an Eversource Municipal Energy Efficiency workshop.
- Went to groundbreaking ceremony at GE Aviation. I got an email from Dave Coburn from GE Aviation to read into the record: *"To the members of the Hooksett Town Council, I am writing to thank you for your dedication and commitment to the GE Aviation expansion project. This project will allow General Electric to continue to be a part of your community for many years. Every step of the project was handled with patience and a high level of support which allowed the GE team to quickly navigate the approval and permitting process. Every committee, board, staff member and council greeted the GE team with an open mind and offered a helpful solution that allowed us to launch this project. Each one of our questions was greeted by Carolyn Cronin and promptly answered by Jo Ann Duffy. Without the quick service of your Planning Board staff this project would not have satisfied the schedule required to secure the work coming to our Hooksett facility. Please extend our gratitude to the entire Town of Hooksett as without a community like yours, the GE employees would not have the tremendous opportunity that the LEAP program is going to bring to our region. Sincerely, David T. Coburn | GE Aviation Blisk Expansion - Project Leader"*
- Went to Hooksett-ites over 80 dinner; the oldest man there was 96 and the oldest lady was 93.
- We have been interviewing for the Conservation Commission summer intern. We are also interviewing for Fun In The Sun. There are 110-121 campers each week; that is double what we were doing 3 years ago. That program has really taken off.
- Had a meeting with Dr. Seidner who oversees EMT's for the region for the fire department; talked about EMT/ambulance program seeing we are looking for a new chief.
- To answer a previous question about the Library Trustees and Sewer Commission budgets, according to our lawyer, Town Council has the authority to review these budgets the same way it does for all other departments although the reasoning behind each is different. The Library Trustees prepares a budget for the appropriate municipality and the Town Council is the appropriate agency. Sewer is a bit more complicated but concluded it should go to Council and be treated in the same manner as all other department budgets.

T. Lizotte: Is it possible to put that in the Town Councilor's manual when we get that type of declaration of authority so that any new Councilor has that?

N. Comai: Would we then copy both the Library Trustees and Sewer Commission on that document to let them know what we learned?

Dr. Shankle: Because of state law, the library budget doesn't come to me first, but specifically to Town Council; sewer comes to me first. Water is a separate entity. They are a water district.

- NH Municipal Association is doing a workshop (free to local officials) on Thursday, June 11 regarding the Right to Know Law from 7-9 pm at the Salisbury Old Town Hall, 645 Old Turnpike Rd. Let me know if you are interested.

- The amended zoning ordinance is posted on the website. If you need a hard copy, please let me know.

PUBLIC INPUT: 15 Minutes

NOMINATIONS AND APPOINTMENTS

- a. Appointment - Matt Barrett to EDAC

D. Winterton motioned to appoint Matt Barrett to the Economic Development Advisory Committee. Seconded by J. Levesque. Vote unanimously in favor.

OLD BUSINESS

- a. 14-046 Merrimack Reserve (Edgewater Drive) – Paul Scarpetti; Jennifer McCourt, McCourt Engineering

Dr. Shankle: You may recall that we started this process regarding Edgewater Drive and how to handle that. Council asked a lot of questions and got a lot of answers. You made the decision that if the Planning Board agreed, and Conservation Commission agreed, it would come back to you. They have done that and they are back to finalize the discontinuation.

T. Lizotte motioned to approve the discontinuance of the Class VI portion of Edgewater Drive and approve the acceptance of the Easement Deed of Jocelyn Scarpetti to the Town of Hooksett. Seconded by S. Orr.

D. Ross: I noticed there are some changes on the easement deed, and I wanted to ask if the Conservation Commission accepted and approved the current version?

P. Scarpetti: Yes they have.

R. Duhaime: I am just noticing the dark green and light green; is the light green forested?

P. Scarpetti: The light green is outside of the recreation easement.

J. McCourt: The light green is the grass area and the proposed cul de sac with parking. The house at the end has gone away. There will be an eagle roosting area; after reviewing with an eagle-biologist, it was decided to move the shift the road. Eagles have been seen on the east side of the driveway. There aren't a lot of pine trees (which they like the most). The houses to the Bow town line will remain forested. We are putting in a path through the forest to the existing gravel area without cutting any trees. The Conservation Commission asked us to allow them put in a picnic area on the west side of the road. The Wetlands Bureau and Fish and Game was fine with that as long as we didn't cut any trees.

R. Duhaime: On the 150' building setback, will the frontage along the river be cut? Are there any restrictions whatsoever?

J. McCourt: There are very few trees in this area, and it's a 50' setback from the reference line for the building structures (shore land buffer).

R. Duhaime: I thought it was 150' for the building setback? I didn't know if you were going to leave some sized trees to help with screening since the town owns the land across the river, and at least try to get it to flow along instead of having a wooded area and all of a sudden open up to these homes.

J. McCourt: It's open now; there are very few trees. They are within the 50' waterfront buffer protected by the state. If they are diseased, they may come down.

J. Sullivan: You wouldn't be able to cut more trees down anyway?

J. McCourt: Correct; you have a 50 point system that you have to maintain and I don't believe there are 50 points there in a 50' section so those trees should remain.

R. Duhaime: For sheds/buildings in that area, are there condo docs restricting owners?

P. Scarpetti: Yes we have covenants in the condo documents.

J. Levesque: The trees in the protected area can they be pruned and trimmed for better growth?

P. Scarpetti: Yes.

D. Ross: What is the height of these buildings? Are they single or two story?

P. Scarpetti: It's very preliminary but I did have a ranch style and a 2-story style. We would follow all town regulations as far as the heights of the buildings.

Roll Call

A. Jennings – Yes

D. Ross – Yes

R. Duhaime – No

J. Levesque – Yes

S. Orr – Yes

D. Winterton – Yes

T. Lizotte – Yes

N. Comai – No

J. Sullivan – Yes

Vote 7-2 in favor.

b. 15-050 Departmental Oversight Committee

Dr. Shankle: We put it on the agenda for this meeting when Mr. Jennings returned.

A. Jennings: At the time we were starting the committee, the first department we wanted to look at was the Fire Department, but it was postponed until after union negotiations. I will work with Mr. Lizotte and Dr. Shankle to schedule a meeting in the next week or two.

J. Sullivan: We discussed the charge and description of the committee. We look forward to updates on a weekly or monthly basis.

c. 15-021 Reorganization of Department of Public Works

Dr. Shankle: I brought something in and Councilor Winterton suggested something else. Next week he was out of town. Once he came back, we discussed what he was looking for and what his concerns were about putting someone between the Public Works Director and some of the other positions. I combined the ideas from Council and my conversation with Councilor Winterton and came up with this. It puts the Public Works Director overseeing 4 divisions, 3 directly (with union personnel in those departments for maximum flexibility of moving people back and forth). The concern was by tying the engineer too tightly into Public Works, it would lose the original focus which was in Planning. With this set up, the engineer would only have one department. You can't have an org chart where one person is responsible for two people. The engineer would report to the Public Works Director and oversee the Community Development division. This is a result of pulling together my original ideas with the ideas I heard from all of you and Councilor Winterton. Diane feels comfortable and likes this set up.

D. Winterton: We did meet and we were able to combine some of the ideas. I like this proposal organizationally. It allows the Public Works Director to bring the engineer into the other divisions within Public Works when they need engineering. Without this kind of organization, the Public Works Director would need to go to another department head to ask another employee to come over. Another plus I see is on the Community Development side. They have a planner, engineer and code enforcement officer in the same department and the communication will stay there. When we recruit for that job we will have a more defined idea of what that is. I hope we will be able to attract the kind of person we are looking for. The Public Works Director will have skill sets in any direct reports that we have for that person. I would envision weekly meetings with the crew chiefs and director. Engineering would also report to the same director who could monitor work that needs an engineer there, as required by law. It's a way for us to better expend our total dollars in these departments by combining the salary from the Public Works Director and adding dollars that exist in the current budget for an engineer. I think we can hire an Engineer/Assistant Public Works Director and save the town money. I thank Dr. Shankle for sitting with

me and blending our 2 ideas together. I apologize to him because perhaps we should have done this before presenting any proposal. I strongly support this. I see a better organization and an opportunity for us to create a culture that might be really good for these departments.

S. Orr: While I understand and respect the goal of saving the town money, I'm concerned with a consolidation that puts one person in a role that was formerly held by 2, full-time, capable people. I think when we put too much burden on one person, we are risking thoroughness, job quality, burnout and many other negative things that can happen when one person is asked to do the job of two people.

D. Ross: the original concept of the engineer being under Community Development was the plan; that's where the engineering is. I don't see there being a problem with authority. I still consider Recycle & Transfer to be a separate entity. We are still in the growing stages of that. We are putting a single person at the top of this pyramid. I think it's important to keep things spread out. There hadn't been a problem with sharing laborers when the time came; if there was, I think the cause of that problem has been alleviated. I am not comfortable with this layout at all. The engineer belongs under Community Development, not Public Works. They are 2 separate entities and my fear is we are increasing positions and pay scales, and as legacies go on, will not provide the benefits that we were hoping to get from this engineer in the first place. I think Highway and Parks & Rec belong together; Recycle & Transfer doesn't. It's not maintenance of the town, it's a service we provide to the town. I don't like the idea of co-mingling these things.

R. Duhaime: The Town of Bedford head of Public Works is a PE Engineer. I never met the Asst. Director, which is technically the superintendent of Public Works. I never dealt with the superintendent on the project I was working on in Bedford. The PE should sit beside someone in Public Works, not below. We have had a PE Engineer as Public Works Director and it didn't work out. Community Development is where I would like to see this position filled; in a year or two I think we can reorganize it then. We should see if we can fill the position; if we can find a PE engineer with experience in Public Works that is great.

S. Orr: The Crew Chief positions, are they management?

Dr. Shankle: At the lower end, breaking it down into the 3 divisions each with a crew chief, they are non-union managers. We also have a building crew chief and we want to break down the Assistant Crew Chief. At this point, they are not in the union. The crew chiefs are management level.

J. Levesque: I see we posted a job for Public Works Director; will they work under Diane or is that the job itself?

Dr. Shankle: I posted that after the last meeting; if this goes through I will pull it, but we haven't gotten any response. With this set up, we want someone who works well with the public and is familiar with zoning, planning and code enforcement.

D. Winterton: In the discussion, there would be an addition of a part time admin for the Public Works Director. The superintendent of Recycle & Transfer does a lot of admin work and a part time admin might alleviate some concerns Councilor Orr appropriately raised.

S. Orr: What is the line from Public Works Director to Asst. Public Works Director? Does that person report to the Public Works Director?

D. Winterton: Yes.

T. Lizotte: This is something we should give a shot for implementation. Diane has consistently come here and shown that organization runs almost by itself. Highway vs. Recycle & Transfer, Recycle & Transfer is consistent. The only time there is a headache is staffing. Other than that it's consistent. Highway has things shifting – damage this year vs. last year; paving can't be done due to budget constraints. Her staff has that system down, the question of too much burden or not...I don't think it's that much of a burden. Parks & Rec operates by itself; they have normal things they do year in and year out, other than special projects that Town Council may approve. Everyone understands they are under the same umbrella and can shift over between divisions. If our Town Administrator and the acting Public Works Director are saying this is a possibility, then we should give it a shot. I like the engineer in

Community Development; if we get someone with a PE, it makes sense to put them in that department. Having the engineer report to the Public Works Director, it's on a consulting basis. They have 2 different views and will be able to cross over seamlessly. We have voiced our concerns and I don't see any reason not to allow them to pursue this structure.

D. Ross: One of the concerns I have is the total cost to the town. My fear is we will end up with more positions that will cost the town more money. It started with an engineering position to take the weight off the needs for developers and they could be a filler in other departments as needed. It has turned into a total reorganization. My concern is it becomes top-heavy and the pay scales will change. We have taken what was going to be a net zero cost (possibly a profit) to the town and it seems that we are taking on an engineer for the town as opposed to helping the developers. I think we need more numbers associated with this. What are the pay scales associated and what is it going to cost?

N. Comai: You have to make a decision based on what you know at the time. We found out that the market didn't bear the cost we had for the engineer. We had the unknown with the Public Works Director; we have this plan in place and have a capable acting director who knows Recycle & Transfer inside and out and has a lot of strength in HR and employee management. It's my understanding this is a net savings of over \$60,000. The numbers are still in the process of building a job description and seeing what the market bears. I love this because it's new; I am inclined to ask for everybody's support on this and perhaps ask the Town Administrator and acting director to report back in 6 months for an update.

Dr. Shankle: When I brought the last proposal, I brought a package that included pay. There are not any additional people, just a part time admin. By getting rid of the Recycle & Transfer superintendent and adding the salary still in there for the engineer and moving up the new Public Works Director, we are talking about a savings of around \$50,000. We don't see a need for any more people. Current staffing will be utilized for this and we should see a reduction in staffing.

J. Levesque: With the recent change in Public Works, everything is running smoothly now. I like this reorganization. My concern is if we implement this and we find out it's not working, I don't want to see anyone out of a job.

J. Sullivan: Dr. Shankle proposed this because of the resignation of the previous Public Works Director. It's been reviewed and commented on for the last 3 meetings. We need to look at the organization itself. We need to know if it works. I think it will work regardless of the person in that position. We actually have someone who is able to do that. We aren't creating this position because we don't have the right person in there right now. It follows through with the voters who approved the engineering position, even though it's tweaked. It does affect town planning; we have 2 individuals here who may want to comment since it does affect their organization. I don't know if we want to have them participate.

T. Lizotte: We have already gone through some testing and Dr. Shankle has always asked to tweak things and we allowed it. I don't see a problem with having any concerns with Dr. Shankle pushing forward. Looking at the history – this is the first time that Dr. Shankle isn't dealing with legacy and I think he deserves a chance to put something together. This is his second proposal and I like this hybrid. We are going into his review. I think that is the best place to put some goals in terms of the financials, minimizing scope creep of the project, and put in some targeted goals in 3 months, 6 months. I don't see a problem with going forward.

J. Sullivan: According to the Charter, a proposal has been made and we need to act on it.

S. Orr: It's a well thought out plan. As with any new thing being implemented, it's never perfect the first time around. I think you need to focus on not creating too many management positions. It would be disingenuous to the terms we negotiated with the union. Secondly, employee development is important. Asking anybody to take on new positions that were not part of their purview, we should provide proper training so there is confidence in their ability. That would be where some of the money that we save would be well invested.

D. Ross: Back to the engineer issue – the reason it got through was because it was presented as a net zero cost to the town. I find that as being almost like a bait and switch. We have folded this position into something else; it's now become a payroll item. We allocated it so that we could get started. Eventually

it would turn into a plus, not another employee, in terms of cost to the town. It's bothering me that we aren't doing what we said we were going to do.

D. Winterton: When the engineer was being discussed, one of the components of the job was dumping water into the river that required engineering. We discussed that without a town engineer we would have to farm that out. Manchester is budgeting \$5M to \$6M for these federal requirements. If we have an engineer on staff we can handle that internally. There are other internal jobs that the engineer can do.

T. Lizotte: Dr. Shankle should get the job description clarified; our former Public Works Director was taking over the monitoring. This position is an engineer where our "sole source vendor" were not engineers, it was all on-the-job-training. I think this will be a step up.

N. Comai motioned to accept the reorganization proposal presented by Dr. Shankle. Seconded by S. Orr.

R. Duhaime called the question.

J. Sullivan: According to the rules, discussion is only among us at the table. Occasionally someone in the audience would like to participate. I need the Council's permission to allow Mrs. Duffy to speak.

T. Lizotte: There is a motion on the floor and the question was called.

J. Sullivan: Correct, so we will do this correctly.

Roll Call

N. Comai – Yes
D. Winterton – Yes
R. Duhaime – Yes
A. Jennings - Yes
J. Levesque – Yes
S. Orr – Yes
D. Ross – No
T. Lizotte – Yes
J. Sullivan – Yes

Vote 8-1 in favor.

Dr. Shankle: I will bring back all those documents that I previously had.

5 MINUTE RECESS

d. 14-066 Lilac Bridge Update

Dr. Shankle: We put out a request for qualifications, as required by the state. Myself, Bruce and Sid interviewed the 3 engineering firms we received responses from. Some of the questions that came up with two of them didn't come up with the third, so we are going to re-interview one on Friday and by your next meeting we should be bringing you a potential contract to sign.

NEW BUSINESS

a. 15-027 Discussion of 5/12/15 Town Election Results – Todd Rainier, Town Clerk and Don Riley, Town Moderator

J. Sullivan: Yesterday was our annual election. Everything passed, but the turnout was not very high. We will discuss District 1 Council seat and some other things. We have the town moderator and town clerk here with us tonight.

T. Rainier: Some of our residents knew about the election; 455 people voted out of 9,100 registered voters (5% turnout). The amendments and articles have all passed without a single "no" winning. We had 203 write-ins overall and one tie for the District 1 Councilor seat. Both parties will need to be contacted. I've been in touch with the Secretary of State on how to break the tie; we put both names in a hat and draw a name.

S. Orr: I thought there were a minimum number of write-ins needed?

T. Rainier: I called the Secretary of State and it was confirmed there is no minimum for a town election; there is for state and federal but not for town elections.

J. Sullivan: If the one is chosen is not inclined to serve, can the person who did not get picked be appointed?

T. Rainier: We don't have that scenario; I am going forward on the assumption that both want to serve.

D. Riley: Could you repeat that? I want to make sure I understand the question.

J. Sullivan: In 1993, there was a tie for District 2. They were on the ballot. We had to draw out of a hat, so that was the same situation.

D. Riley: If one chooses not to participate and the other chooses not to participate, then there is a tie with 4 people.

J. Levesque: How many votes for the tied position?

T. Rainier: It is tied at 2.

J. Sullivan: Congratulations to all the others who did win.

A. Jennings: How many people voted from District 1?

D. Riley: I think it was around 100, but don't quote me on that.

N. Comai: The feedback I received from 2 constituents is why don't we have the election on the same day as the school? It's still something the constituents are asking about. I would like to investigate that further.

J. Sullivan: If the town decided to pursue combining these elections, is that something we would have to discuss per the Charter?

T. Rainier: I don't see that it can't be done; it would be beneficial from a resources perspective. We could discuss it, and I would act on your wishes. Getting back to yesterday, I'd like to thank the Councilors who were there to assist; it makes a big difference when you are there. Councilors Winterton, Lizotte, Comai, Ross, and Orr were all there and I want to thank you on behalf of the election team. We had 9 absentee ballots; 3 challenged voter affidavits (when someone chooses not to show picture ID); and we registered 2 new voters. We had about 35 people through per hour; that is not a lot. I had a call with the town clerks in NH and they said town elections typically have low turnout.

D. Riley: As a follow up to Councilor Comai's question, I asked that question at the moderator's workshop. There is no statutory restriction from combining the two elections; it's more a question of timing. I would like to also express my thanks to those of you who were there. From 7AM on it took an hour and 25 minutes to reach the point where I could declare the results. We could not declare the write-ins and they were posted at 11AM this morning.

Dr. Shankle: What drives whether the school and town are together is what the town is willing to do. The school district will tell you they need to have it when they do because of pink slips they have to send out because of contract things. Would the town be willing to move forward two months? In Merrimack, the school district moved one month and the town moved one month and they met in the middle. The union issues are what drives that.

T. Lizotte: Another comment made outside of the election was the fact we have no signage saying there is an election going on, other than signs for candidates. A lot of people didn't know about it. Going forward, Town Council needs to think about that, and the town clerk should too.

D. Riley: I agree, but it is a Council election.

J. Sullivan: We can discuss that at our workshop.

T. Rainier: The next election is the Presidential Primary, and it will be a big one.

J. Sullivan: Thank you both and thank you to all the Councilors who went.

b. 15-028 Newsletter

J. Sullivan: This newsletter could be used to promote elections in the future. We typically have a newsletter attached to the tax bill which is going out soon.

K. Rosengren: It's past practice to include a newsletter, but I need Council permission to do so. Tax bills are being mailed out on May 29. It's estimated at 10 cents per newsletter and we are mailing out 5,800 so an estimated cost of \$580.

N. Comai: Could we add the Old Home Day date on here – September 19.

A. Jennings: Is the magician/comedian/entertainer at the Police Department?

K. Rosengren: That is a library event.

A. Jennings: Maybe rearrange it under library so it flows.

J. Sullivan: It's nice to highlight volunteers; it would be nice to mention this year's youth achievers, without mentioning names. And mention that we still have the program.

S. Orr: I have a blurb written up that I can send you on that. I would suggest you format the back with the bullets the way it is on the front.

J. Sullivan: On the board and committee openings, do you want to mention all the boards that have openings? I would give attention to all of them equally.

D. Winterton: The bills go out on the 29th. That is close to Heritage Day.

K. Rosengren: I mentioned it to the Chair and she thought it would be good to leave it in.

R. Duhaime: Maybe a sales pitch of some sort under boards and committees that would increase interest.

J. Sullivan motioned to allow the Town Newsletter, with edits as discussed, to be inserted along with the May 2015 tax bill. Seconded by D. Winterton.

T. Lizotte: Can you modify the motion to give administration some latitude in case something doesn't fit?

J. Sullivan modified the motion to include "at the discretion of the Project Coordinator." Seconded by D. Winterton. Vote unanimously in favor.

c. 15-029 Policy on Hours of Work for Salaried Exempt Employees

Dr. Shankle: We have talked in the past about the fact that all of the salaried exempt employees have a line in their job descriptions saying the hours of work they are supposed to be here. An employee mentioned to me that it was added in by the former HR director and we can't really enforce it. We looked at past minutes and found where it did happen. This is fixing something we may have missed that Council should be aware of. I think this is important – I don't know why it never came to Council. In 2006, the FLSA was amended to put language in to say salary exempt employees could be given hours of work for management reasons or if they handled customers and needed to be there when customers were there. You can't dock their pay, but it becomes a discipline issue. I am asking Council to legitimately put it in and deal with exemptions as they come up. I think it's a rational thing. When the

public come in, they expect us to be here working. As long as we know where people are, that's fine. I hope you would support this.

D. Winterton: Under "if the employee's duties require them to be away...they should inform supervisor in advance." In advance to me seems kind of vague.

Dr. Shankle: If somebody gets an urgent call, all I want them to do is email their supervisor that they are on their way out and where they are going so people know where their employees are when they are out.

S. Orr: I believe that in writing does cover electronic communications. I think this is important for safety training and I'm not sure if you want to put this in or not. If there is a fire alarm and there is someone out of the building, you don't want someone risking their life to look for someone in the building who is not in the building.

Dr. Shankle: I'd prefer you wait to vote on this. I will change this draft and any other comments can be brought up at our next meeting.

SUB-COMMITTEE REPORTS

T. Lizotte: Conservation Commission met Monday; there was some housekeeping in anticipation of the election. There was a discussion on the reaffirmation of things discussed tonight with Edgewater Drive.

A. Jennings: Nothing to report.

R. Duhaime: I did not make the last sewer meeting; there is one next week.

S. Orr: Board of Assessors met tonight, but I will let our chair discuss.

N. Comai: There is a Retention Committee meeting in September.

J. Sullivan: Heritage Commission: Heritage Day is coming up, and we thank Council for declaring that proclamation. Update on marker program, we are working on the final details for the Lincoln Park marker. The location will be on the curve on Grace Ave. between the original Manchester school road (#4) and the 3-room school house; however the date of the event escapes me. There will be a directional sign on the corner of the old schoolhouse, across from Chantilly's on that corner (the first street after you pass Alice Ave.). We are working arrangements for the location for the Manchester-Hooksett airport marker. The tin ceiling will begin soon once the Highway Department is completed with the preparations (ventilation system and old lift). We need members on that board as well.

D. Winterton: Nothing to report.

D. Ross: Nothing to report, but I do have a question. Did we miss something in this easement deed? I didn't see the 1% stewardship fee in the deed.

J. Sullivan: Will that be added to the easement? We voted on the discontinuation of the road.

Dr. Shankle: I don't know off the top of my head. I will have to look into that.

T. Lizotte: It wasn't brought up on Monday.

D. Ross: When I read this, it mentions a 1% stewardship fee. I may want to reconsider this.

J. Sullivan: Your concern is to make sure the information in that letter is part of the easement that we sign.

Dr. Shankle: If that is a concern, you should reconsider it and remake the motion to add you want those conditions to have been met as part of the deal. You already passed it and if something got missed; if it's in there, it won't matter.

D. Ross: I searched for the 1% and it's not there.

T. Lizotte: I don't think they put the fee in the deed.

D. Ross: When I was on Conservation, there was language in there, sometimes with a number. It provides that they will be paying money.

T. Lizotte: The stewardship fee is in the letter from Conservation but not in the easement.

J. Sullivan: What is your suggestion, Dr. Shankle?

D. Ross: In section 2(c), they are the grantor, so it's at their discretion.

T. Lizotte: Conservation comes up with a plan. That is why they wanted that stewardship fee. It's a one-time fee.

J. Sullivan: This aspect we are concerned about is under the auspices of the Conservation Commission?

T. Lizotte: Yes; we can reconsider and put that in there.

Dr. Shankle: Everything is in there except the possibility of the fee, and I think that is supposed to be going to the Planning Board. If you are concerned about that fee, you don't have to reconsider the whole thing; you make a motion that the 1% stewardship fee has to be a condition of approval.

***D. Ross motioned that the easement should be subject to the 1% stewardship fee which will be calculated according to the Planning Board Fee Schedule for the conservation area that's protected by this deed. Seconded by J. Sullivan.
Vote unanimously in favor.***

J. Levesque: ZBA met and granted 2 variances; one was for a gentleman who wants to cover where he parks his motor home with a canvas building. It's close to the property line, but the neighbors were in favor. The second was a person wanted to put a small shed within the 25 foot setback and that was granted. Board of Assessors met and we had a non-public to discuss some hardship cases. Some communities have a disability clause where they can grant an exemption.

J. Sullivan: This exemption is similar to elderly exemption that no longer exists.

J. Levesque: Previously, Hooksett decided they did not want that, so we see them on a case by case basis. They are looked at and granted or denied. It seems to be working fine; we discussed whether we need a blanket clause on disability and how do you rate a disability?

D. Ross: You are not automatically entitled to town assistance; it's not like social security. I think it's working well and all the ones we have dealt with I haven't had any second thoughts on. We haven't had any appeals either.

J. Sullivan: The elderly exemption is based on income as an eligibility requirement; I think disability should also be tied to income. Can you apply a disability exemption without a directive from the actual body?

T. Lizotte: You want to stay away from adopting any state RSA that is pre-canned that creates issues. As Town Councilors, you see a hardship, and ask for more information. We had that with the elderly exemption, because a statute was created and adopted and you find out it is so narrow that it can be challenged. It works well as is.

J. Sullivan: Then we should just let it lie.

PUBLIC INPUT

M. Miville: Regarding the election and the comment made by the moderator – I had a conversation with Dr. Shankle and the school district clerk and she mentioned that it is not the proper rule to make phone calls to the 40 people who wrote their names in. If it doesn't work between the 2 people who are tied, you don't continue down the list, that is not proper procedure. The previous Town Clerk had called 40 people

for the Budget Committee. She was advising us that is not the way it should be done. Should these 2 candidates for District 1 Councilor decline, a letter of interest should go out to seek other candidates; they shouldn't be calling those other candidates. I would get clarification based on what the other 2 candidates do. Secondly, based on applicable state laws, I mentioned this a couple years ago and the subject came up again this year. I was one of the few people in town who put up signs to let people know there was an election going on. Every year I drive around town and determine where I can put a political sign up for an election. An amendment was passed referring to RSA 664:17; logistically, as I am driving down the road, I don't know where we can put signs. I'd rather have something definitive as a map with shaded areas. If a new citizen wants to run for office, they need a template on where to put up signs. I lost 2 signs, thinking they were on state property, but they were removed.

D. Ross: It can't be on public property; even school property is considered town property which is OK. Roadways are in violation; it's up to local officials if they are going to enforce that or not.

M. Miville: There was an ordinance in the Code Enforcement office that they were allowed on state property or a private residence. It's too vague to know where someone's property ends. If we are going to do it right, let's do it right.

J. Sullivan: That is something that could be valuable to future candidates.

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.

J. Sullivan motioned to enter non-public session at 9:10pm. Seconded by T. Lizotte.

Roll Call -

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

Vote unanimously in favor.

***J. Sullivan motioned to exit non-public at 9:15pm. Seconded by T. Lizotte.
Vote unanimously in favor.***

***J. Sullivan motioned to seal the non-public minutes of 5/13/15. Seconded by D. Winterton.
Vote unanimously in favor.***

***J. Sullivan motioned to adjourn at 9:15pm. Seconded by N. Comai.
Vote unanimously in favor.***

NOTE: The Town website www.hooksett.org may have attachments to these Town Council minutes for documents referred to in the minutes, reading file material, and/or ancillary documents that the Town Council Chair has signed as agent to expend as a result of the Council's prior approval of the documents.

Respectfully Submitted,

Tiffany Verney
Recording Clerk

Dean Shankle

From: John Bentley <jbentley@empirebeautyschools.com>
Sent: Sunday, March 22, 2015 11:55 AM
To: Dean Shankle
Subject: fw: Kudos to your staff

Mr. Shankle,

I wanted to take a moment to express my gratitude I feel for having been able to work with such a group of professional people the town of Hookset is lucky to have serving them.

I am the business director at Empire Beauty Schools and since September have been heavily involved with the build out of new programs we added to our school in the Shaw plaza. I have had to have many calls, meetings , inspections etc, with your employees.

I have found each encounter to be refreshing. They are helpful, professional and responsive. I hope I am not excluding anyone but here are the names of the ones I know of Matt Lavoie, Evelyn Horn & Mike Hoisington . In addition the water department gentleman & the folks at your transfer station were outstanding as well. I had occasion to deal with you police officers for a fraudulent credit card last year and they also were very professional.

I dropped by to tell you this in person Christmas week during your ugly sweater contest but you were out of the building. I told your secretary who also was a delight to deal with. I stopped by again over a week ago and spoke with your assistant who said you were busy with union negotiations. She also was a joy to speak with.

As a current five year town councilor in Newmarket I know people in your position often hear complaints from citizens about town employees.

I can absolutely say your folks are some of the best I have dealt with and you should be proud to have them.

Good (or bad) habits usually start from the top of an organization so you should be commended on the tone you have set in your town.

We at Empire look forward to many years of a great working relationship with you all.

Please share this with your staff as well as the council or board you work with.

Again, thanks.

John Bentley

Business Development Director

603-743-2224

jbentley@Empirebeautyschools.com

**TOWN OF HOOKSETT
CONSERVATION COMMISSION**



MEMO

Date: May 7, 2015

To: Town Council

From: Carolyn Cronin
Conservation Commission Staff Support & Assistant Planner

CC: Planning Board

Re: **Paul & Jocelyn Scarpetti, Merrimack Reserve, Edgewater Drive**
➤ **(Map 1, Lots 4, 6, 8 & 9)**

Please be advised that on April 13, 2015, the Conservation Commission met with the representatives of the Edgewater Drive/Merrimack Reserve project.

At this meeting, the Conservation Commission voted 3-1 in favor of approving the Merrimack Reserve for consideration by the Town Council with the following conditions:

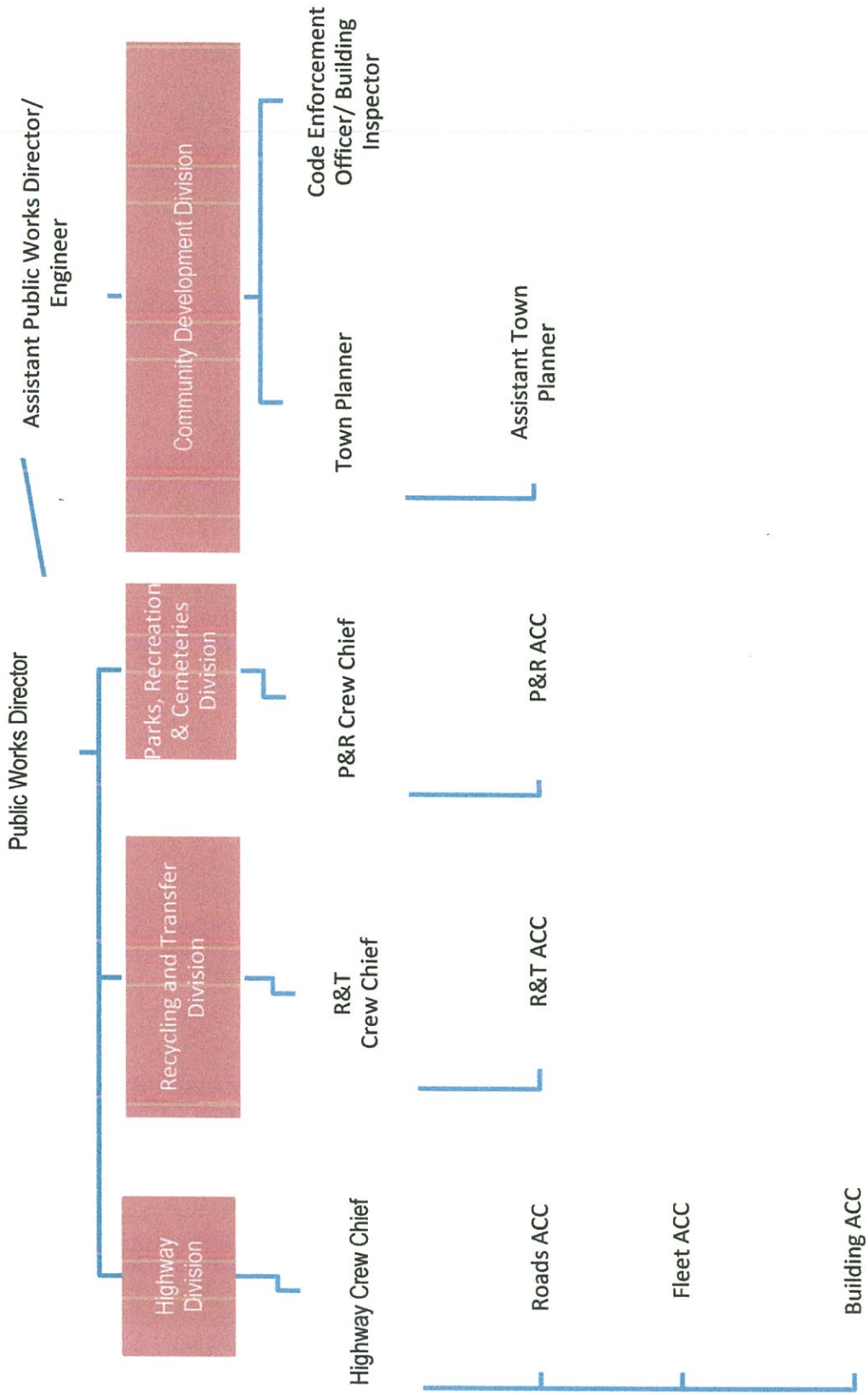
1. A 1% stewardship fee be calculated according to the Planning Board Fee Schedule for the conservation area that's protected by the deed.
2. Deed language be amended to include the right for the Town to have a 20 ft. by 20 ft. picnic area within the open space area that's not restricted due to eagle roosting habitat.
3. The deed language be reviewed by the Conservation Commission Attorney and upon a positive response and approval by the Attorney, the package move to Town Council.

As of this date, the stewardship fee has been calculated at \$869.69 and the easement deed, as revised on April 14, 2015, reflects the Conservation Commission's picnic area clause. The Conservation Attorney and NH Fish and Game have both approved these revisions.

The Conservation Commission recommends that the Town Council approve the Merrimack Reserve project.

Please feel free to contact me with any questions.

Proposed Departmental Reorganization



DRAFT

Policy on Hours of Work for Salaried Exempt Employees

Whereas the Town of Hooksett employs a number of salaried exempt employees in various managerial, professional and administrative positions; and

Whereas the Town Council desires to see that town government provides timely service to our residents, businesses and visitors in an effective and efficient manner; and

Whereas this service is provided by our town employees charged with this responsibility; and,

Whereas accountability of employees is guaranteed by, and their access to the information they may need is enhanced by, the presence of their supervisors,

We, the Town Council therefore establish the following policy regarding the hours of work of all salaried exempt employees:

All salaried exempt employees are expected to be performing their job duties at the assigned workplace. (e.g., the town offices, the safety center, dpw garage) between the hours of 8:00 am and 4:30 pm from Monday through Friday.

It is understood that salaried exempt employees may be required to work additional hours for meetings or special events as part of their regular job duties.

If the employee's duties require them to be away from their primary duty station (e.g., for a meeting, workshop or other) they should inform their immediate supervisor in writing and in advance.

Exceptions to this policy for specific positions may be granted by the Council if they feel that the position requires different hours or more flexibility (e.g. work from home) in order to provide the Town of Hooksett with the best possible service. The process for requesting exceptions is as follow: The person presently in the position should write a request to the Council with a copy to the Town Administrator. The Town Administrator will put it on a Council agenda and the Town Administrator will include a recommendation as to whether the Council should or should not grant the exception. The requesting employee will be given a chance to address their request at the Council meeting. The Council's decision will be final.

We understand that an employee deviating from these hours cannot have his or her salary impacted, but rather that non-compliance is considered a disciplinary matter to be handled in accordance with the town personnel policy.

This policy will go into effect on July 1, 2015, which will give employees time to request exemptions before it takes effect.