

TOWN COUNCIL MINUTES
REGULAR MEETING
WEDNESDAY, FEBRUARY 13, 2002

The meeting was called to order at 6:35pm.

PRESENT: Chairman T. Young, D. Pichette-Volk, P. Rueppel, M. DiBitetto, R. Holley, M. Jolin, P. Ganley, D. Duford, M. Farrell-Town Administrator. Excused: R. Dion

MINUTES:

December 12, 2001: D. Pichette-Volk moved to approve the minutes. Seconded by R. Holley. For the record the sequence of events on page five the Fire Truck Quint Bid was as follows:

- M. Jolin moved to take Quint Fire Truck bid off the table and the **motion carried unanimously.**
- M. Jolin moved to accept the negotiated proposal from Rosenbauer (Central States) the **roll call vote failed.**
- R. Dion moved to award the bid to pierce.
- D. Duford amended that motion to reject any and all bids and to go out to re-bid with items listed as they were asked for after negotiations were complete.
- Chairman Young stated he would not allow the amendment as it diverts too much from the original motion.
- D. Duford moved to amend to reject any and all bids and to go out to re-bid. Seconded by T. Young.
- The consensus of the Council is to re-bid for a new 75 foot Aerial Quint.
- **Roll call vote on the amendment passed.**
- Roll call vote on motion as amended to reject all bids and go out to re-bid. No vote took place because -
- P. Rueppel moved to adjourn and **motion failed.**
- P. Ganley moved to extend the meeting until 9:45 the **motion failed.**
- Meeting adjourned at 9:30pm.

Chairman Young has requested a motion and a roll call vote.

D. Pichette- Volk moved to re-bid for a new 75 foot Aerial Quint Fire Truck. Seconded by P. Rueppel.

Roll call vote.

R. Holley	yes	D. Pichette-Volk	yes	
M. Jolin	yes	P. Rueppel	yes	
P. Ganley	yes	M. DiBitetto	yes	
D. Duford	no	T. Young	yes	<u>Motion carried.</u>

January 9, 2002: R. Holley moved to bring the minutes of January 9, 2002 back on the table. Seconded by D. Pichette-Volk.

Consensus of the Council was that a no or tie vote would indicate the minutes would still be tabled pending copy of revised minutes.

Roll call vote.

M. Jolin	no	P. Rueppel	no	
P. Ganley	yes	M. DiBitetto	yes	
D. Duford	yes	R. Holley	yes	
D. Pichette-Volk	no	T. Young	no	<u>Motion failed.</u>

January 23, 2002: These minutes were just received at this meeting.

P. Rueppel move to table the January 23rd minutes until the next meeting. Seconded by M. Jolin. **Motion carried.**

TOWN ADMINISTRATOR'S REPORT: M. Farrell reported:

1. James W. Tether's Education Trust Scholarship has been made available by the Southern NH Planning Commission for students who plan on attending, during fall 2002, an accredited Graduate Planning Program for a masters degree at a University or College in US or Canada. For further information contact the Commission before April 15th deadline.
2. The bids for the security cameras for the Police Department have been provided for your review. We have received three bids and they are all under \$7,500 therefore the Council doesn't need to be involved any further. There is a wide disparity that will need to be reviewed by experts and then decide who gets the bid.
3. Four Bids for the Quint Fire Truck were opened today and P. Rueppel and D. Duford were in attendance there. These bids are preliminary. The Fire Chief and the Committee will review all the specifications within 30 days to be ready for Council at the first meeting in March.
4. MRI's principal person is out of state and asked that he be put on scheduled appointments for the next council meeting.
5. Administrative Code Ordinance changes need to have a Public Hearing once they are completed. The procedure was discussed on the steps leading up to the Public Hearing. Changes will be submitted with strikeouts of old and bold the new words. Also previous unwritten changes will be done along with the current changes. The Council will receive the changes the first week in March and a Public Hearing should set for March 27, 2002.
6. The draft copy of the Town Warrant once finalized/approved requires a Public Hearing that is set for Wednesday, March 6th. There are some Capital Reserve Trust Funds that are still open as a result of good bids and good purchases therefore there was money left over. The discontinuance of these funds should be voted on at Town Meeting.

The Radio Communication Console Fund was a set up in the '80's by the then existing Communications Commission. When the Radio Console Fund was created the Trustees inadvertently put it in the older fund. So when the new fund was created the money was not put in the correct fund. To take the money out of the old fund and put it into the new fund the financial reports would have to be restated for every year until the new change took place. Also the radio fund is not properly titled because it is now much more than a Radio Console it is an Emergency Radio System. Therefore there is a Warrant Article to allow the situation to be corrected.

The Landfill Capital Reserve Fund had a total amount of \$222,242.00 for post closure landfill costs, which are paid out annually at \$16,000. If the funds are left there it will take 18 years to spend it down. It might be more prudent to budget the amount needed annually as an operational cost.

Total of all those funds if they were to be discontinued would be \$352,839.00, which has a potential tax rate decrease of .48 per thousand.

Article 6 & 7, are optional Warrant Articles that go with Articles 4 & 5. Should the Union Contracts be defeated it allows us to go immediately back into negotiations and then call one Special Town Meeting for that issue only.

Article 12 & 13 are tied to Article 14. Article 12 & 13 are the discontinuance of the Radio Funds. Article 14 creates a new fund that captures the money from the existing fund of \$37,780. If Article 12 is voted in the affirmative the money goes into the general fund. Article 14 raises \$52,000 by using the fund balance surplus or \$37,000 and the remaining \$15,000 is raised from general taxation.

Articles 20, 21, 22 & 23 are the discontinuance of the four separate fire fighting apparatus funds. Related to those four articles is Article 23 that captures the \$69,500 from the fund balance surplus and \$16,735 is raised from taxation to total \$86,235. The purchasing procedure extends

beyond the fiscal year; we are making this a non-lapsing fund until the truck is purchased or delivered and accepted.

Articles 36 & 37 deal with the Pay-as-You-Throw (PAY/T) program. In the backup documentation that he has provided in 1991 when the current Capital Improvement Fund was established the special revenue fund captured the municipal solid waste tipping fees, demolition tipping fees and recycling receipts. Which is what the PAY/T program intends to capture but the purpose is different. The purpose is to fund the Capital Improvement Program therefore the fund needs to be changed and requires a 2/3 vote or rescind the vote exactly in the same manner as it was adopted. The required wording would need the portion of the money you are reserving it from, what source you are reserving it from, what is the purpose and then give it a name. The rest of the wording is statutory and cannot be modified. Article 36 is the rescission of the old one and Article 37 is the adoption of the new one. Because they are mutually exclusive we couldn't have one without the other and it would have to be contingent upon passage of the other.

SCHEDULED APPOINTMENTS:

ROBERT STANHOPE – ROSEDALE ST.

Robert Stanhope, 14 Rosedale St. The first issue was the street signs for Rosedale St., which the State has taken care of. His second issue is the traffic on the one-way Rosedale St. It can legally only be accessed from the north on Route 3A, making a left hand turn on to it. There are a lot of illegal right hand turners coming from the South, the Pinnacle and they speed down the street. It is being used as a by pass to avoid the Main St. and Rt. 3A light. He is concerned with the amount of traffic and the school age children on the street. Families are concerned with their children playing on the front yards so they are restricted to their back yards. Maple Street is the street next to Rosedale and they no longer have the same problem since the barricades were put in place. He has checked with the school bus route, Dale Hemeon of the Highway Dept. in reference to snow removal, and trash pickup and they have no issues with having the street barricaded.

Chairman Young asked if the Traffic Committee, or Sign Committee or Highway Evaluation Committee has looked at into this issue.

M. Farrell stated that we have had the Committees review this issue and D. Pichette-Volk has also been working on this issue.

D. Pichette-Volk stated that R. Stanhope's initial request was with the State on the signage on Rt. 3A and the placement of those signs. With the help of M. Farrell and D. Hemeon that was resolved to R. Stanhope's satisfaction quite quickly. D. Pichette-Volk conferred with M. Farrell and asked for input either collectively through the Traffic Committee or individually from Highway, School Department, Police Department and Fire Department as to whether it would make sense to do what R. Stanhope has requested. The response received from all seems to indicate that they would be supportive of barricading Rosedale St. on the 3A side, for many of the reasons R. Stanhope cited.

R. Stanhope stated that, upon D. Pichette-Volk's suggestion, his neighbors be lobbied. He said that D. Hemeon did this and they were 100% in support of the requested changes.

D. Pichette-Volk stated hearing that the citizens on Rosedale St. are in favor of the changes then I also give my support to R. Stanhope's request. However since he mentioned that traffic does come from the Pinnacle, I think before any action is taken it would be wise to have some kind of public forum or public hearing to solicit input from residents on the Pinnacle to see how they would feel about it. This would also give Police, Fire, and Highway the opportunity to present their comments directly and not to rely on her translation.

D. Duford moved that a Public Hearing be held in the interest in barricading Rosedale St. on the West end. Seconded by P. Rueppel. **Motion carried unanimously.**

MONI SHARMA - SO. NH PLANNING COMMISSION:

CONSTRUCTION NH ROUTE 28 BYPASS & US 3 INTERSECTION:

M. Sharma stated he is here tonight to answer some questions in reference the D.O.T. letter that indicated postponing the construction for another year.

Chairman Young stated that this is in reference to the Alice Ave., Route 3 and the Route 28 Bypass. This project is in our 10 year plan has been put off in the past few years. Could you explain why the D.O.T. is moving this project further and further back as we see other projects move ahead in the southern tier of the state.

M. Sharma presented a three-page list of projects that the State is also delaying. The Town of Hooksett is not being singled out.

M. DiBitetto asked how could we get back into a priority situation.

M. Sharma spoke with Bob Greer and asked if he could tell the Council that they are putting Hooksett on a fast track and B. Greer said they are working their best. As far as drawing their attention to our action and the Commission, which M. Farrell and D. Marshall have orchestrated, we have blocked it once and it has drawn their attention. M. Farrell has also spoken to them and shared concerns to B. Greer. They are anticipating advertising in February 2003.

Chairman Young asked if M. Sharma could explain how the Federal and State highway funding is allocated to the various parts of the state.

M. Sharma stated the State receives almost \$140 million a year for the last 6 years of which 80% is Federal and 20% local match. If the project were in Manchester, which is considered a compact area, then the 20% match would have come from the City of Manchester. Hooksett is considered outside the compact area, therefore the 20% match is provided by the State via the State Gasoline Tax and 80% from Federal money.

Chairman Young asked how the state determines the amount of funding each region will receive.

M. Sharma stated that it depends on the priority of the area. The State wants to make sure certain things are done. The interstate north and south is first priority, second priority is the State system, and third priority is the local routes.

M. Jolin asked M. Sharma to explain what would happen if it stays the way it is, not agreeing to this TIF Amendment. It would appear that it is not going to change the construction schedule because they can only do what they can do. But would it not incense reserve that money so that we wouldn't be at risk of being cut, and cut and cut again because it's there. To further clarify what he is said is that they asked to push us back because they felt that they had projects that are under way or have been bid out and they need the money from that year to pay them off.

M. Sharma said there are many reasons. Verizon still has not removed the utilities lines near Alice Ave. Alice Avenue, 28 Bypass and the signal interconnection are all part of one project; they're treating it together so that the traffic is not disrupted. Also there is nothing appropriated to any project unless the construction begins. First step is P&E then the ROW (right of way). Chances are it will happen next year because of all the noise we have made but there is no guarantee. But if there is a \$30 million cut hopefully this project will not be cut. The possible cuts are to begin Oct 1, 2002.

Chairman Young would like to see what has happened with Federal money that has gone to other communities around us and how many projects have been done in southern New Hampshire in the past six years.

M. Sharma said he would see if the state has a means of project tracking data in Southern New Hampshire Planning area.

M. Jolin stated according to Mr. Greer's letter that in the last 10-year program many programs needed to be delayed to balance the amount of Federal Funds with the number and costs of projects in the program. Due to status in project design, this project is delayed until 2003. M. Jolin asked what happens when they cut \$33 million and they are not moving on this project. Are they going to pick us again?

M. Sharma stated chances are no but there is no 100% assurance that they won't choose you again. If you make too much noise, perhaps, that could keep you in a setback mode. I think you have raised your concerns as best as you can. Ultimately when you meet with your new District Counselor the first agenda item is to make sure this project doesn't get off track.

Chairman Young asked if Southern NH Planning had applied for a street lighting grant.

M. Sharma stated CMAQ, the state did apply 80% from Federal Funding and 20% match provided by the State. Application is from Martins Ferry Road interconnecting all the traffic lights, Martins Ferry, Kmart, Benton, then 28 Bypass that traffic light and Granite State Market Place (Wal-Mart) and Lindsay Road/Street. Granite Hill was too long a distance so that it was dropped when the application was funded. The consultant said the interconnection was not possible between Martin's Ferry Road, K-Mart and Benton Road. They will change the equipment but they cannot do the interconnection because there would be a very big queue or the traffic would be on the side street. You would never be able to make a left turn from Benton, or Martin's Ferry; you would only be able to make a right turn. Therefore they have changed the scope of the project. The interconnection of the traffic light would be 28 Bypass, Granite St. Market Place and the Safety Complex. The street light equipment should be updated for Martin's Ferry, K-Mart and Benton. They are making all the changes so that if the road or the approaches are widened they can be interconnected.

Chairman Young asked if they would have the opticom system just as the others have.

M. Sharma is not sure if opticom was requested in the specs.

M. Farrell will get back with an answer on opticom status for new equipment.

M. Jolin asked when M. Sharma would bring up the Transportation Improvement Program (TIP) Amendment to push the project to 2003.

M. Sharma stated he would bring it up next month.

M. Farrell stated that the Alice Ave. project has been scheduled to be advertised in June 2002. But Verizon said they are not going to be able to move the lines for at least another year (2003).

D. Pichette-Volk moved to accept modification of the TIP and to authorize M. Jolin to express that we are hoping for reciprocity. Seconded by P. Ganley

M. Jolin said the vote would probably come up in the March meeting not the February meeting.

Chairman Young asked that M. Farrell give a review at the next Council meeting on the scenario of events that took place a few years ago.

P. Rueppel would like to invite our newly elected Executive District Council Representative to the March 27th Council meeting.

M. DiBietto asked for clarification on the project schedules.

M. Jolin stated that Alice Ave. will be advertised in June 2002 with the hope of starting construction in fall of 2002, but this will not happen because Verizon will not be ready to move the lines until 2003.

M. Farrell stated the state would go as far as they can go on the Alice Ave. project. The 28 Bypass project is the one the state is pushing back.

Chairman Young moved to table the motion until the next Council meeting. Seconded by D. Duford.
Motion carried unanimously.

OLD BUSINESS:

PURCHASING AGENT:

P. Rueppel would like to revisit the Purchasing Agent situation. William Devoe is very willing to work for the Town for 25 hours per week at \$10.50 per hour and he will continue to work at the Sewer Department.

MRI REPORT:

D. Duford asked if MRI would be on the Scheduled Appointment for the next Council meeting.

Chairman Young said it is important MRI be here as soon as possible and M. Farrell will try to have them attend the next Council meeting.

AMERICAN LAFRANCE:

D. Duford received a letter from American LaFrance dated January 21, 2002 and he asked M. Farrell if anything has been done about the letter.

M. Farrell stated that he doesn't plan on responding. He doesn't feel there is a need nor is there an obligation to respond as it could possibly be used against us.

Chairman Young stated that American LaFrance has indicated that they would replace our present unit if we had accepted their other bid. He asked if we have taken them up on that offer.

M. Farrell stated that he has turned all the information over to Attorney Mayer to handle the situation.

D. Duford stated that at the last meeting American LaFrance should be given a bid packet. The motion he made was to go to re-bid to all vendors.

Chairman Young stated that he counseled M. Farrell and since they were not extended the offer to bid that they not be given a reason why; because it could be used in litigation, if they so choose. It is our right to choose whom we wish to solicit.

M. DiBietto asked if we are planning to file any of litigation.

M. Farrell stated that he would not initiate any litigation without Council authorization. B. Mayer has been asked to start proceedings to get our vehicle fixed. The vehicle should be repaired or replaced.

M. Dibietto asked if we are continuing to have repair issues.

M. Farrell stated the truck has been out of service during the month of January due to American LaFrance issues on the chassis.

NEW BUSINESS:

EXECUTIVE GOVERNOR'S COUNCIL:

P. Rueppel requested that Council invite the newly elected Executive Governor's Council or Representative to our March 27th meeting.

COUNCIL RULES OF PROCEDURE:

Chairman Young stated that D. Duford has submitted a handout on Council Rules Procedure Amendment item #8 order of business by adding new subtitle to be identified as Council input 6A proposed amendment to the Council Rules. D. Duford has requested that this be put on agenda for the next meeting. *MIKE I WOULD LIKE A COPY OF THIS ITEM tp.*

STATE LEGISLATIVE BUSINESS:

Chairman Young requested that our State Legislators be invited to discuss the DOT allocations or how they could possibly support DOT activity within the Town.

M. Farrell said when it comes to the DOT it is the Executive Councilors that have the most pull. They control the appointment of the Commissioner and they are very responsive to the Executive Councilors.

Chairman Young stated that since there is no consensus to invite State Legislators they could be contacted personally.

NOMINATIONS/APPOINTMENTS:

P. Ganley nominated Ron Lucci to the Conservation Commission, Alternate Fill-in exp. 6/2003.

P. Ganley moved to suspend the rules of the two-week waiting period to nominate and appoint in the same meeting. Seconded by D. Pichette-Volk.

Roll call vote.

P. Ganley	yes	M. DiBitetto	no	
D. Duford	no	R. Holley	yes	
D. Pichette-Volk	yes	M. Jolin	no	
P. Rueppel	no	T. Young	yes	<u>Motion failed tie vote.</u>

T. Young stated that to clear the record for the minutes of August 8, 2001 that Steve Couture was appointed to the Conservation Commission as Full Term, exp. 6/2004 this should have read appointed on August 8, 2001, fill in position, exp. 6/2002.

P. Rueppel moved amend Steve Couture's position from August 8, 2001 to a fill in position, exp. 6/2002. Seconded by P. Ganley. **Motion carried unanimously.**

SUBCOMMITTEE REPORTS:

Positions available:

Building Board of Appeals, Fill-in, 6/2003, (Structural Engineer or Architect).
Building Board of Appeals, Alternate, 6/2006.
Charter Review Committee – 5 positions open
Conservation Commission, Alternate Fill-in, 6/2003.
Heritage Commission, Fill-in, 6/2004.
Planning Board, Alternate, Fill-in, 6/2003
Solid Waste, Alternate Fill-in, 6/2004.
ZBA, Alternate Fill-in, 6/2004.
ZBA, Alternate, Fill-in, 6/2003.

ADMINISTRATIVE CODE: P. Ganley reported that it has been presented and now need to have a Public Hearing.

BOARD OF ASSESSORS: P. Ganley met with Don Ingalls and Joe Lessard, of MRI. The sand pits and excavation activity tax assessed value of \$5,406,900 was deemed to be unconstitutional by the Supreme Court. What was needed to be done was to vote that down as said tax and then re-institute is as a real estate tax and that is what we did.

The Board made some decisions relative to BTLA cases. There were four discussed and there are currently 31 applications for abatements.

Chairman Young asked if we have asked the people from MRI to come in with the procedure on tax exempt or non-profit organizations.

P. Ganley stated that's correct.

BUDGET COMMITTEE: M. DiBietto reported that the Budget Committee received the Town Budget last week; there was a one-week delay due to inclement weather. The next budget meeting is tomorrow night.

CHARTER REVIEW: M. DiBietto asked how a Charter change is initiated.

After some discussion it was left that M. Farrell would return with an explanation on how the Town Charter can be changed and how the RSA's come into play with changes where the Charter is not clear.

COUNCIL NEWSLETTER: D. Pichette-Volk reported to hold off on the current written Newsletter and updates will be sent soon. She and R. Dion have the draft Warrant and will come up with a type of voter's guide.

EMERGENCY MEDICAL SERVICES: M. DiBietto reported there would be a Warrant Article based on recommendations of the Committee to get the Defibrillators in the police vehicles.

EMPLOYEE RECOGNITION NIGHT: Chairman Young stated it is now inactive. The Recognition Night was very successful, food was good, the attendance was more than expected and the entertainment was enjoyable.

FACILITIES: D. Duford will call a meeting next month.

HEAVEY EQUIPMENT PURCHASES: D. Duford reported that it was nice to see the purchase of vehicles, backhoe, and loader with money that was on hand rather than appropriating more money.

PERAMBULATION: D. Pichette-Volk reported that there have been several walks and the Candia line is essentially done. All the markers have been found except for two. Candia Selectman has walked part of the line and they are waiting for Candia to walk the rest. Then the paperwork will be done to file with the State.

Allenstown is essentially done in terms of the preliminary walk. They located 31 markers five or six are still being worked on. As they find the markers, they are blazing and marking in a way that hasn't been done for a long time. This Saturday they will walk with Allenstown so they can sign off on 15 to 20 of those markers.

PLANNING BOARD: P. Ganley stated that boxes at Exit 10 are approved. The last box was given approval subject to five conditions. The conditions are acceptance of the conservations easement by the Conservation Commission, the Fire Department by the Town Council, all the work to be done by the DOT on the roads, approval of utilities, sewer easement. We are still waiting for the traffic part of the project due by the state.

Last Monday a workshop was given by Charles Watson that entailed proposed changes to the zoning ordinance. Ken Andrews had some proposed changes to the ordinance. Doug St. Pierre presented some subtle changes to Article 19 the Ground Water Resources Article. There are approximately 13 Warrant Articles. Jim Graham is working on a few issues in regard to NH College North Campus. J. Graham produced as list of Town of Hooksett, NH College, Library and North Campus transactions that he brought before the Planning Board. The next step is to make them aware of this position and he is coming before the Town as a taxpayer. Then he presented a petition at the last meeting.

M. Dibietto explained that in the petition J. Graham's claiming that the Town Council agreed to waive impact fees on the North Campus development and that the agreement specified - subject to no major changes being made to it's master plan. At the meeting, K. Andrews mentioned that in his opinion there have been fairly significant changes to what their original master plan for development was.

M. Farrell stated they are exempt from impact fees as long as they don't substantially change their master plan. You can't have a growth control ordinance and impact fees. So what the petition is looking for is - if it's determined that they haven't substantially changed their master plan the he wants to institute a growth management ordinance for the MU2 District. Which is to say that residential units can be built but that commercial and industrial units must be built in proportion so there is some relief from the residential. This is in review for its legality.

ROAD CONNECTOR: M. Farrell reported that the traffic study has not been completed, New Hampshire College will be doing the part that relates to the North Campus, and it won't be the full scope of what the State wanted. Manchester Sand & Gravel is not participating at this time due to cost of \$30,000 to \$40,000. They will have to do their own if and when the Head Pond is developed.

Chairman Young asked if the state will be asking the Town to pay the rest of the cost of the traffic study.

M. Farrell stated the traffic study they are doing is a Planning Board study not a State study. We were not asked by the State to provide a study. The traffic study is to provide what is needed on a funding level.

M. Dibitto asked if we are still moving toward the goal that the Council laid out.

M. Farrell stated MS&G is taking a wait and see attitude to see if the voters will approve the project. With out MS&G's participation the Town will have to come up the funding. MS&G will be coming back to us on this subject.

SEWER LIAISON: P. Rueppel stated that Stabile with Windsor Terrace, MS&G and Ken Scarpetti building elderly housing have inquired on the capacity and the plant. There is 53,000 gallons, which is equal to 235 units. So. NH has reiterated its willingness to help accommodate the construction of a second clarifier.

SOLID WASTE COMMITTEE LIAISON: D. Duford reported there is a meeting scheduled for next week.

UNION NEGOTIATIONS: Chairman Young reported it is now inactive. M. Farrell stated we are waiting to see what the results will be at the Town Meeting.

TRI-TOWN AMBULANCE: D. Pichette-Volk reported that Rob Cole is their new Chairperson. Their annual dinner is Friday night.

Chairman Young adjourned the meeting at 9:30pm.

Respectfully submitted,

Tina M. Paquette
Administrative Assistant

Michel N. Jolin
Town Council Secretary