

TOWN COUNCIL MINUTES
REGULAR MEETING
WEDNESDAY, July 24, 2002

WORKSHOP 6:30PM – 7:30PM.

AGENDA:

Council consensus was to have the agenda reformatted as follows:

OLD BUSINESS: shall include Town Administrator and Town Council's action items.

NEW BUSINESS: shall include Town Administrator and Town Council's action items.

SUBCOMMITTEE REPORTS: Brief reports to be emailed to each Council member, Town Administrator, Assistant Town Administrator and Administrative Secretary and will be an attachment to the minutes. Subcommittee Reports to remain on the agenda to discuss items that may need further clarification or that would be too lengthy to email.

NEW AGENDA ITEM: "Open Discussion" to be inserted after Subcommittee Reports for purposes such as non-agenda items such as constituent letters or requests.

RULES OF TOWN COUNCIL:

Chairman DiBietto stated the purpose of this discussion is to determine the roles and responsibilities of Town Council as they relate to Administration and the Citizens of Hooksett. To also determine the meaning of interference from Town Council as it relates to Administration functions and what would be the chain of command should there be a situation involving a Town employee or volunteer.

Council consensus was that there should be courtesy and civility from Town Council toward Town employees and volunteers; respect should be shown to all parties in a friendly demeanor. It is the intention of the Council to incorporate these rules into perhaps a code of conduct. Council would also like to define what their responsibilities are to other boards, what is their role on the subcommittees and what is their role to the subcommittees.

Chairman DiBietto stated that perhaps a management code could be given to all department heads on how to interact with their subordinates and a general issue on the all employees role to the public.

M. Ruel stated that in developing a code of conduct it should apply to Town Council, all employees, appointees, volunteers and that people will give us feedback if we are not staying on track.

M. Farrell stated we have a personnel policy that applies to department heads and also applies to subordinate employees.

M. Ruel stated that it is important to have communication via sharing of information, getting information out to Town citizens, boards, commissions and committees.

R. Holley stated that the Town Charter addresses ethics and conduct.

M. Ruel stated that the goal would be to incorporate a brief conduct section into the Council's Rules of Procedure.

P. Loiselle stated that perhaps a code of ethics could be incorporated in a mission statement.

Chairman DiBietto declared the workshop closed at 7:30pm.

Town Council was called to order at 7:30pm.

PRESENT: Chairman DiBietto, D. Pichette-Volk, P. Rueppel, P. Loiselle, M. Ruel, R. Holley, M. Jolin, P. Ganley, M. Farrell, Town Administrator. Excused: R. Dion.

Chairman DiBietto asked if approval of the minutes must be taken by a roll call vote or can it be done procedurally.

M. Farrell stated that the minutes must be adopted, approved and finalized and that procedural vote is acceptable.

MINUTES: July 10, 2002. P. Rueppel moved to approve the minutes as amended. Seconded by P. Loiselle.
Motion carried. M. Jolin, P. Ganley and R. Holley abstained.

M. Ruel requested that the minutes reflect that she and P. Loiselle abstained from the vote of the minutes.

MINUTES: July 17, 2002. P. Ganley moved to table the minutes because they were just received. Seconded by M. Jolin. **Motion carried unanimously.** R. Holley abstained.

MINUTES: June 26, 2002. Chairman DiBitetto moved to reopen the minutes of June 26th to add the recording of each vote located on page 1- " M. DiBitetto moved to remove \$132, 811 from Fire Department and put into the Capital Purchase Account for Quint use as carried in the default budget." Seconded by P. Rueppel.

Chairman DiBitetto tabled the motion pending the recording of the votes be included. Seconded by R. Holley.
Motion carried unanimously.

M. Farrell stated that there should be a non-public session under RSA 91-A:3, II, (e) which involves the consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency.

M. Ruel moved to go into Non-public Session at 9pm. Seconded by M. DiBitetto. **Motion carried unanimously.**

TOWN ADMINISTRATOR'S REPORT: M. Farrell reported on the following:

1. A written legal opinion of the status of the default budget has been received from legal counsel indicating that he is unaware of any special provisions governing default budgets. Therefore it is governed by RSA 32 Municipal Budget Law and can be further referenced by RSA 32:10 which explains that the total amount spent in the year may not exceed the total amount appropriated in the budget, however, the Council may transfer the funds from one line item to another. The Budget Committee does not have the authority to dispute or challenge the discretion of the Town Council in making any transfers. Any amount appropriated at the meeting must be used for a purpose that was specified in the budget and voted on, you cannot create a new purpose. RSA 32:10 II refers to RSA 32:3 to define the definition of "purpose" which is defined as a line on the budget form posted with the warrant, or form submitted to the department of revenue administration. The line item budget that is printed in the Town Meeting Guide is for informational purposes only. The official state and statutory explanation of the budget form, posted with the warrant, is MS-7. The form submitted to the department of revenue is MS-2. RSA 32:8, RSA 32:9, and RSA 32:11 explains different exceptions to the rules. It explains how you can over expend the total bottom line budget. MS-2 and MS-7 are prepared by the Finance Department and are signed by the Budget Committee and the Town Council. These are the line items, the purposes you are voting on; they are basically department type purposes. The Council is free to transfer funds in and out of these line items, as they deem necessary.
2. A building permit will be issued soon for the Exit 10 Development; thus far preliminary groundwork has been done. The Sewer Department is in the process of reviewing the sewer easement. We have received \$15,000 for architectural and engineering (A&E) for the fire station agreement. The \$15,000 was in a warrant article and it was zeroed out and from the floor of the First Session Town Meeting. The Planning Board asked the developer to fund the A&E for the fire station. The developer in working with the Fire Department and they have proposed a piece of land to which wetlands delineations have been done and they have supplied us with other relative data to move forward. Conservation Commission needs an easement to a small area of wetlands. We anticipate receipt of approved Route 3A plans from the DOT tomorrow. Planning Board has scheduled a workshop to review those plans on this coming Monday. All necessary items will be in place before the building permit is issued.

M. Ruel is there a concern that this would be an acceptance of a gift.

M. Farrell stated it is considered a condition of approval. The funds are kept separate in an interest-bearing escrow account and when the A&E is completed the money reverts to the general fund.

Chairman DiBitetto asked if it is similar to engineering fees that the Planning Board takes in and pays out. They really don't appear on our expenditures; it's a separate type of escrow account.

M. Farrell stated that's correct.

Chairman DiBietto stated that the Deed and plans to the land need to be accepted by Town Council.

M. Ruel stated that Council should determine that the land is suitable for a fire station.

P. Loiselle stated that the fire Station Agreement, point #4, provides for the Town to determine its suitability.

Chairman DiBietto stated that the Council would vote to accept the deed to the property once it has been determined suitable.

3. The July 30, 2002, Preliminary Budget summary report has not been audited, all previous fiscal year's bills have been paid. There is about \$300,000 unspent from the budget, which is attributed to personnel costs or benefits.

P. Rueppel asked why the Fire Department was \$91,000 over budget.

M. Farrell stated it was due to payment of overtime as there were three employees out on workers compensation and that is why there is a need for a floater firefighter. It has been Council's policy to show over or under expenditures for budgetary purpose so that the following year's budget can be set more accurately. A department can overspend on one line and under spend on another line.

Chairman DiBietto asked if the Council wants to have a say when a department is going over budget.

M. Jolin stated that Council should have a say as to where the transfer of money would come.

Chairman DiBietto suggested that this part of the budget be further discussed with the Town Council Rules.

4. Received a certified letter today from the Pennichuck Corporation that their subsidiary companies have filed a petition with the PUC requesting approval of a merger between Pennichuck Corporation and Philadelphia Suburban Corporation. It would affect Smythe Woods and Wesco community water systems both owned by Pennichuck Corporation. A decision needs to be made as to whether we want to sign on as full or partial interveners or as a listed entity, which means that we will receive any information from the regulatory process. The Nashua Regional Planning Commission will be holding an information meeting, at the end of August that will be attended by Charles Watson, Town Planner, or myself. We will come back to the Council, in September, with appropriate information so that Council can make an informed decision on how to proceed.
5. We have received confirmation from Manchester Water Works that the residents of Goonan Road will be connected at no charge. High nitrates from the King Gravel Pit via excessive sludge have affected their wells. The Town holds a \$50,000 reclamation bond and it may be pulled, if reclamation has not been completed, pending legal counsel advice. Action must be taken soon as the pit permit expires August 29, 2002 and so does the bond.
6. Had an opportunity to see a preview of the North Campus Traffic Study of Connector Road. It is the most accurate and complete study we have. There is a summary due out shortly and a copy will be forwarded to the Council. He would like to see a workshop scheduled with the Planning Board in attendance.

PUBLIC INPUT:

Vincent Lembo, 56 Main Street, stated that he has read some articles on updating the water situation for the new school to be built on Farmer Road asked the Council if they could give him some further information.

M. Farrell stated that the water precinct is requiring a design to accommodate a future potential high school. Getting water to the potential high school would be part of an overall extension of the system; pressure is needed via a pump station. The plan for one school would be three pumps and if the other school is built it would need a fourth pump which would mean taking down and existing 3 pumps and replacing it with four new pumps.

V. Lembo stated that he feels that the school is being held hostage by the Central Water Precinct to up their pumping capabilities instead of building what was designed and brought to the voters. He doesn't feel this is the proper way of going about the situation.

D. Pichette-Volk stated the issue is between Central Water and the School; the Town has no jurisdiction in this matter.

V. Lembo stated that the committee members on the school fact finding spent many, many hours getting a proposal and a budget together for the voters and now they're coming back to us and saying you can't build a school until a pump station is in place. We spent engineering costs to have this all designed and now it's not designed right.

M. Farrell stated it's solely a function of the Water Precinct; the Town has nothing to do with it.

Derick Amman, 29 Golden Gate Drive, is interested in the Emergency Management position. He has been a paramedic for 11 years, delth with just about every type emergency one way or the other. He is flexible in his job that should an emergency arise he could be there. He is available around the clock. He wanted to introduce himself and convey his interest.

OLD BUSINESS:
TOWN REPORT.

Council Consensus was that the cover of the report would have silhouettes of the Town's Fathers. M. DiBitetto and Tina Paquette to collaborate on the outcome of the cover and the inside explanation.

P. Ganley moved at 9:00pm to enter into nonpublic session under RSA 91-A:3, II, (e). Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled. Motion seconded by D. Pichette-Volk. **Roll call vote carried unanimously.**

M. Jolin moved at 9:35pm to exit nonpublic session. Motion seconded by P. Rueppel. **Roll call vote carried unanimously.**

A motion was made in non-public session to extend the meeting.

P. Ganley moved that the motion for rehearing not be granted due to no identified errors of law; no new facts; the petitioners are not entitled to a motion for rehearing; Ms. Winneg has not introduced any evidence to support the conclusion that she is an authorized agent of the signers of the petition; the Council's record in combination with the minutes adequately set forth the basis for the Council's decision and the information provided by Ms. Winneg did not in any way alter the detailed data available to the Town Council. Seconded by R. Holley.

Roll call vote.

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

M. Farrell to send a letter to the requester informing of the Council's decision.

SUBCOMMITTEE REPORTS:

BUDGET COMMITTEE: M. Ruel's report as attached.

CONSERVATION COMMITTEE: P. Rueppel reported that there was no meeting on July 3, 2002 as attached.

POLICE COMMISSION LIAISON: M. DiBitetto's report as attached.

SEWER COMMISSION: P. Rueppel's report as attached.

Chairman DiBitetto adjourned the meeting at 9:40pm.

Respectfully submitted,

TOWN COUNCIL MINUTES
JULY 24, 2002
Tina M. Paquette
Administrative Assistant

Mary A. Ruel
Secretary