

**TOWN COUNCIL MINUTES**  
**REGULAR MEETING**  
**AUGUST 14, 2002**

The meeting was called to order at 6:30pm.

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

**MINUTES:**

June 26, 2002: R. Dion moved to approve the minutes. Motion seconded by P. Rueppel.

**Motion carried unanimously. M. Ruel and P. Loiselle abstained.**

July 17, 2002: D. Pichette-Volk moved to approve the minutes as amended. Motion seconded by P. Loiselle.

**Motion carried unanimously. R. Dion abstained.**

July 24, 2002: P. Rueppel moved to approve the minutes as amended. Seconded by M. Jolin. **Motion**

**carried unanimously. R. Dion abstained.**

**PUBLIC INPUT:**

Marion Jacobi, 3 Alderwood Court, stated that she would like the Council to address the Fireworks for Hooksett's Old Home Day.

**OLD BUSINESS:**

**REVAL BID EVALUATION.**

M. Farrell stated that 11 companies were sent the specs for an RFP and only two were returned. In a memo from Joe Lessard, of Municipal Resources, Inc., analyzing the two bids that were received and he recommended Vision Appraisal Technology (VAT).

P. Ganley moved to approve Vision Appraisal Technology's bid as submitted. Seconded by D. Pichette-Volk.

P. Ganley moved to waive the three-bid requirement. Seconded by R. Dion.

**Roll call vote.**

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

**Roll call vote to approve the recommended bid.**

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

**AMEND RULES OF PROCEDURE: AGENDA FORMAT.**

M. Jolin moved to adopt the new agenda format. Seconded by P. Ganley. **Motion carried unanimously.**

**DEFAULT BUDGET:**

M. Ruel stated that it is still unclear to her how the procedure, the status and the approval of the default budget actually works. The Town Council minutes of June 26, 2002 contain a motion that M. Jolin moved to accept the default budget as recommended and to include \$37,808 in the Administration Miscellaneous Account for Associations and \$142,769 for highway resurfacing. M. Ruel requested that, if possible, the motion be rescinded.

M. Rule stated that in looking at the budget, the preliminary year expenditures from last meeting, what went to the voters, and what the Administrator presented; what makes sense is to take last year's line item budget and adjust it so that it's clear what we are adjusting and would like to know in more detail why any department went over budget. Therefore if we approve last year's budget with modifications, we will know exactly that what we

August 14, 2002

spent last year. If we approve those expenditures then any changes will be much clearer. If you take last year's budget and you look at what we spent and the reasons for going over budget then the Council can make an informed decision about where adjustments need to be made. Without these answers it would be difficult to respond to the community why she voted a certain way on the default budget and she would have to say no to everything because she would not have enough understanding about why we would be doing certain things.

M. Ruel moved to rescind the motion made on June 26, 2002, by M. Jolin accepting the default budget. After receiving department expenditures then a vote should be made and that this motion be placed on the next scheduled Council meeting. Seconded by P. Rueppel.

D. Pichette-Volk stated that the motion is what is says and M. Ruel's motion is unnecessary and she will vote no.

Chairman DiBitetto stated that in explanation, all that was done at the June 26, 2002 meeting was to reinstate certain dollars. The Council did not vote on a final budget. We need a budget workshop to finalize the default budget. We are working under the default budget that the voters voted on.

M. Ruel stated that the June 26 motion stated moved to accept the default budget as recommended, which means you are accepting the budget, that you approve the budget.

M. Ruel withdrew her motion contingent upon someone revisiting that motion and remove "to accept the default budget as recommended". Because what I heard some of the Councilors say is that the intent of the motions was to put the money back in Highway and Administration Miscellaneous account.

Chairman DiBitetto requested that the secretary please list under old business the rescission of the default budget approved June 26, 2002, discussion, and voting on new budget.

M. Ruel requested that department heads be present to give explanation on year-end and why departments were over budget.

**TOWN ADMINISTRATOR'S REPORT:** Mike Farrell reported on the following:

1. The Planning Board will be holding a workshop on their traffic study. They will invite a traffic engineer and present the study to the Town Council.
2. Charles Watson, Town Planner has attended meetings held by the State and Nashua Regional Planning Commission on the Pennachuck Water Franchise sale. Legal Counsel will keep us informed on the situation and will advise if there is any State or local litigation that may impact the Town without the need to become an intervener.
3. A letter will be sent to the Bonding Company to pull the \$50,000 bond on the King Pit on Route 3A and Manchester border so that the pit may be reclaimed.

R. Dion stated that yesterday the Zoning Board met and approved the reclamation and gave authorization to release the \$50,000 bond.

M. Ruel asked if the contamination would be remediated.

R. Dion stated that BFI would dig out 18 inches of contaminated soil. They will be providing water at no cost to the residents on Goonan Road.

4. The NHMA Legislative Political Committee Conference will be Friday 9/13/02 and they would like each community to appoint a voting delegate for that meeting.
5. The Town of Danville is forming a Coalition of State Education Grant "Receiver" Towns to offset the "Donor Towns" goal to eliminate or change the State Education Tax that is currently a benefit to Hooksett.

Chairman DiBitetto stated that they might be looking for funding from participating communities.

R. Dion stated that as a receiver town we have received over 2.5 million dollars.

Consensus of the Council was to take no action.

6. A Fire Department fact sheet has been prepared for Council detailing breakdowns on the cost of various major incidents that occurred over the past year. These updates will be provided to the Council periodically throughout the year.
7. The TIF required sureties are in place and building permits have been issued. Building construction will take place for two buildings to be completed by end of November, another building to be completed in March and Home Depot is on hold. Two ancillary buildings will be constructed soon.
8. A letter was received from a nondenominational Christian School looking to build a school for grades K through high school. They have already gone to technical review with the Planning Board. They wish to purchase land located on Route 3A. Map 24 Lot 58, which is the sand pit adjacent to the landfill that the Town purchased a few years ago for future demolition and debris and this site is also part of the groundwater management in the landfill closure. They would like to know if the Town is interested in subdividing the lot for their expansion purposes. It abuts a 42-acre parcel that they are planning to purchase from the owner.

P. Ganley suggested that an appraisal for both parties should be done to come up with a market value.

M. Ruel stated that before any expenditure take place, she would like to see tax maps with lot lines, input from transfer station and possible future use for the Transfer Station.

Council consensus was to send a letter to the developer asking for a detailed letter of intent.

9. A letter was received from the SAU Superintendent expressing their desire to improve communications relative to construction and other areas of mutual interest. We had been meeting with them monthly but with the proposed new middle school in the planning stages, the meetings were not able to take place due to time constraints.

Council consensus was to send a letter indicating that our liaison would look forward to attending the meetings.

M. Ruel stated that she would also like to attend the meetings.

10. A letter was received from AT&T Broadband indicating that they would like to start formal negotiations as our contract expires December 15, 2003.

P. Ganley suggested that it would be a good idea to put a notice in the paper to generate community ideas.

M. Farrell stated that most communities have a citizen's committee that put forward suggestions. The first thing to be done is to require a compliance audit. Second, a survey of their subscribers that would be developed by the citizen's committee for ascertainment purposes.

P. Ganley moved to contact the Hooksett Banner to form a Citizens Cable TV Subcommittee to respond the Administration office. Seconded by D. Pichette-Volk. **Motion carried unanimously.**

11. The Old Home Day Committee has been offered \$5,000 to fund the fireworks display. A contract has been received from Telstar; they have their own insurance. Fire Chief and Police Chief gave their approval. The paperwork is at the State Fire Marshall's office.

**NEW BUSINESS:**

**BOND Exit 10 TIF:**

M. Farrell stated that he received a memo from David Barnes, Bond Counsel, providing information that will allow the Town to sell the bond for 2.6 million dollars. Items required for completion are certificate of vote, signing of the loan agreement by the Council Chair, and obtain an interest rate on August 20, 2002.

P. Ganley moved to adopt the certificate of vote for obtaining a 2.6 million dollar bond and the loan agreement to be signed by Council Chairman. Seconded by M. Jolin. **Motion carried unanimously.**

Chairman DiBitetto read the proof of posting.

**BODLUC STREETLIGHT REQUEST – ROUTE 3A AND SUNSET DRIVE:**

P. Rueppel moved to honor the request of Daniel Bolduc for the installation of a streetlight at the intersection of Sunset Drive and Route 3A. Seconded by Paul Loiselle.

M. Farrell stated that the request meets the Streetlight Policy guidelines that were reviewed by the Streetlight Committee which were approved by the Town Council in November 1998.

P. Loiselle met with Mr. Bolduc and reviewed the area and he also feels it is a safety concern.

M. Jolin stated that the request for the streetlight did not meet the streetlight policy, as the policy requires a petition of least five signatures requesting a streetlight.

M. Farrell stated that typically the developers pay for the installation.

M. Ruel amended the motion that it be a conditional approval upon acceptance of a petition consisting of at least five signatures, indicating the location of the light and that the River Hill Landing Homeowners Association pay for the installation.

D. Pichette-Volk stated that she supports the installation of a light, she's not in favor of a petition, Mr. Bolduc's letter is sufficient therefore she will vote no.

**Roll call vote on amendment.**

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

**Roll call vote on motion as amended.**

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

**BOND REDUCTION – GLENCREST ESTATES.**

M. Ruel moved to approve the Bond Reduction for Glencrest Estates to the new amount of \$702,256.34 as submitted. Seconded by P. Rueppel. **Motion carried unanimously.**

**PSNH POLE LICENSE APPROVAL: SOUTH BOW ROAD.**

R. Dion moved to approve the PSNH Petition & Pole License approval on South Bow Road as submitted. Seconded by P. Rueppel. **Motion carried unanimously.**

M. Jolin moved to have the Town Administrator be the official designee for Petition and Pole Licenses approvals per RSA 231:161, I, (a). Seconded by R. Dion. **Motion carried unanimously.**

**NH D.O.T. WIDENING OF I-93 HOOKSETT MITIGATION:**

M. Farrell stated that a letter was received from Doug St. Pierre, Planning Board Chairman, informing us of meetings that have taken place with the towns of Salem, Windham, Londonderry, Derry and Manchester from June 25 through July 10, 2002. The Planning Board feels there is a need for nearby towns to meet jointly with the NHDOT to evaluate the impacts of such widening to their towns. They would like to see Council forward a letter to NHDOT requesting a joint meeting of the towns.

Council consensus was for the Town Administrator to follow up on the situation by sending a letter to the D.O.T.

**COMMUNITY PROFILE ENDORSEMENT:**

P. Ganley moved to refer the endorsement of the Community Profile project to the Master Plan Committee for consideration. Seconded by P. Loiselle. **Motion carried unanimously.**

**HERITAGE TRAIL COMMITTEE:**

Chairman DiBitetto stated that he received a letter from the Heritage Trail Committee. The Committee was created out of the Community Profile event last November. They have requested endorsement of the Town Council to review the endorsement for easement for the Heritage Trail. He asked that this be on the next agenda.

D. Pichette-Volk stated that she would like to see a map of the trail.

M. Farrell stated that Charles Watson, Town Planner, is working on a map.

TOWN CHARTER SECTION 3.13 INQUIRIES AND INVESTIGATIONS:

P. Rueppel cited the Town Charter's section 3.13 on Inquiries and Investigations: "The Council by majority vote may require of any appointed Town official, department head or employee, official appointed or confirmed by the Council, of member of an appointed Town board or commission to appear before it, and give such information as it may require in relation to this office, its function, and performance. The Council shall give at least forty-eight (48) hours written notice of the general scope of the inquiry which is to be made to any person it shall require to appear before it under this section. The Council may make investigation into the affairs of the Town and into the conduct of any Town agency or department, and for this purpose may administer oaths and require the production of evidence."

P. Rueppel stated that in accordance with section 3.13 of the Hooksett Town Charter, that the Council conducts an inquiry and investigation of the Hooksett Fire Department concerning all aspects of the operation both day by day as well as past and present policy and procedures. Also, that all personnel both presently employed by the fire department and those that have left the fire department be advised, plus the dispatchers, representative Stephen L'Heureux, and former Council members. They will be requested to be present under the terms of section 3.13 of the Hooksett Town Charter.

Guidelines by which to conduct the inquiry:

1. Set a date with enough lead-time as to send a letter to all present and past employees plus all other individuals listed above.
2. All attending on that date of the inquiry will be sworn in by Judge Robert Lapointe.
3. These employees will be questioned by the members of the Town Council.
4. After proceedings, allow the people the Council has questioned to make a statement and ask for permission to review the exit interview forms of the employees that have left.

Chairman DiBitetto stated the fact is they have been over budget for the past three years. It is incumbent upon Council to be able to determine whether the issues are legitimate or if there have been some management issues to blame.

M. Farrell stated it must clearly be stated what the issue is, the name, places and events must also be disclosed. He said that in previous meetings he clearly stated the reasons for the Fire Department being over budget.

M. DiBitetto stated that this overspending has had an effect on the budget committee and the voter's confidence. They are looking for specific answers not generalizations. Councilor Ruel will have a hard time selling any budget until we have these questions addressed at the budget committee level. It should be considered a specific study of where we can do better.

D. Pichette-Volk stated that she would not support the motion if it was to pass and she would not participate in the inquiry.

M. Farrell stated that if the Fire Department has been over-budget for more than three years maybe that says that the budget is not enough each year.

D. Pichette-Volk stated that the motion includes much more than the cost of overruns.

Council consensus was to table this until the next meeting.

PERAMBULATION SUBCOMMITTEE:

D. Pichette-Volk stated that since Tom Young attended all the walks that he be nominated as an agent to the Perambulation Committee.

**PUBLIC INPUT:**

Donald Duford, 191 West River Road, stated that the 17 acres adjacent to the landfill was acquired a few years back and the land was designated for future demolition and as a buffer by the Transfer Station. To change this land, it would have to go through a subdivision. It was meant to be a protection for the Town and is currently used for storage by the Highway and Transfer Station. He doesn't feel it's in the Town's best interest to undo what was done for demolition and buffer purposes.

**CABLE TV:**

D. Duford stated that AT&T Broad Band is the only vendor, which he knows of, that requires a prepayment of services. Please keep that in mind for your future discussions.

**RIVERFIELD PATH & RT. 3A STREETLIGHT:**

D. Duford stated that River Hill Landing's utilities are all underground. When the Planning Board gave their approval there were never any streetlights proposed within the development. Now they are looking for one at the roadway, the sign is lit at the roadway; it is already equipped for a light so it wouldn't really be a problem for them to take care of it.

**TOWN CHARTER SECTION 3.13:**

D. Duford stated that he sat on the Inquiry and Investigation as a Councilor under the Town's Charter Section 3.13 for the Highway Department and Assessing Department investigations. The outcome was progress for both cases. The criteria are not specifics on anything; it says general scope of what the investigation is going to be about. There are no specifics that you have to present.

**PROCEDURAL ISSUES:**

D. Duford stated that just because an issue comes under new business it doesn't have to go to a following meeting. Only certain things that require a five or seven day waiting period, most of that comes under nominations and appointments and any contract requirements that you are planning to come forth within a bidding process. Procedural issues can be voted on in the same night; to put it off to another night only prolongs the issue and puts more on a future agenda. There was also a non-written Council agreement for a waiting period for nominations and appointments and contracts.

M. Ruel moved at 9:30 to extend the meeting for 10 minutes to address Public Input. Seconded by P. Rueppel.

**Roll call vote.**

D. Pichette-Volk	yes	P. Ganley	no
M. Ruel	yes	M. Jolin	no
P. Rueppel	yes	P. Loiselle	yes
R. Dion	yes	M. DiBitetto	no

**2/3 vote required – motion failed.**

M. DiBitetto moved to reconsider the motion. Seconded by M. Ruel. Motion carried.

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

M. Ruel moved at 9:30 to extend the meeting for 10 minutes to address Public Input. Seconded by P. Rueppel.

**Roll call vote.**

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

**PUBLIC INPUT CONTINUED:**

TOWN COUNCIL MINUTES

August 14, 2002

Christina Katsikas, stated that she is the person that has donated \$5,000 to the Old Home Day for a fireworks display. She is a businessperson in town and did not ask for this, but in return, Michael St. Germain, Chairman of the Old Home Day Committee, offered her company to hang their banner at the Old Home Day event. She would like to know if this would be a problem with the Town.

Council consensus was that it would be ok for the banner to be hung and they thanked Ms. Katsikas for her gracious donation to the Old Home Day Committee.

M. DiBitetto moved to close the meeting at 9:35 pm. Seconded by M. Ruel. **Motion carried unanimously.**

Respectfully submitted,

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Tina M. Paquette  
Administrative Assistant

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Mary A. Ruel  
Secretary