

TOWN COUNCIL MINUTES
REGULAR MEETING
OCTOBER 23 2002

The meeting was called to order at 6:33pm.

PRESENT: Chairman M. DiBitetto, D. Pichette-Volk (arrived 7:30pm), P. Rueppel, M. Ruel, P. Loiselle, R. Holley, M. Jolin, P. Ganley, M. Farrell – Town Administrator. Excused: R. Dion.

MINUTES:

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

September 25, 2002: P. Rueppel moved to approve the minutes. Seconded by P. Loiselle.

P. Rueppel moved to table. Seconded by R. Holley. **Motion carried unanimously.**

October 9, 2002: P. Loiselle moved to table the minutes. Seconded by M. Jolin. **Motion carried unanimously.** R. Holley abstained.

AGENDA OVERVIEW:

M. Ruel asked if the amendment to the agenda was posted and requested that amendments to the agenda be posted seven days prior to the meeting to give public fair notice.

PUBLIC INPUT:

LINDSAY ROAD STOP SIGNS.

Denise Levesque, 41 Lindsay Rd, stated that she is the spokesperson for 131 people who do not want the new stop signs posted per the signed protest petition submitted to Council at this meeting. They feel this is a safety issue as the street is curvy and winding on a steep hill and the new stop signs will create many accidents. Coming up the hill in winter is difficult, there is fishtailing going up the hill and the person going down the hill is driving very slowly to avoid getting hit but the fishtailer. Stop signs should not be on any hill going upward, people will not be able to stop and that will create accidents. If this cannot be solved at this meeting she would like the issue to be on the agenda for the next Council meeting.

P. Loiselle asked if there were any stop signs that were ok where they are.

D. Levesque stated that a few people don't mind some of the four way signs but they don't want any of the new signs. People will not make it up the hill where the new signs are posted; unless it's a four way sign they don't feel it's an issue.

Joan Hamilton, 14 Lennox St., as an elementary school bus driver with the weight of 72 children on the bus it very hard to obtain the momentum to drive up the hill with all those stop signs. She feels she will be at the bottom of the hill and will have to let the children off there to walk up the hill where no sidewalks are provided.

Lisa Tonneson, 29 Stirling Ave., stated she lives at the top of Lindsay and Stirling and said that the neighborhood was not petitioned. She feels that police presence would be more effective. She has lived there since August of this year and had she known this would happen she would not have moved there.

Robert Sullivan, 8 Burbank Way, was interested in how we got to the stop sign issue. He understands that the Police and Highway went to look at the neighborhood. Lindsay Road is not a straight road it has a curves, there is a tree near one of the stop signs that catches your eye and draws your attention away from the stop sign. He doesn't support stop signs as a way of traffic control. He would like the rational explained on the decision in posting the stop signs.

Chris Abbott 67 Lindsay Rd., stated the school bus cannot make it up the hill, what about a fire truck, tractor-trailer or a truck and even a plow truck. He asked why not use caution signs, or children at play signs instead.

Rod Spencer, 41 Stirling Ave., said he moved here in January of this year. Apparently a group came to Council to discuss traffic in the area and a decision was made and he wanted to know why the rest of the residents in

TOWN COUNCIL MINUTES
OCTOBER 23, 2002

that area were not notified. It's obvious by the attendance at this meeting there are many who were not contacted and are concerned about the issue. He feels it's pathetic and sad to come here on this issue, it's neighbor against neighbor, if they were notified that the neighbors were speeding they wouldn't have this issue. He wasn't contacted but did get a notice the day after the stop signs were installed.

Liz Feren, 28 Lindsay Rd., gave reasons why the neighbors, in particular, wanted something done about the traffic. Living on the steep part of the hill she and other neighbors would go outside to get the divers to slow down and they were not successful. There was an invitation to those who live in the area where most of the speeding takes place. They didn't mean to exclude anyone; their intentions were good ones. Highway Department manager met with them and he recommended that the town could put in stop signs and they should let the neighbors know that speeding was a problem. Highway Department manager then met with the Chief of Police who claimed he did not have adequate police officer to constantly patrol the area and that that if stops signs go up on Lindsay Ave. that the rest of the development should also have signs. We never asked for stop signs throughout the whole development only on the portion of the street where we live where speed is undeniably an issue. On the recommendation of Police Chief and Highway Manager the Council approved the installation of the signs. Letters were sent out to the neighborhood to advise them how serious the speeding problem was and how they hoped the stop signs would help. It is important to know that the location of the three stop signs on Lindsay Road is really ideal because that's where the bus stops. We don't want to offend anyone; we just want the neighborhood to slow down.

Chairman DiBitetto stated our next meeting is November 6th, at the Hooksett Public Library and will schedule this for 7pm.

Joanne Crocetti, 29 Lindsay Rd. in her absence from this meeting has submitted a letter in favor of the new stop signs. **Attachment #1**.

FIRE DEPARTMENT:

Charles Gassek, 38 Elmer Ave, read and submitted a paper explaining his firefighting career and he addressed call wages, station one closing, alarm calls, Tri-Town, safety center incident and conflict of interest. **Attachment #2**.

NOMINATIONS:

SCOTT EVANS: PLANING BOARD POSTION.

P. Ganley moved to appoint Scott Evans to the Planning Board, Alternate fill-in, Exp. 6/2003. Seconded by P. Rueppel.

Roll call vote.

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

SCHEDULED APPOINTMENTS:

D.O.T. JEFF BRILLHART – I-93 WIDENING.

Jeff Brillhart stated he is with the Department of Transportation (D.O.T.) and is involved with the widening of I-93 from Salem to Manchester. The scope of the project covers 19 miles of highway, includes five towns, has five interchanges, is two lanes in each direction, carries 105,000 people per day in the Salem area and 70,000 people a day in the Manchester area. Theoretically the capacity is 60,000-70,000 per day. In the year 2020 the traffic is expected to be around 140,000 per day around Salem and around 85,000 per day in Manchester. The highway was built in the 1960's, is in poor condition, has a lot of geometric problems, and needs to be reconstructed, thus the need to widen the highway from two lanes in each direction to four lanes in each direction. New park and rides will be built at exits two, three and five. A bike path, from exit two to exit five, is contingent upon a few issues. A train system could possibly be build down the median of the highway from exit five to exit one. A train system brings about issues such as the State is of the opinion that it would not attract enough motorists and secondary growth is essentially if widening highway New Hampshire would be more accessible, therefore more business and homes would be built, environmental resources will be impacted and

TOWN COUNCIL MINUTES OCTOBER 23, 2002

3

mitigation needs to be provided to offset those impacts. Impacts are speculative; when impact occurs then those, developers, homeowners, business that cause those impacts would have a right to mitigate. Public hearing will be on November 12th, Salem High School, 6:00pm and November 14th at Henry J. McLaughlin Middle School, 6:00pm. Approval for the project should be early summer 2003 or fall 2003. Construction to start 2004 and bulk of widening to be underway in 2005, it has been estimated to be an eight-year project.

Chairman DiBietto asked J. Brillhart to explain the mitigation plan as it does involve Hooksett.

J. Brillhart stated that there will be a direct impact on wetlands, environmental resources it may involve properties, negating wetlands, preserve wetlands, buy property and rework properties in different ratios to offset the impact depending on how harmful the impacts are. The direct impacts are not that bad as the highway is existing, wetlands being impacted are considered to be marginal therefore the impacts are not of that great a consequence. What is a concern are the impacts on the secondary growth that would occur. A study was made to consider those impacts, of secondary growth, and they came up with 29 towns, six are in Massachusetts. Among those involved with the study were 15 experts in land use, economics, environmental issues, and planning. A comparison was made in growth for widening vs. not widening the highway. There was not consensus reached, there were many individual answers. When averaging out 15 answers they came up with 40,000 people would come to this region. Water shed is a concern as Massabesic Lake supplies a great amount of water to the area.

M. Ruel asked what is the public comment close date and could the map be available for Council to view at the next meeting to decide if Council would like to submit comments.

J. Brillhart stated the Army Corps of Engineers date is December 15, 2002. Special committee is made up of Councilor Wiczorek, Councilor Griffin and Councilor Wheeler and they will make a decision the night of the public hearing as to what the closing date will be.

Chairman DiBietto requested that for the next Council meeting under old business should be I-93 widening mitigation map presentation.

P. Loisele asked if there are any plans beyond this I-93 widening.

J. Brillhart stated I-93 in the Bow through Concord area is being looked at widening it to three lanes in each direction. That project is just getting off the ground, the public meetings are just beginning, it is part of Concord's 2020 process and they will be going to the formal federal process within the next 6 months.

MANCHESTER WATER WORKS – TOM BOWEN.

Tom Bowen stated he is here to answer any questions on material that was submitted to Council approximately six weeks ago. During the 2000 legislative session a bill was created to a study committee to look at legislative barriers to rationalization and cooperation between municipalities throughout the state. They looked at available resources, regulations within the NH Department of Environmental Services, and the Public Utilities Commission. They came up with 17 recommendations for changes. One of the items that came about was that municipal utilities (not privately owned) should be encouraged to continue and expand their services in areas outside their corporate limits and for those utilities that maintain less than 15% differential between what they charge within their municipalities and outside that the PUC, after a hearing process, would consider exempting those municipal utilities from PUC regulations. There are not a lot of those presently in existence and he feels the legislature was looking to encourage more communities to do it. Laconia and Manchester are the only two communities that are regulated by PUC outside their jurisdiction. Manchester is in process of filing such a petition with the PUC and part of that process is a hearing with PUC which will be on November 6th it is a procedural hearing and will then set a schedule for moving forward. It is also an opportunity for communities to file as an intervener to receive information, or file in support of, etc. They will be hosting meetings and have mailed copies of filings with all five towns. Outside of Manchester they charge 12% more for water service, usage charge, which is 93 cents per 100 cubic feet. This is a 36 million dollar project with a phase in of a two to three year rate increase period, with 10-12% percent increase a year, total to be about 40% increase. Rates at present are nearly the lowest in the state; average annual water bill outside of Town is \$187.00.

Chairman DiBietto stated we granted the franchise to you without knowing there is a third party rate overseer we felt we needed to have some over-site or input into that process.

T. Bowen stated that the PUC rules will still require an annual review to ensure that Manchester Water Works doesn't exceed that 15% differential, the PUC will still maintain the granting of franchises so Manchester Water Works will still have to come before the Council as extensions of the franchise are made.

Chairman DiBietto stated knowing that there is a 15% maximum disparity, what is your process in setting rates within the City of Manchester.

T. Bowen stated the Board of Water Commissioners, appointed by the Mayor and Alderman, have the legislative authority to set water rates within the City of Manchester. They also have authority to set rates for wholesale customers which for Hooksett would be Pennachuck - Smithwoods area, and Hooksett Central Water Precinct. Right now those rates are not regulated by the PUC.

M. Ruel asked what the benefit is of not being regulated by the PUC.

T. Bowen from Manchester Water Work's perspective it's cost and timing. Thirteen years ago when they went for their last rate increase it cost \$200,000 and it takes about a year to get a rate increase through. From the Town's perspective, and the reason the legislature was proposed, was to continue encouraging municipalities to continue expanding without incurring the added costs of the regulations and without having to go through the requirements of the PUC.

Senator Gatsas, District 5, stated that during the process of legislature he was part of the process and he had concerns about allowing someone to come in and increase rates without PUC oversight the made it very clear what the objective of the Senate was. He will be paying very close attention because it is very easy to repeal legislation. They assured him that there will not be 30% increases on a yearly basis they were looking at a number of 30% over three year period as they do this construction project. Those words are on the Senate floor and were made very clear.

M. Farrell stated that he looked into filing as an intervener and discussed it with Attorney Robert Upton who is very familiar with PUC issues. Attorney Upton said save your dollars, being an intervener will not have be major impact on the Town and encourages him not to file as an intervener.

M. Ruel made a point of order that the motion was to file not to look into filing as an intervener.

M. Farrell stated that he chose to go by the expertise and knowledge that Attorney R. Upton conveyed to him.

M. Ruel would like to think about it. It was moved to file and would like the opportunity to reconsider the motion.

T. Bowen stated that you have until the 6th and he did forward a copy, to the Town, of the public notice from the paper for the date of the pre-hearing, which is November 6, 2002.

Mr. Bourgabe, Assistant Director of the Department, stated in an unrelated item he would like to let the Council know that they just completed the installation of a one million gallon tank on Beacon Hill and it is in service. He knows that was an important project and the people on Misery Hill will finally find some relief.

VISION TECHNOLOGY:

Mike Torello stated that they would do a residential valuation of all properties including, homes, vacant land, industrial properties, and exempt properties. Photo images will be taken and put into a GIS database. Going through the home is a 15-20 minute process, and then they review the outside property. There may be two to three individuals coming to the home who have been cleared through the police department via background checks and will be wearing I.D. tags. They will try to visit the home twice if no one is home by the second visit they will send a letter in a effort to get exact view of home to avoid estimating. For comparables they use sales transactions with in the last two years. Once they have set the preliminary values they go back to the properties again to make sure non-sale properties are equitable to sale properties. This will be monitored by the Assessing Department and the Department of Revenue. Public notices are done in local newspapers and at Town Hall. Next summer when completed they will send a notice out of the new values, the there will be an informal hearing process at the Library or Town Hall with one of the staff members and then they will explain how they did the valuations. If an property owner believes their assessment is unfair and wants to appeal they may do so

OCTOBER 23, 2002

to the Board of Assessors if they are not satisfied with that decision then they may appeal to the Board of Tax and Land Appeals. **(Attachment # 3)**. All the data collected may be put on a web site for anyone to view.

M. Farrell stated that putting all the data on a web has been very controversial in other towns and it may be advisable to have a public hearing on how much data or photography would be put on the web site.

M. Torello stated that Visions Technology worked on the Town's last reval in 1988 and they still have those original records and they will update those records. There are 5,414 properties including exempt property and vacant land. The computer system can suppress any data field to exclude something from being displayed on the web site. Valuation is based until April 1, 2002 and the expected date of completion is September 19, 2003. There will be client training on the use of the GIS system

SUBCOMMITTEE REPORTS:

COUNCIL NEWSLETTER: M. Ruel presented the topic "What's Development Costing You?" She would obtain data from Town on the number of subdivisions approved with the number of new houses, number of footage for new roads and sidewalks. Comparing one full year to the next year thus having the highway department evaluate the number of plow trucks and crew to clear the roads within the D.O.T. recommended response time, Parks & Recs has to juggle maintenance priorities due to additional fields created, Solid Waste Department has to change their route schedules to accommodate the additional trash capacity in addition to the Transfer Station Capacity, Town Hall continues to bust their seams, the additional strains on the Assessing Department, etc. Then show trends of the last five years on the number of subdivisions, and new roads etc. Would like to show what the impact is on the Town indicating why the budget goes up yearly because there's new resources needed to accommodate the growth. Would like to have this out before the end of year to get residents thinking about development. Then before the voting session, in the spring, send out another newsletter so their will be a better understanding on how the figures were arrived at. She will present an outline at the next meeting.

PLANNING BOARD & CIP REP: P. Ganley submitted meeting notes of October 7th and 21st.

POLICE COMMISSION LIAISON: M. DiBitetto stated the Commission would like to know at what point would wage increases be considered in the budget process so that they could prepare to work together.

ZONING BOARD OF ADJUSTMENT REP: R. Dion submitted his report meeting October 8, 2002.

OLD BUSINESS:

P. Rueppel stated that while she was not at the last Council meeting she understands that there were some concerns about expenses on the Fire Department Inquiry. Judge Robert LaPoint gave his time without charge as a courtesy to the Town. It is her understanding that Mr. Farrell and Chief Howard are paying for their own attorneys. The only expense she sees is the Town attorney and the stenographer.

P. Rueppel moved to form a committee to conduct the continuing Fire Department Inquiry. The committee to be M. DiBitetto, M. Jolin, M. Ruel, P. Loiselle, and P. Rueppel. One or all of these committee members may conduct the inquiry or any portion of the inquiry. The other Councilors may attend and speak if they so wish. Seconded by M. DiBitetto.

P. Rueppel stated at the last meeting it was thought that a quorum was necessary and she feels it's not so.

Chairman DiBitetto has set the inquiry up as a special meeting with a workshop. In a workshop a quorum is not required because no official business is being conducted. Is it the Council's sense that a workshop is a proper venue for an inquiry to be conducted and that a quorum is not necessary.

D. Pichette-Volk stated that if you posted a special meeting/workshop then by definition it is a meeting and would require a quorum.

P. Ganley stated why would anyone want to participate in a workshop. You are asking people to attend a meeting to answer questions and calling it a workshop, why would anyone want to attend.

TOWN COUNCIL MINUTES
OCTOBER 23, 2002

M. Farrell stated that if you have a non-posted meeting and it reaches a quorum then the meeting is illegal due to non-posting. Legal Counsel has previously advised that if you have an inquiry, under 3.13 of the Charter, it's the entire Council not a portion of the Council required to attend.

P. Rueppel withdrew her motion.

NEW BUSINESS:

Marion Jacobi, Library Trustee Chair, would like the Council's approval to award the bid for Warrant Article on Library's architectural and engineering study (A&E study) fees for an HVAC system. Eleven bids were sent out and three were returned. It was hoped that an A&E study would be done for the entire system and in going through the bid process it was discovered that two of the companies wanted to do an on-site evaluation. It now looks like it will be a two-phase process, on site evaluation then a proposal on how to fix the problems. Based on their proposals and what the Trustees choose to have done there will be a 7-8% design and engineering fee costs. Therefore they do not know the cost of the A&E study, but it looks like it will be more than \$15,000. The Trustees interviewed all three firms and chose Oak Point Associates to do the job. They are a full service firm; they have civil, electrical and mechanical engineers on staff. \$5,500 represents the cost for the Library's on-site review to come up with what needs to be fixed and the cost of repair. Once that cost has been determined then they will apply the 7-8% A&E fees. They chose Oak Point over Integrated Engineered Systems as they felt that Integrated was a one or two person firm and Oak Point has the service availability of all the engineering professions. The building is so complicated the Trustees felt it would be advantageous to have the electrical and mechanical services available at one firm.

Mary Farwell, Library Trustee, stated that Oak Point can evaluate the job then more money will be needed for construction bid documents then they would go out to bid for another firm to actually do the work. The CIP would need to be added to in order for the work to be done in the future with an inflation factor in consideration.

M. Jacobi said they couldn't get three firms to give a quote for that process with out going through the on-site review process first.

D. Pichette-Volk stated that the \$15,000 allocated from the warrant was to do the A& E drawings. This is not a two-phase article so what would happen to the unused portion of the \$15,000.

M. Farrell stated it's not a fund, it's a special warrant article and it can be extended over to another budget year or it could lapse and would go into the general fund or you could encumber it. To finish the job you can put money in the library's operating budget or ask for another warrant article.

M. Jolin moved to accept the proposal of \$5,500 from Oak Point Associates to perform the on-site review of the HVAC for Hooksett Public Library. Seconded by D. Pichette-Volk. **Motion carried unanimously.**

M. Farwell stated that the Library has just been awarded a \$35,000 grant from the Gates Foundation (Bill Gates of Microsoft Corporation) to set up a computer lab for training purposes.

Fran Hebert, Librarian, stated that organizations in the state that need equipment and place to train can come to the library and use the 10 training computers.

FIRE DEPARTMENT ENGINE #1 WATER TANK REPAIRS.

P. Rueppel moved to accept the bid for Lake's Region Fire Apparatus replacement in the amount of \$8,681.20. Seconded by M. Jolin. **Motion carried unanimously.**

FIREFIGHTER PROTECTIVE CLOTHING:

P. Rueppel moved to table the approval for the purchase of structural firefighting gear (PPE) to obtain three full bids. Seconded by M. Jolin.

Roll call vote.

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

TOWN COUNCIL MINUTES

OCTOBER 23, 2002

M. Ruel yes M. DiBitetto yes **Motion carried.**

R. Holley moved to take the vote off the table. Seconded by P. Loiselle

Roll call vote.

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

M. Jolin moved to accept the bid and purchase the coats in the amount of \$19,189 and pants in the amount of \$13,320.00 from Frontline Fire and Rescue for a total of \$32,509.00. Seconded by P. Loiselle.

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

TIF DISTRICT SLOPE EASEMENT RELEASE:

M. Farrell stated the slope easements that were attached to the original road and accepted from Arleigh Green in the early stages of exit 10 development were changed after about a year. Green wanted to relocate the road. The new easements for the new road location were accepted but the old easements were never extinguished.

P. Ganley moved to release the easements as presented. Seconded by R. Holley. **Motion carried unanimously.**

P. Ganley moved to authorize the Chairman to sign any documents for the release of old easements that should have been extinguished. Seconded by R. Holley. **Motion carried unanimously.**

P. Ganley moved at 9:30 to extend the meeting for 10 minutes. Seconded by D. Pichette-Volk.

Roll call vote.

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

OLD BUSINESS:

BOSTON POST CANE.

E. Dinwoodie, Assistant Town Administrator, requested the Council move to designate Yetiva L. Humphries as the eldest resident in Hooksett and to be honored with the Boston Post Cane.

P. Rueppel moved to have Yetiva L. Humphries receive the Boston Post Cane representing the eldest resident in the Town of Hooksett. Second by M. DiBitetto. **Motion carried unanimously.**

TOWN ADMINISTRATOR: M. Farrell reported that:

1. The health and dental insurance rate increases are going to be far below industry standards and are lower than what were anticipated. Health Insurance increase will be 7.4% compared to 12.7% for last year.
2. State retirement figure new rates every 2years. The percentage for the Fire Department is up over 103%, Police Department is up 47% and group one is up 44%. Increase for the budget will be approximately \$139,000 - \$140,000.
3. PSNH will be hosting an open house tomorrow from 4:30 – 6:30 at their new, East Point Drive facility.

PUBLIC INPUT:

Christina Katsikas representing N.H. Fireworks stated that at the October 9th Council meeting a motion passed to raise the photocopies fees of public right to know information from 25 cents to \$1.00 per page. She commented that there were no questions on the 300% increase that 25 cents per page was enough, and it's

TOWN COUNCIL MINUTES
OCTOBER 23, 2002

selling information for more than the cost of the actual printing. She has requested the attachments of the last meeting and the cost is now \$55.00 for 55 pages. You can buy 2 cases of paper, 10,000 sheets, for less than \$55.00.

M. Ruel moved to give Ms. Katsikas her copies at no charge and return the copy fee back to 25 cents per page.

P. Rueppel moved at 9:45 to extend the meeting for 10 minutes. Seconded by P. Loiselle.

Roll call vote.

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

Motion failed.

Chairman DiBitetto adjourned the meeting at 9:47pm.

Respectfully submitted,

Tina M. Paquette
Administrative Assistant

Mary A. Ruel
Secretary