

TOWN COUNCIL MINUTES
REGULAR MEETING
OCTOBER 9, 2002

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

PRESENT: Chairman M. DiBietto, D. Pichette-Volk (arrived 6:50pm), M. Ruel, P. Loiselle, R. Dion, M. Jolin, P. Ganley, M. Farrell – Town Administrator. Excused: P. Rueppel, R. Holley.

MINUTES:

August 14, 2002: R. Dion moved to table the minutes. Seconded by P. Loiselle. **Motion carried unanimously.**

September 18, 2002: P. Ganley moved to approve the minutes. Seconded by M. Jolin. **Motion carried unanimously.**

September 25, 2002: M. Jolin moved to table the minutes. Seconded by P. Ganley. **Motion carried unanimously.**

PUBLIC INPUT:

Christina Katsikas, NH Fireworks, discussed the political signage with respect to the permitted size of signs. She handed out photographs taken of signs that appear to be over sized in Town and referenced a letter from Ken Andrews, Building Inspector, that was sent. The letter references signs that were in place before the primaries and she stated that those signs were recently put up after the primaries. The letter was copied to too many Town departments and is not normal procedure for a warning on political signs in front of their business to have so many departments copied. The sign regarding the Fire Department inquiry is a public service message and there is another business in Town that says register to vote and also has the same size political signs in their parking lot and doesn't know why her business is being singled out.

NOMINATIONS AND APPOINTMENTS:

PLANNING BOARD:

P. Ganley moved to nominate Scott Evans to the Planning Board Alternate Fill-in, exp. 6/2003.

Consensus was to have S. Evans attend the next Council meeting on October 23rd to introduce himself.

OLD BUSINESS:

HAZARDOUS MITIGATION PLAN ADOPTION.

Charles Watson, Town Planner, stated the plan has been made possible with a grant from the Office of Emergency Management and prepared by the So. NH Planning Commission. Fire and Police have given a considerable amount of input towards the plan. One of the major reasons for the Town to adopt this plan is the expectation that funds would be available from OEM.

There are recommendations in section 5 page 51 that indicate FEMA, OEM and the State as funding sources to update flood maps, purchase emergency vehicles and equipment including boats, develop a website for floodplain information, enhance GIS system for floodplain mapping and develop a culvert analysis program. It would be in the best interest of the Town to adopt this plan.

P. Ganley stated that is was a consensus of the Planning Board to recommend Town Council adopt the Hazardous Mitigation Plan to receive these funds.

Chairman DiBietto stated that this plan would serve as an appendix to the Town's emergency management plan.

C. Watson concurred that it can be considered an appendix. In looking at the 1997 emergency management plan he believes they work together, he doesn't see any conflicts.

Harold Murray, Deputy Emergency Management Director, stated that he has gone over the plan with C. Watson and the Fire Department, made corrections and it will go into the Emergency Management Plan. Fire

OCTOBER 9, 2002

Chief, Police Chief, Town Administrator and he will be reviewing the full emergency plan annually and those dates should coincide with the Hazardous Mitigation Plan's annual review date.

M. Farrell stated that NH OEM puts out an annual concurrence document in the spring for the Council to sign; it would be wise for the committee to give the update to Council before updating the Emergency Management and Hazardous Mitigation Plans.

Chief Agrafiotis stated that the annual concurrence pages are to be executed annually by a new governing body so after our Town Elections that would be the opportune time for the new council to do the annual review.

D. Pichette-Volk moved to adopt the Town of Hooksett's Hazardous Mitigation Plan dated August 2002, be reviewed annually to coincide with the Emergency Management Plan, and annual review date to be noted on the cover of the plan. Seconded by P. Ganley. **Motion carried unanimously.**

ELDERLY AND DISABLED EXEMPTIONS:

M. Farrell stated as part of the new certification process we learned that our exemptions were not being calculated correctly and discovered that approximately 30 households who were receiving exemptions no longer qualify. In a response to a random survey, the results show that in all but one category we are below average. There is no statutory minimum for the exemption amount but there is for income limits.

P. Ganley stated that some homes have appreciated 30% over this past summer. Older homes have appreciated the most, as they are entry-level homes. Demographics should come from the 2000 census.

M. Farrell recommended working towards getting the exemptions from below average to the mid-range area and the 2000 census will be used as well.

M. Ruel stated she would like to know if the income limits change how many homes would qualify for the exemption.

P. Ganley stated that for example if you set an asset limit of \$150,000 that would compromise most of the elderly homeowners, set income limits for single at \$25,000 and married at \$50,000. The big issue here is the exemption. With a future look of at least 1,000 new homes and all the recently built homes in Town he doesn't think there would be much of a revenue loss by adopting a 40/60/80 exemption level.

Council consensus was to set up a committee to study further and come up with recommendations for elderly exemptions.

M. Farrell stated that the exemptions could only be changed once every five years. There has been a change in the last 5 years therefore the next eligible change would be April 1st tax year and it is also more beneficial if it is done the year following a reval, you can also adjust the assets and your exemptions based on new valuations.

P. Ganley agreed to be on the subcommittee with P. Loiselle, M. Ruel and P. Rueppel.

R. Dion asked if the 30 people that no longer qualify will be impacted and if so is there anything that can be done to help the situation.

M. Farrell stated they would be impacted because the Town is prohibited from acting on the change this year. After this year runs out when we are six years away then review can take place.

D. Pichette-Volk stated that she would like to see that the 30 people impacted receive every consideration possible. On the subcommittee she would recommend going with the 25/50/150 in terms of income limits and assets, and 40/60/80.

Chairman DiBitetto stated that he would like it further reviewed.

SCHEDULED APPOINTMENTS:

BRUCE MAYBERRY AND CHARLES WATSON – TOWN IMPACT FEES.

C. Watson, Town Planner, introduced Bruce Mayberry the Town's Consultant on Impact fees. An impact fee ordinance was adopted last year and Council approved fees for new residential construction for which we have

OCTOBER 9, 2002

been collecting fees for use of capital construction for school purposes. The second part of impact fees analysis, to be presented by B. Mayberry, was to consider public safety, recreation, and municipal offices. **(Attachment #1)** B. Mayberry presented his analysis to the Planning Board who decided to not recommend action on the municipal offices.

B. Mayberry stated that due to considerable growth, in April 2001 he worked on school impact fees. The fees were calculated on the per unit estimated capital cost for housing units to provide enough space for each child. The same type of approach was used for police, fire and rescue, and recreation departments.

In terms of projected growth he is dealing with services such a public safety for residential, commercial and industrial buildings with respect to persons and property. For public safety they not only looked at the potential population growth but also how much commercial and industrial floor area has the town been absorbing and how much will it continue to use projected to the year 2020. Police and Fire Departments will see an obvious significant growth trend. He met with the Police Chief to figure out the amount of floor area that would be needed for a 20-year increase in population, and proportioned that out over commercial and industrial and residential demand and came up with a certain amount of floor area per officer. The demands for police tend to be more personnel intensive, officers are needed in the field and in circulation for law enforcement more than you need buildings and structures to house equipment. Capital facilities are not as great because it's more of a manpower issue; therefore, it tends to look rather small. The current facility at the police depart can accommodate growth for about 6-8 years then there will be need for additional space. Fees could be used to pay down debt service on the police and fire safety facility.

The fire and rescue fees were calculated on the same approach, however, an advantage of the fire department's capital plan projected to the year 2020 in terms of equipment to be improved, replaced, retired, additional stations, and additional major apparatus. With respect to commercial, industrial and residential sectors, an impact fee for a single-family home of \$1,177, industrial 88 cents per square foot, and commercial 99 cents per square foot. Combined public safety impact fee of approximately \$ 1326 for a single family home and between \$1.03 and \$1.14 for industrial vs. commercial space. That could be used to pay for significant share of total public safety capital expenditures over the 20 year period.

Public recreation facilities had one limitation in that you cannot include any public open space. Therefore they were limited in looking at this as active sports related recreation facilities. Conservation land is not considered on impact fees. Recreation was considered to be 100% residential related demand. He met with Recreation Director and reviewed the 1988 master plan and a 1996 plan used by the Recreation Department to estimate current needs in that year and what long-term future might hold for recreation improvements. There are some things that need to be done to make up the existing deficiencies. It is less important that dollars are spent vs. finding ways to create facilities. The Town seems to be creative in obtaining discounts on construction, there are some limited grants available that provide 50% funding for facilities, there is sometimes land donations that have been secured in the past. You can use subdivision of site plan regulations to secure recreation sites.

Administrative offices deficiencies are very high and the impact fee is difficult to support because so much investment is needed to catch up to where you need to be now. Archives from Fire Department dated 1988 recommended substantial expansions for the existing and future population. Existing space deficiencies would need to be addressed before applying impact fees to part of a construction or renovation project that would provide for future growth-related needs. Impact fees may be feasible if a formal needs assessment and the development of concept floor plans, by an architectural consultant, are done.

R. Dion asked if impact fees could be used for past deficiencies.

B. Mayberry stated that the statute says that for upgrades, the need that is not created by new developments shall not be paid for by impact fees. However he has seen where fees are used for a combination of the two in rectifying an existing problem and trying to plan for a certain amount of growth therefore he feels that impact fees can be used in conjunction with a project that expands for existing needs plus provides for growth.

M. Jolin stated he noticed that under public safety fees the police department has room for growth, but that the fire department was not mentioned.

OCTOBER 9, 2002

B. Mayberry stated that the information from the Fire Chief is that at this point if they, for example, take on an ambulance service the building is almost at its capacity to support staffing and equipment. There is one other piece of apparatus that is also need to be attributed to an existing deficiency.

M. Jolin asked if they could immediately start assessing impact fees to pay down the debt.

B. Mayberry stated for the police department yes but not for the fire department. The fire department has made projections for 20 years out in equipment, but they were not correct in projecting a more accurate population growth and he was not able to find any figures for population in the fire reports they had reviewed.

M. Jolin stated that regardless of population figures, his concern is the building was designed for 20 years for police and fire so whatever the basis is for both departments he doesn't see where the report addresses both sides of the building; there is not mention of the fire side. There is a room on the second floor; that was built for expansion that is being used for storage and this isn't in the report.

B. Mayberry stated if he had statistical figures he would review it again.

P. Ganley responded to P. Loiselle's question on fees stating that Hooksett doesn't have a town ordinance that covers the restoration or repair of a damaged building that responsibility is for Code Enforcement Officer. We should have one, in keeping with other towns.

M. Ruel asked if we establish an impact fee today and amended it later on what would happen, how would fees be collected.

B. Mayberry stated the practice has been that fees can be amended under the terms of the ordinance. The proposed change would go the Planning Board for review then they would make recommendations to the Town Council for any changes.

Chairman DiBietto asked in terms of fire station, do we go by square footage and population to determine our needs are today.

B. Mayberry stated that the International Association of Chiefs of Police has a planning manual for new facilities; Architects tend to use a certain ratio 275 sq ft to 350 or 400sq ft per person or per staff or per officer. Hooksett is within that range now. Current facilities planning texts no longer use physical standards. In checking with Fire Chief and a Parks and Recs the last manual Parks used was 1995 manual that retracted all of the standards and figure out what you need based on your community needs assessment. That seems to be the new trend, the square foot area or capital costs per capita are no longer seen. The administrative facilities were derived by using the 1988 study that included interviewing each of the staff to figure out how much floor area they would need. Standard should be reasonable, not excessive, and apply it to your existing population and future population. In setting fees you must look at what the town needs along with the capital planning and master plan process. Having a standard multiplier, square footage times number of people would be the most helpful tool.

D. Pichette-Volk asked how frequently could we change the impact fees.

B. Mayberry stated some could be done once a year. It would be best to check with your town ordinance to define the frequency.

M. Farrell asked if the Fire Department has only another a six-year window that these debt services can be applied.

B. Mayberry stated that was in reference to the Police Department the estimated floor area has about another 6 – 8 years worth of population growth to absorb the existing facility. The basis assumption on the Fire Department facility was that the station housing the existing amount of equipment that is needed is essentially at 100% for the current population.

M. Farrell asked if they could continue to use the impact fees to pay the debt service on the police portion of the building.

OCTOBER 9, 2002

B. Mayberry stated they could.

P. Ganley stated that in the Planning Board memorandum they unanimously agreed to recommend to the Town Council the impact fees for public safety and recreation.

M. Ruel moved to approve the impact fee calculations for Police and Fire-Rescue Departments with a directive that the Town Planner, and appropriate people, review the safety center capacity and advise on future capacity availability that impact fees could be used for. Seconded by P. Ganley.

M. Farrell stated that as he understands it, until the deficiencies are met for recreation collected fees couldn't be spent.

B. Mayberry stated the purpose of the reports for the Planning Board was to define a rational basis and a proportionate fee amount only. In terms of recreation you can still assess a recreation fee and retain it for up to six years, once the deficiencies have been met you can release the fees that were meant for growth.

P. Ganley moved to amend to include recreation fee as proposed by B. Mayberry. Seconded by R. Dion.

Roll call vote.

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

Motion carried.

P. Loiselle moved to amend to include impact fee for municipal office facilities. Seconded by P. Ganley.

P. Loiselle and P. Ganley withdrew the motion and second respectively.

Roll call vote on motion as amended (police, fire and recreation fees).

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

Motion carried.

NEW BUSINESS:

DEPARTMENT FEE INCREASES:

M. Farrell stated that in completing the annual review of all fees Administration recommends increasing the cost of a photocopy to be \$1.00 per page and the Fire Department Investigative Report pages to \$1.00 and keep all other current fees as is.

P. Ganley moved to approve the fee schedule changes. Seconded by P. Loiselle. **Motion carried unanimously.**

TAX DEEDED PROPERTY.

M. Farrell stated that per the tax maps 16 and 22 they equal 90 acres with a valuation of \$336,500 known as Quimby Mountain. These parcels have reverted back to the town due to \$117,983 worth of non-tax payments since 1993, formerly owned by Rodney Shane, subdivided in 1988. There has never been any development done to this subdivision. Planning Board will be recommending that all the lots be consolidated into one lot as they are not grandfathered. No substantial development has been done and it is no longer in compliance with today's zoning regulations. On Map 22 there are two house lots located on Corriveau Drive, formerly owned by Rodney Shane, valued at \$54,500 and \$55,300 and back taxes owed on them are \$34,364. Map 49 is an industrial lot with industrial condominium rights, lot valued at \$325,700 with back taxes of \$87,619. The Town can either keep or sell but can only recoup the money that is owed on the back taxes, legal fees and interest. Due to location and nature of the land it might be worth keeping as a conservancy. It has the highest elevation in town. If sold it could be scattered, premature development with the possibility of adding 40-60 more homes. He recommended holding on to Quimby Mountain land for possible mitigation, and selling the industrial land and the two house lots as they are already in a development area.

OCTOBER 9, 2002

Chairman DiBitetto would like the Parks and Recreation Department to analyze the two house lots and Quimby Mountain and come up with comments for possible recreation usage. M. Farrell to inform the council if Quimby Mountain would have a possible use for mitigation for I-93 widening and look into obtaining a Quiet Title for the Land on Map 49 known as industrial lots with condominium rights.

SOUTHERN NH UNIVERSITY PROJECT:

Chairman DiBitetto received an email requesting a meeting to discuss fee issues. Legal counsel advises the issue is for the Planning Board.

Council consensus was to have the Planning Board deal with the issue.

TOWN ADMINISTRATOR'S REPORT: M. Farrell reported that:

- 1. He would like to see that the Council Chairman be given authorization to sign necessary papers associated with the May 2002, Town Warrant Article 4, the Hooksett Wastewater Treatment Project. This vote must be recorded and sent to the Department of Environmental Services which is the agency granting the money for the project.

D. Pichette-Volk moved that Town Council Chairman have the authority to sign necessary papers associated with Article 4 on the Hooksett Wastewater Treatment Project. Seconded by P. Ganley. **Motion carried unanimously.**

- 2. He would like to have Council's vote for the Town Administrator to be given authorization to sign a conservation easement deed involving Town of Hooksett School District and the Town of Hooksett for the pump station location. Conservation Commission met October 2nd and their minutes indicate that a motion was made to authorize M. Farrell to sign the necessary documents pertaining to the Hooksett School District Conservation Easement Deed provided there have been no changes made since the June 7, 2002 copy.

D. Pichette-Volk moved that Town Administrator have the authority to sign the documents as referenced. Seconded by R. Dion. **Motion carried unanimously.**

- 3. Firefighter Wally Spears will be hosting a Halloween party on Sunday, October 27, 2002, 6:00pm to 8:00pm at the Safety Center.
- 4. A letter was received from the Hooksett School District that they are forming a Committee on the Future Use of Village School and would like to have a Council member who is on the Facilities Subcommittee to be a member of the Use Committee. There will be 12 members on the committee. **(Attachment #2).**

Chairman DiBitetto would like R. Holley, P. Rueppel and M. Jolin discuss and make the decision on who will be the representative.

R. Dion moved at 9:30 to extend the meeting. Seconded by D. Pichette-Volk.

Roll call vote.

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

M. Ruel moved at 9:32 to extend the meeting for 10 minutes. Seconded by P. Ganley.

Roll call vote.

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

PUBLIC INPUT:

OCTOBER 9, 2002

Harold Murray, 311Hackett Hill Road, speaking as a citizen on the cost expended on the Fire Department Inquiry that he attended on October 2nd. The cost of a lawyer is approximately \$500, stenographer \$555, two other lawyers and a judge, the books were prepared at a cost of almost \$1000. When you have to have someone sworn in to read public documents to the Council that is a waste of money. Everything that was brought up at the meeting is public information. M. Jolin hit right on when he said I think you've given all this information to us but we have never taken the time to read it. The money expended thus far exceeds his total budget. He attend a Council meeting last fall when the Council cut \$4,500 from his budget for personal protective equipment for 32 men and some of those who cut that budget turned around and found \$5,000 to put on fireworks for 15 minutes of mental gratification. Though it is noted that the money did not get used for the fireworks, it was found. The 32 people that would have been outfitted with the equipment covers every person in this town. The people who enjoyed the fireworks, half of them aren't even Town citizens, for reasons like this it makes it very difficult to think about next year's budget. Spending this money on the prepared books when one book could have been created and those interested could have come in to read it. Go ahead with the inquiry but don't spend the money.

SUBCOMMITTEE REPORTS:

Council consensus was that at the next meeting these reports would be moved up towards the beginning of the meeting.

DISCUSSION WORKSHOP:

FIRE DEPARTMENT INQUIRY – GENERAL DISCUSSION.

R. Dion received a copy of a potential witness list and a letter that is addressed to potential witnesses. He was concerned because at the last workshop it was decided to interview the Fire Chief, M. Farrell and then it would be decided amongst us who else would be needed to call in to testify. He wanted input as to which witness would be brought forward, and who would be potential as well. He didn't think they would be restricted to former firefighters. He would hope that this letter wouldn't go out until the Council has had the opportunity to discuss it.

P. Ganley was surprised and shocked at the first paragraph of the letter in that he didn't think the inquiry of the Fire Department, had in any way, shape or form, a premise to engage in the study of how the Hooksett Fire Department operations could be improved but rather it was proposed by Councilor Rueppel "she had heard rumors and she wanted to substantiate those rumors".

Chairman DiBitetto stated he has directed the letter to be sent but it has not been at this point. This letter came out or your packets last week. Our Counsel drafted the letter specifically for the purpose to prescreen potential witnesses to see whether there was a pool that Council could pick from.

R. Dion stated it's not the way the letter is written that bothered him but he felt he should be part of the process of who should receive the letter as a potential witness and he felt it should be up to the Councilors on who should receive the letter.

Denise Pichette-Volk - asked at what part in time did we collectively, as a Board, decide to take this route and go beyond Chief Howard and M. Farrell. That was to be the end of potential witnesses as she understood it. She is not ready to go down this road and asked Chairman DiBitetto at what point was it his understanding that the Council decided to do this.

Chairman DiBitetto stated how would it be possible to choose a list if you don't know who would be in the pool to make a selection from. He wanted to line up the option of whom they have to testify.

P. Ganley moved to suspend the inquiry until Council gets a consensus to the course of action they want to take. Seconded by Denise Pichette-Volk.

Roll call vote.

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

TOWN COUNCIL MINUTES

OCTOBER 9, 2002

M. Ruel moved that October 16th be a workshop to discuss the fire inquiry and how the Council wants to proceed with a specific action plan with a timetable. Second P. Loiselle.

Roll call vote.

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

R. Dion moved to hold off on sending out the letter to the former firefighters on the potential witness list. Seconded by P. Ganley.

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

Chairman DiBitetto declared the meeting adjourned at 9:50 PM.

Respectfully Submitted,

Tina M. Paquette
Administrative Assistant

Mary Ruel
Council Secretary