

TOWN COUNCIL MEETING
February 22, 2010

Present: President Raymond Spear, Vice-President Laura Flanagan, Glen Shibley,
Kenneth Cloutier, Frank Hyde

Town Manager Thomas Hoover
Town Solicitor Patrick Rogers

6:30 PM Work Session for the purpose of discussing proposed fees and charges in the Parks and Recreation Department for upcoming season

Parks and Recreation Director Guy Lefebvre proposed the imposition of a fee on non-town leagues, allowing him to charge double to non-residential groups beginning April 1, 2010. Money from new fees will go to the Parks and Recreation general fund budget to offset costs such as lighting of the fields.

He went on to discuss how teams would be charged, noting that if a local team participates in a contest, it would enjoy the local team rate. When both teams are non-local, the new fee would apply. There were several questions from the public regarding how this process would work and how fees would be determined for tournaments, whether by game or by day. Mr. Lefebvre has scheduled an information meeting with all leagues on March 1, 2010.

Motion made by Laura Flanagan seconded by Frank Hyde to adjourn work session. All voted aye.

Pledge of Allegiance
Invocation by Reverend Auld of Summit Baptist Church
Review of Emergency Evacuation Plan

President's Comments

- The State has released the third quarter auto excise tax payments to the town in the amount of \$703,000. The town will continue to monitor the 4th quarter payment.
- Two vacancies currently remain on the Redevelopment Agency.

Approval of Minutes - February 1, 2010 and February 8, 2010

Motion made by Laura Flanagan seconded by Frank Hyde to approve Town Council minutes of February 1, 2010. All voted aye.

Motion made by Frank Hyde seconded by Laura Flanagan to approve minutes of February 8, 2010. (4 Aye – Councilman Shibley abstains as he was absent from meeting). Motion passes.

RESOLUTIONS

1. Regarding pre-tax employee pension contributions

Manager Hoover stated that the town has the ability to go into a pre-tax situation on pension contributions. Finance Director West spoke with our actuaries regarding pre-taxing the pension and was told that in 2006 the IRS changed their regulations. A section called 414-H2 was established, allowing municipalities to pre-tax. Edwards & Angell has prepared a resolution for this evening. However, Vice-President Flanagan further requests an opinion in writing from Milliman allowing us to do this.

Motion made by Laura Flanagan seconded by Frank Hyde to table issue to next meeting pending an opinion letter or memorandum from Edwards & Angell and from Milliman, stating that it is within the tax law to do this. All voted aye.

2. Approving impact fee funded projects and purchases

Manager Hoover stated that impact fees must be used for capital items for DPW, Parks and Recreation and the School Department. Department heads have prioritized their preferences to spend their portion of the fund balance. Superintendent DiPietro reminded us that \$100,000 had been placed in their operating budget for capital purposes. He asked that nothing be spent from impact fees until the fund is built back up to \$100,000, to be used for

capital. Mr. Smith's priorities are bridge repair and lease/purchase to replace antiquated equipment. Mr. Lefebvre has identified some improvements in parks and recreation, located in the vicinity of where these fees originated.

Discussion ensued regarding the possibility of changing the town ordinances to include the use of impact fees for the police department or Human Services. By State Law we are allowed to do this, however, the town ordinances prevent it. Mrs. Flanagan suggested an ordinance change with allocation of a percentage of impact fees to police and emergency. In addition, she asked for clarification of whether we could use current funds or only funds going forward.

Motion made by Laura Flanagan seconded by Frank Hyde to table issue for clarification and pending formation of ordinance. All voted aye.

3. Supporting the Town of Portsmouth in opposing House Bill 5931 and Senate Bill 606 regarding tax sales

After brief discussion, Representative Guthrie remarked that both House Bill 5931 and Senate Bill 606 died last year in Committee and presently do not exist. Manager Hoover recommended resolution be sent back to administration.

Motion made by Frank Hyde seconded by Laura Flanagan to send back to administration. (no vote)

Motion made by Frank Hyde seconded by Laura Flanagan to table resolution. All voted aye.

Manager Hoover requested resolution not be tabled, but sent back to administration.

Motion made by Frank Hyde seconded by Glen Shibley to rescind prior vote to table. All voted aye.

Motion made by Frank Hyde seconded by Glen Shibley to send back to administration. All voted aye.

Manager Hoover will follow up on Representative Guthrie's information.

4. LICENSES

Brookside Inn, 595 Washington Street (90 day review of Class B liquor license, Live show and Victualling)

Zoning Officer Jacob Peabody indicated that there have been problems with noise levels in the past. He suggests a stipulation that there be no outdoor entertainment and that any entertainment is limited to indoors with the doors closed. Manager Hoover further recommended that license be reviewed in another 90 days.

Paul Pederzani, Esq. represented applicant, stating that his client has performed well and been a good neighbor overall. Brookside Inn does not have an objection to limiting entertainment to the inside of the premises and keeping the door closed. We do have an objection to being again subjected to a 90 day review. I don't believe the review is warranted in this case, recommendations have been favorable, there have been no complaints and this will place an unfair burden on my client. Times are tough enough. He's been a good citizen, the police department says he's not a problem and your town official says he's not a problem.

Solicitor Rogers commented that if the Town Council takes the position that if there are no complaints or disturbances, that license may be extended without the burden of the applicant coming back, then you can do that. If major problem arises, you could ask for revocation of the license and hold a show cause hearing.

Motion made by Frank Hyde seconded by Laura Flanagan to approve license for five months, and if no complaints or problems, then automatically renew through November without the operator having to return. All voted Aye.

Resident Barbara Foehler, Fairview Avenue, doesn't feel that one person or one complaint should be able to close a place down; Ron Gizzarelli agreed with Ms. Foehler.

Application for new Hawker license by Robert Arrico, Victory Fruits & Vegetables,
18 Waterman Hill Road

Motion made by Frank Hyde seconded by Glen Shibley to approve subject to obtaining State retail sales permit. All voted aye.

No further public comment.

Motion made by Frank Hyde seconded by Laura Flanagan to adjourn meeting. All voted aye.

Town Clerk