

TOWN COUNCIL MINUTES
REGULAR MEETING
AUGUST 28, 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, R. Holley, M. Jolin, P. Ganley, M. Farrell – Town Administrator.

MINUTES:

August 14, 2002: P. Ganley moved to approve the minutes. Motion seconded by R. Dion.

M. Ruel moved to approve the minutes as amended. Seconded by P. Loiselle. **Motion carried unanimously. R. Holley abstained.**

PUBLIC INPUT:

HERITAGE TRAIL.

Robert and Carolyn Schroeder, 27 Goffstown Road and Dorothy Campbell, 33 Benton Road, are representing the Community Profile's Heritage Trail Committee. In support of the presentation that will take place later on during this meeting, they would like to convey that they feel very strongly that the Town could present a real powerful leadership position by agreeing to the easement on Town land. They feel this is extremely valuable for the Town to be working towards this development.

NOMINATIONS AND APPOINTMENTS:

R. Dion moved to appoint Tom Young as an agent to the Perambulation Subcommittee. Seconded by P. Rueppel. **Motion carried unanimously.**

P. Rueppel moved to nominate D. Duford for Solid Waste Management Committee, Alternate Fill- In, term exp. 6/2004.

Chairman DiBitetto stated that he would like to table the nominees, for the Emergency Management Director to ensure that the Town Charter is not in conflict with any RSA's. He will update the Council at the next meeting.

P. Rueppel would like to see the other interested person's resume for the Emergency Management position in the reading file.

OLD BUSINESS:

REVISED DEFAULT BUDGET:

M. Farrell presented three separate scenarios. The first one is the original budget presented to the Council when paving and miscellaneous activities were removed from the budget. At that meeting Council voted to keep them in the budget and that left it \$169,000 short of what the vote was at Town Meeting. After that meeting we had the interim default budget with paving and miscellaneous activities restored but still \$217,000 short. At that time he recommended waiting until the debt service for the bonding for the TIF noting that the original budget amounts were created in December 2001 and the bonds were due to come out in June 2002. The bond was not issued in June it was issued on August 20th. Now we have hard numbers on principle and interest payments for not only the TIF Bond but on the same day we signed the contract for the sewer work that the Town voted on at Town Meeting for a \$245,000 bond. We know what our payments are for principal and interest and the delay has worked in our favor. The interest rate dropped to all time low set at 3.58% for 10-year bond. Now that the TIF bond has been set in August 2002 our next payment is due August 2003 next fiscal year. We have only one interest payment due this fiscal year, in February, and only one interest payment due this fiscal year on the sewer bond. The final debt budget indicated bond debt principal and bond debt interest this reflects the adjustments for the principal and interest that totals \$405,732 which we no longer have to pay this year. This is more than enough of a deduction needed to meet the default budget. Therefore the footnotes on the final default budget reflect that funds were put back in Administration, Fire, Planning, Zoning, Emergency Management, and Highway. A quarter of the year is over and the hiring has not taken place therefore we are not using those funds as well. The Transfer Station reflects two adjustments. One was the addition of \$96,897 dollars into tipping fees which was necessitated because the Town did not go forward with the Pay As You Throw (PAYT) program

and we had anticipated at least a 20% reduction in tipping fees along with not being required to taking any commercial waste in town either. That was added back into the budget, since we don't have to buy bags for the PAYT there is a \$57,600 deduction. So the net change to the Transfer Station would be \$39,297. Thus we would now be in line with the default budget. Also keep in mind that the Sewer Department's budget is not reflected in these budget scenarios.

M. Ruel stated that she would like to put her motion back on the floor to rescind the motion made on June 26, 2002. At the last meeting she made a motion to rescind the motion made on June 26 due to the fact that it is just not clear. The discussion at the last meeting further emphasized that it's just not clear what that meant. How could one proceed with a budget that wasn't complete? To some extent we have a surplus of at least \$400,000 if we don't spend that money it could go in the surplus and drop the tax rate next year. How can we create new positions on a default budget? There are line items that were over budget last year and this year those line items are proposed to receive increases.

Chairman DiBitetto stated that to go through this budget it will require at least two to three hours, he requested Council hold a special meeting one week from today with the default budget being the only item on the agenda. He suggested a special meeting not a workshop meeting to be able to possibly make a vote at the meeting.

Chairman DiBitetto requested a second to M. Ruel's motion and no second was made. He said the Councilors will meet on September 4, 2002, location to be announced.

D. Pichette-Volk stated that she doesn't feel that we are all in agreement to review the entire budget process and has a great interest in the default budget since she has been on the Budget Committee for seven years. She put together some written material (**Attachment #1**), to better understand the budget; with materials that M. Farrell handed out that she stated were prepared by him with thought and care. Legally any of the options that he presented this time or any other time were certainly defensible. On her preliminary sheet she took the 2001/20002 appropriations and added in items and subtracted items as originally presented in May to come up with the default budget. The \$400,000 from bond issues, that M. Farrell mentioned, will occur. The only thing not taken into consideration is no wage pool. There would be \$40-60,000 amount allocated for employee raises that would come from the surplus.

P. Rueppel stated what she heard while working on the budget was that there would have to be 10 employees laid off so how can we justify hiring 5 new employees in a default year.

M. Farrell stated that originally we were going to spend the \$780,000 that was budgeted for principal and interest and now we are going to spend maybe only a quarter of that. That's how we can still fund the other positions. There's no need for any layoffs now.

M. Jolin asked if the line items are in line with the State Department of Revenue form MS-7 that was filed for budget year 2001/2002.

D. Pichette-Volk moved to accept the default budget (see attachment #1) as approved for the prior year 2001/2002, as presented in the MS-7 in the 2001/2002 Town Annual Report page 21 column four with required adjustments as used to set the default budget. Seconded by M. Ruel. **Motion carried unanimously.**

M. Jolin asked what the figures on the right side of the Budget Summary, dated 8/28/02, represent.

M. Farrell stated that they represent the difference between the First Session vote and what the default is. He also stated that he's not sure if there is an operating budget. For example there are capital purchases for \$187,000 more than we are requesting, there are other departments that have more in their budget than they are requesting. Yet other departments will be under-funded, it will have to be dealt with through transfers or there will be layoffs. You will have bonded debt and bonded interest of \$400,000 more than we required spending.

M. Jolin stated we would need to establish a base line so that voters understand we're doing what they voted for. If there are situations that require transferring of funds we have to take them by the situation and then it

will be on record that we needed to transfer the money from this obvious excess of funds and move them to another area for a solid reason.

D. Pichette-Volk stated that she received some data from M. Farrell and discussed some of her thoughts and comments. The figures as presented to Council tonight have not been seen by M. Farrell until this meeting, she can say with confidence that she did not spring this paperwork on him and she wouldn't do that.

**NHMA POLICY CONFERENCE:
DELEGATE SELECTION.**

M. Farrell stated Council should select a voting delegate.

M. DiBitetto stated he would not be able to attend and would like a volunteer.

M. Ruel stated she would be able to attend to represent Hooksett's votes.

D. Pichette moved that M. Ruel attend the NHMS meeting to be the delegate representing Hooksett. Seconded by R. Dion. **Motion carried unanimously.**

RIGHT TO KNOW POLICY CHANGE.

M. Farrell stated that O. Alan Thulander, Francestown Selectmen, has proposed under the Right to Know Law that it be restricted to release names, addresses, vital statistics of persons arrested until the judicial process has run its course and the person is convicted.

P. Rueppel moved to oppose this proposed policy. Seconded by M. Ruel.

Roll call vote.

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

P. Loiselle stated that he would like to hear the Chief of Police's opinion.

P. Rueppel moved that the Council oppose this proposed Policy. Seconded by M. Ruel. **Motion carried unanimously.**

P. Rueppel moved that in accordance with section 3.13 of the Hooksett Town Charter, the Council conduct 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, the dispatchers are employed by the Police Department, 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 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 of the employees that have been questioned.

Seconded by M. Jolin.

P. Rueppel stated that she is very concerned about the consistent overruns and the departure of 12 Firefighters in approximately 18 months. At a Council meeting last January the Police Commission appeared quite frustrated and she didn't feel they said all they wanted to say. There are a lot of rumors around and would like to get the facts. This motion is to ascertain the facts not to prove a point. Everyone on this Council takes their duties of policing the budget very seriously and they feel as elected officials we should make certain the administration and council spend wisely and prudently.

R. Dion stated that he feels, very strongly, that we are bypassing the Administration. If there are rumors out there we should charge our executive officer to investigate and report back to Council. Since we have already begun the process of looking at all departments to see how or why there have been budget overruns he doesn't see a need a need for an inquiry. He also heard a rumor that there are a few Councilors that live near someone highly connected to the LaFrance office in Londonderry and some Councilors may know this individual. Dealing with the LaFrance company was a very big and tense fire truck issue. He was just wondering if there could be an appearance of a conflict of a personal nature; if this could be viewed as a vendetta. He could be way out of line but this has occurred to him and he had to speak his mind. He's always suspicious of inquiries, what's the motive, if we really want to find out why departments are over spent there are other ways to do it. If there are other rumors out there then maybe we need to give our executive officer a chance to do an inquiry first.

M. Farrell stated that legally personnel records are confidential and strictly reserved for the Town Administrator under sect 4.7 No Interference with Town Administration. Council is not entitled to any personnel records even if an employee waives their rights; it is exempt from the Right to Know Law. The scope of this inquiry is too broad and you are required under 3.13 to put in writing what you are looking for when the people come before you.

Chairman DiBitetto stated that Council should hold a meeting subject to the voting on whether or not to inquire, to set the grounds rules and set the questions that will be posed of anyone being asked to speak. While he sees and agrees with the Council being very sensitive with not interfering or overstepping the bounds of Administration's role, it would appear that one of the only independent actions available to us is the power of inquiry.

M. Farrell stated that he understood that part of this meeting was to have the department heads speak to their budget. Chief Howard is here for this meeting and is willing to speak to this year's budget as well as last year's budget. He is able to explain every one of the over expenditures. If you are looking to get into personnel issues it is no allowed.

Roll call vote.

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

Motion carried.

Chairman DiBitetto stated that the Council would meet to set the ground rules for the inquiry on September 4th.

P. Rueppel asked if it would be possible to have our attorney attend the meeting to avoid overstepping bounds.

M. Farrell stated he would see if Attorney Mayer is available.

SCHEDULED APPOINTMENTS:

NORTH CAMPUS TRAFFIC STUDY – ENGINEERS REPORT.

Charles Watson, Town Planner, provided the Council with two maps, one was a vicinity plan defining the three major developments that Manchester Sand & Gravel will be developing known as the Heads Pond project. The upper center area where the pond is located is a proposed public park for the Town residents and the bottom portion of that area is part of the So. NH University development and for conservation use. The bottom center area is owned by So. NH University for future development. The parcel to the right is the Granite Hills Development and the Thames area has not been built yet. So. NH University is in the process of developing a master plan for their parcel and in conjunction Town has hired David J. DeBaie of Vanasse, Hangen Brustlin, Inc., traffic engineers to take a look at the trip generation from these three sites and see how it may affect our community. **(Attachment #2)**

David DeBaie stated that they prepared this access study specifically for the So. NH University Master Plan. Their funding allowed them to prepare an access study for the Town and working for the Town while it carries the name So. NH University. The study was conducted in the three areas mentioned. Some of the ten different locations that were studied are along Route 3 in the vicinity of Mount. St. Mary's, Main Street, Route

3A, Granite Street & Riverside side that included ten intersections. AM and PM time periods were looked at, Saturdays, weekdays, and peak travel times. The projection was done to year 2013 to come up with a build condition. One of the key points was the work trip condition, for worst-case scenarios, in a mostly residential area. Using 1990 census it is important to know that traffic flow was as follows: To the South: 40% to Manchester, 20% in Hooksett 20% other areas, to the North 10% to Concord and 10% other areas. Thus recommendations were made per pages 6 and 7 of the SNHU Master Plan Development Access Study. **(Attachment #3)** In summary, the figures we have arrived at go as far as the year 2013 which would be adequate up to that time but in looking ahead to the east – west connection there is a single lane that is available via the bridge which will be a critical link in the future and this will need to be studied as well.

M. Ruel inquired about making Main Street one way and what would happen to the neighborhoods when the park fields are in use; which puts traffic at a heavier situation. Traffic would tend to go up the closer streets than take Main Street to the connector road.

D. DeBaie stated that she is correct; these types of concerns would have to be reviewed.

P. Loiselle asked if the purpose of the connector road is to relieve traffic flow on Route 3 and bring it over to Route 3A.

D. DeBaie stated that Route 3 has needs in that respect and Granite Street is currently being used in that way with approximately 200 cars a day using that access to get to Route 3A. In morning hours Route 3A is a better alternative than Route 3 heading south.

P. Loisel stated that Route 3A is a better route to travel but is becoming equal to Route 3. He sees the connector road adding more burden to a secondary road rather than addressing an issue of having a by pass from the southern to the northern part of Hooksett that can by pass Route 3.

D. DeBaie stated that is a viable suggestion but their study had limitations and a parkway issue would be for another project in time.

C. Watson stated the town would need to look very carefully at a so called north – south parkway. The reason the north – south parkway was not included in this scope of work is because the build-out date projection is for 2013. It is not expected that a parkway could be built by 2013 it would more viable in 10-15 years beyond that date.

M. Farrell stated in conjunction with this traffic study there have been other activities going on such as the Master Plan committee looking at transportation and Town Administration has also been working with help from Representative David Hess who has been very successful in helping the staff gain access to D.O.T. personnel. There was a meeting with the DOT Commissioner, Assistant Commissioner and the Division Heads. Representative Hess has been instrumental in not only getting the meetings going and taking part in these meetings he also brings forth representation to Concord which will be helpful as we move forward to obtain funding. At the last DOT meeting the Commissioner asked for the preliminary design head to update that plan. C. Watson, D. Hess and M. Farrell met with the design head and have come up with some new figures to which time frames were never given. In your packet there is a Draft Transportation Improvement Program (TIP) that will be approved by the So. NH Planning Commission. This is the first step in the 10-year plan; we need to get into this before we can get into the 10-year plan that includes the Route 28 by-pass plan. That's it for the next 10 – 15 years. We need to get these projects on this list. There are other funding mechanisms available instead of applying as one large project they could be broken up to separate projects thus availing the Town to different types of funding to move our transportation situation further along rather than waiting for one lump sum of funding then moving the project along. Once we have the acceptance of the Manchester Sand & Gravel's parkway easement it can be put on the 10-15 year plan. D.O.T. is currently working on the cost figures.

M. DiBietto asked if there would be any bond issues we would need to deal with in the coming Town Meeting.

M. Farrell stated that might be possible.

NEW BUSINESS:
HERITAGE TRAIL: EASEMENT ENDORSEMENT.

M. DiBietto stated he received a letter of support from Hooksett's Town Planner who is involved in the Hooksett Heritage Trail Committee. This committee came about from the Community Profile meeting last November. They have developed a proposal to grant easements over town lands for the Heritage Trail that is over 400 miles from the Canadian border to Massachusetts's border. The easement is a standard state easement similar to the ATV trails easement that allows the Town to withdraw from the easement at any time. It is an easement subject to revocation, unilaterally, by the Town should Council deem it necessary to do so.

C. Watson presented colored tax maps that detail the individual lots that are currently owned by the Town that fall along the trail.

M. Ruel moved to grant endorsement easement as shown on the tax map presented and per the August 8th, 2002 letter. A letter is to be sent to land owners of properties involved notifying that Town Council has granted the easement for this worthwhile cause. A copy of the letter from Chairperson of the Hooksett Heritage Trail Committee dated August 8, 2002 should also be attached. Seconded by R. Dion. **Motion carried unanimously.**

TOWN ADMINISTRATORS REPORT: M. Farrell reported on the following:

1. M. Farrell presented nine documents on the municipal bonds that need at least 50% signature of the Town Council.
2. Hooksett Town and School Report have been printed and distributed. He gave thanks to Tina Paquette, for assembling the report, the cover design and explanation of the cover. He thanked Diane Savoie, Finance Director, for all her hard work on the financial reports, very well done job. It is important to note that the Town Report is a combination of Town and School reports. The School pays for the printing on their share of the report and it saves the taxpayers money versus the School producing a separate report.
3. The Highway Department and the Transfer Station will be holding an open house on September 21st from 8am – noon. There will be more open houses at the Towns other facilities this fall.
4. In reference to a letter sent to the Town Council from George Longfellow, Chairman of the Solid Waste Committee, recommending that the land abutting the Transfer Station and owned by the Town not be sold, as it is part of the landfill closure. M. Farrell sent a letter back to the requestor, Mt. Zion School, and has spoken with them in an attempt to dissuade them from wanting to buy that site. He indicated that there may be some State surplus land for sale in the near future and they may want to look into that. But they are very interested in Hooksett and being part of the community. They would also make their facilities available to the community when their students are not using them.
5. The Lambert Park boat launch dock site has been looked at by the State Engineer and has given an estimate of \$150,000 to complete the work. Rich Tichko from the State assured him that Commissioner Vetter is committed to seeing the project completed.
6. The Budget Finance Work Shop given by the NHMA is one of the most well attended workshops of the year and sells out. He recommends attendance and if interested contact D. Savoie.

M. Ruel stated that she is interested in attending providing rearrangement of her schedule.

SUBCOMMITTEE REPORTS:

Chairman DiBietto requested that the reports recently submitted via email be included as an attachment to these minutes. **(Attachment # 4)**

SEWER COMMISSION: P. Rueppel asked for an update on Bow meeting with Hooksett in reference to Bow hooking up to Hooksett's sewer system.

M. Farrell stated that Bow is already hooked up to Concord's sewer system and they are checking to see which Town would cost less. Bow is now reviewing the figures given by Sid Baines, Sewer Commission Chairman.

POLICE COMMISSION LIAISON: M. DiBietto submitted his written report. **(Attachment #5)**

BUDGET:

M. Ruel stated that M. Farrell mentioned earlier that several departments that came in over budget would attend a Council meeting for explanations of the overages. She asked how would this be set up - all departments in one night or a few departments at a time.

Chairman DiBitto stated that as we get into the new year's budget cycle we would have a chance to query the different department heads.

R. Dion stated that the minutes of the last meeting indicated that Councilor Ruel asked for department head representation and Council consensus was in agreement.

Chairman DiBitto stated it was for action precedent to the vote on the budget, but the budget was approved at this meeting. He asked if Council wants department head representation relative to the up and coming budget.

M. Ruel stated that it makes sense that when the department heads present next year's budget they discuss last year's expenditures.

PUBLIC INPUT:

Harold Murray, Deputy Emergency Management Director, asked what is the status on the Town's Emergency Management Plan Discussion.

Chairman DiBitto stated that the Town Administrator is the Emergency Management Director. The regional management Coordinator called M. DiBitto pursuant to an inquiry on Council's role on the process. Administration will be contacted to arrange a meeting that may include offering the State's help with our Emergency Management Plan.

D. Duford, ex-councilor, stated that since the Town did not approve the budget at the town meeting, according to Warrant Article 40, the operating budget shall have approved the same appropriations as contained in the operating budget authorized from the previous year. To do so, increases may be made by debt service contracts and other obligations. Under RSA 32 it explains what an appropriation is and what it is for. In his mind there is no question, in the previous years budget as approved by Council, the Budget Committee and the approval/disapproval of the voters after they heard it at the Budget Committee hearings, because they go through it by lines. The council has authority to shift money around from department to department; it has to be lined in order to spend money on anything. That's why a dollar is left in the lines year after year.

P. Rueppel moved at 9:30 to extend the meeting for 10 minutes. Seconded by P. Loiselle.

Roll call vote.

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

Motion failed.

Chairman DiBitto adjourned the meeting at 9:30pm.

Respectfully submitted,

Tina M. Paquette
Administrative Assistant

Mary A. Ruel
Secretary

