

TOWN COUNCIL MINUTES
REGULAR MEETING
DECEMBER 4, 2002

The Chairman called the meeting to order at 6:15pm.

Present: Chairman DiBitetto, P. Loiselle, M. Ruel, R. Dion, M. Jolin, R. Holley, P. Ganley, M. Farrell-Town Administrator, E. Dinwoodie-Assistant Town Administrator. P. Rueppel-excused, D. Pichette-Volk (present 7:28pm)

P. Loiselle moved at 6:16pm to enter into nonpublic session under RSA 91-A:3,II,(a) "The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted. Motion seconded by R. Holley. **Roll call vote carried unanimously.**

R. Holley moved at 7:17pm to exit nonpublic session. Motion seconded by R. Dion. **Roll call vote carried unanimously.**

The Council made a statement that the nonpublic session minutes would not be divulged at this time.

MINUTES:

October 30, 2002: R. Dion moved to approve the minutes. Seconded by P. Loiselle. **Motion carried unanimously.**

November 20, 2002: Ron Dion moved to approve the minutes as amended. Seconded by P. Ganley. **Motion carried unanimously.**

PUBLIC INPUT:

MUTUAL AID.

Sandy McKenney, Allenstown Selectman, attended the meeting to hear Fire Chief's report on mutual aid response procedures.

GRANITE HILL TIPPING FEES:

Alan O'Brien, Cedar Management Group, a property management firm for Granite Hill residents stated he has a letter regarding questions and or input for the future regarding the Solid Waste Committee Report and would like the Council to specifically note page 1 paragraph 3 that voices the resident's opinions.

SCHEDULED APPOINTMENTS:

FIELD MAINTENANCE FOR PROPOSED MIDDLE SCHOOL.

John Pieroni, School Board Representative, stated he came to discuss a mutual relationship on the maintenance of the fields for the proposed middle school.

Chairman DiBitetto explained School Board representation was requested, for this meeting, as it is realized that there will be a need for plowing and ground maintenance for the new fields. At the last Council meeting the question arose whether it's time to look at the school board to assume that responsibility or for the Town to continue with the responsibility and who would bear the cost. Council would like to come to an agreement on this issue.

Becky Berk, School Board Chair, stated the School board met with M. Farrell, Town Administrator, R. Dion, Town Council member, B. Suprenant, Superintendent of SAU 15, and D. Hemeon, Highway Department Manager, to discuss the plowing and field maintenance issues. D. Hemeon stated he would prefer to continue doing all of the maintenance and plowing. The School Board recognizes the extra work those fields would put on the Highway Department therefore the Board has looked into alternatives such as the school buying equipment and have Parks and Rec maintain the fields or contracting it out. She also wanted to be clear the school district has never been dissatisfied with the work done by the Parks and Rec Department; they have always done an outstanding job.

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J. Pieroni stated that the School Board has budgeted \$42,520 for the proposed middle school's field maintenance for contracted work. This does not include snow removal, as the Highway Department will maintain that responsibility. The Budget Committee will receive the school budget tomorrow for the Budget Hearing scheduled for the second or third Thursday in January.

P. Loiselle asked if D. Hemeon has given a cost analysis for field maintenance.

J. Pieroni stated the \$42,520 was not with the idea of contracting with the Highway Department. At this point, they don't have the manpower, if they contracted with the school it would have to be money in their budget and would have to be raised and appropriated in the school budget then transfer it over and still have to be raised and appropriated in the Town budget and be two revenues which would be cumbersome and piecemeal.

B. Berk stated that D. Hemeon could handle the plowing for the first year but in reality they should be looking for their own support.

R. Dion stated that the Town would benefit from the use of the fields during school hours and for school teams and that the fields would also be used for non-school functions therefore getting a lot of use out of those fields and the taxpayers getting more for their money.

J. Pieroni stated the advantage of having the fields maintained by one entity is the ability to have someone rotating the use of the fields such as what D. Hemeon mentioned in shutting down a field for a year. If one entity does the maintenance there is a better feel for the overall care and use of the fields.

Council consensus was to have D. Hemeon attend the next meeting and discuss what it would cost to have the Town maintain the fields.

Bob Suprenant, Superintendent of Schools, would like D. Hemeon to contact him with a cost to have the fields lined, stripped, fertilized.

SOLID WASTE COMMITTEE:

George Longfellow, Chairman of Solid Waste Management, they are supplying tipping fee figures and what it would cost if all developments were treated the same.

D. Boyce, Assistant Superintendent of Solid Waste, stated that in a letter to Council the Solid Waste Committee recommendation is to rescind the decision that was made to Granite Hill. Presented at this meeting is a list of what it would cost the Town to reimburse the developments and the Committees' budget for 2003/2004. The difference between reimbursing all the developments on the list and the budget that we are proposing is \$22,000.

Chairman DiBitetto asked if the \$22,000 is what is anticipated in picking up all additional residential developments.

D. Boyce stated yes.

Chairman DiBitetto stated that we have been reimbursing Granite Hill for 10 years, which sets precedence and possibly a contractual obligation; these details are in the minutes of that time. This should be referred to our legal counsel to see if we have the option to consider a change in the status of the Granite Hill situation.

P. Loiselle moved to rescind the tipping fee reimbursement agreement with Granite Hill. Seconded by P. Ganley.

R. Dion asked if the Town adopted a Pay As You Throw (PAYT) program would this point be moot.

M. Ruel stated you would still need a vote to rescind the agreement because adopting PAYT would not void the agreement.

P. Ganley moved to table the motion to allow time for legal counsel to render an opinion. Seconded by D. Pichette-Volk. **Motion carried unanimously.**

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MUTUAL AID RESPONSE PROCEDURES:

Fire Chief Howard stated that mutual aid is under RSA 154 District Fire Mutual Aid Systems are under RSA 154:30. Because of geographical location to various districts in the state, this puts us in a unique situation. We have a Tri-Town mutual aid that includes Allenstown, Pembroke and Hooksett was established in the 1970's and are currently part of our EMS system that includes Tri-Town Ambulance. Hooksett's umbrella organization is the Border Area Mutual Aid System that is made up of 27 communities, 19 are in N.H., 8 overlap with Massachusetts and meetings are quarterly. Overlapping with RSA 154:30 is RSA 153A, which is the Mutual Aid System for Emergency Medical and Trauma Services. The process to form a Mutual Aid District is that there must be a minimum of 10 communities to form a district, they file a letter of intent with the state, the letter is forwarded to the State Fire Marshall's office who holds hearings, then it goes to the municipalities to seek approval, once incorporated and recognized the state issues the directive and a name is obtained. There are currently 14 Mutual Aid Districts in the state and they belong to the Federation of Mutual Aid. Due to our geographic location within the New England states we have communities in Maine, Vermont, Massachusetts that belong to various organizations through out the state. Powers and duties of the Mutual Aid are with a Board of Directors that meet quarterly. Primary focus of mutual aid is to have a system for communications for services to be provided to communities that includes aid for fire, EMS, Hazardous Materials (Hazmat), and rescue. Due to our written agreement with Tri-Town they are part of our mutual aid system in the border area system because they are our EMS provider. Tri-Town is a private entity but is part of our mutual aid under our umbrella because they are affiliated with the communities in this geographical area. Hooksett deals with two major communications centers, Concord and Manchester, which is primarily where our mutual aid comes from. Derry is the dispatch center headquarters for Hazmat incidences for our district. A formal directive procedure was developed with input from the dispatch center, and the ambulance providers for mutual aid coverage for EMS; it has been continuously reviewed and updated. Bow, Concord, Rockingham Ambulance Service through Manchester's fire alarm, and Goffstown are part of our border mutual aid as well as Tri-Town.

R. Dion asked who is responsible for the cost when the Town receives mutual aid.

Chief Howard stated if fire, EMS or rescue is needed and is beyond Tri-Town's availability then the service company used collects a fee through the patients insurance company for patient care but there is no cost to a Town when mutual aid is provided.

Chairman DiBitetto stated currently our full time provider is Tri-Town.

Chief Howard stated that in May 2001 a formal Memorandum of Agreement was signed with Tri-Town to come into the safety center Monday through Friday 9am-5pm with the availability of their services 24X7. Once a town accepts another type of EMS service it becomes part of the Town's mutual aid service therefore if Manchester needs mutual aid then Tri-Town can be dispatched for their services just as Rockingham Ambulance Service which is part of Manchester's mutual aid could be dispatched to Hooksett in their time of need. We are currently working toward our ultimate goal of having Tri-Town housed at the Safety Center 24X7.

P. Loiselle stated that there seems to be a higher call for ambulance service after 6pm. He asked if it would make sense to contract with an ambulance service that is closer than Tri-Town, such as Mt. Valley.

Chief Howard stated that in his 28 years of fire service he has never seen a community have dual agreements for the service. For a community having more than one service provided logistically it would be very difficult and there would be overlapping systems to consider. He's never seen any overlapping systems in existence.

Chairman DiBitetto stated that the Town Administrator will follow up to see if there is a place for an ambulance service that is located in Town to fit in with the Emergency Medical Services that the Town receives.

PUBLIC INPUT:**GRANITE HILL TIPPING FEES:**

Alan O'Brien property manager for Cedar Management stated he would like to discuss a few items for clarification on the Solid Waste report. There are some towns that reimbursement for tipping fees to condo associations such as Allenstown to which he is the Manager of. Condo associations have the option of private trash pick up or they can set up one central location on a public roadway for the town to pick up the trash. Some time in the future the cost will out weigh the convenience and they will be requesting that the town pick up their trash. Ten years ago he negotiated with Solid Waste Committee and they established a figure of \$45 per ton that it would not cost the town for disposing of waste provided the development disposed of their waste

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privately. At the time of negotiations the tipping fee charge was \$58 per ton, \$13 dollars was for handling and trucking fees. That's why the fee was discounted \$45 per ton. The town is currently paying \$65 per ton therefore there is a savings to the Town to have Granite Hill dispose of their trash and pay the trucking fees.

OLD BUSINESS:

FIRE DEPARTMENT INQUIRY.

M. Ruel stated at the last Council meeting she presented a motion in the form of an outline to try to help give a clearer direction on how or where to proceed with the Fire Department Inquiry. The outline contains a list of potential witnesses, and questions. At this time it may warrant a specific meeting to discuss the information collected and discuss any of the issues on her outline.

Chairman DiBietto stated that we are at a point where we should regroup to decide if we have enough information to issue our findings or to pursue the issue further. A special Council meeting with a non-public session will be held on December 11, 2002, Council Chambers, 6:30pm.

I-93 WETLAND MITIGATION.

M. Ruel asked what is that status of the Council submitting comments on the I-93 Wetland mitigation.

Chairman DiBietto stated they attended the public meeting, comments were made relative to loosing taxable land, and especially where we have plans for our own mitigation. A letter to that effect has been drafted opposing the EPA mitigation plan and should be mailed out tomorrow.

NEW BUSINESS:

PETITION RECALL – RECALL ELECTION.

Chairman DiBietto received a letter from the Town Clerk, Leslie Nepveu stating the petition for the recall of Patrick Ganley, Town Councilor of District 6, pursuant to Articles 8.6 of the Hooksett Town Charter, she certified the petition has met all requirements and has been declared valid. If after five days from this date the officer being recalled does not notify the Council of intention to resign the a recall election must be set no less than 30 days but not longer than 60 days from the date of the certification of November 26, 2002.

Council consensus was that after the five days have passed and the Councilor wishes to retain his position that the Chairman will work with the Town Clerk to set an election date.

Chairman DiBietto stated the question on the ballot under 8.D shall be "for the recall of" or "against the recall of name of office holder ", will be strictly for District 6 voters, and majority will carry the vote. If election would be on a Tuesday the days available for voting would be January 7, or 14 or 21, 2003 and this would be up to the Town Clerk to check on the availability.

R. Dion recommended P. Ganley stay on the Town Council and not resign. He is very knowledgeable, a very valuable member and has done a lot for District 6. One can not get everyone is a district to agree with you on every decision you make or every vote you take. I have a lot of respect for him.

D. Pichette-Volk is concerned with the hours for voting, she would prefer to see them be similar to any other voting hours that are usually from 6am to 7pm.

P. Ganley stated that he respectfully has no intention of resigning and he feels D. Pichette-Volk raised a valid concern on the voting hours available to the Town.

Chairman DiBietto stated that the Council sets the voting hours.

D. Pichette-Volk moved to set the hours for the recall vote to be from 6am to 7pm and the date to be January 7, or 14, or 21, 2003 pending Town Clerk decision on the date. Seconded by R. Holley.

Roll call vote.

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|-------------|-----|------------------|-----|
| R. Dion | yes | D. Pichette-Volk | yes |
| R. Holley | yes | M. Ruel | yes |
| M. Jolin | yes | M. DiBietto | no |
| P. Loiselle | yes | | |

Motion carried. P. Ganley abstained.

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COUNCIL MINUTES:

M. Ruel stated that she would like to see the Council minutes posted on the web site in 144 hours.

Chairman DiBitetto stated there is no legal time frame for posting minutes to a web site.

M. Farrell stated that a volunteer maintains the web site at her own time at home and they are posted at her earliest convenience.

Chairman DiBitetto gave thanks for her volunteer efforts and for doing a great job.

TOWN ELECTION LOCATION FOR 2003.

R. Dion stated once the new middle school opens in September 2003, Memorial School will be closed for a year for renovations. Elections will have to take place in another location and the School Board has suggested the new middle school.

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

1. A letter from Bernard Streeter, Mayor of Nashua, was sent to each Councilor in reference to Pennichuck Water Works.
2. In a letter from the Town of Bedford in reference to Pennichuck Water it mentions that all towns were signed on as an intervener and the City of Nashua has voted to go ahead with RSA 38 and through eminent domain take possession of land in exchange for payment of full value. Bedford Council has voted to move forward. Hooksett has 90 customers that are serviced by Pennichuck Water. Tomorrow evening he will attend a meeting as the Town's representative; they will be making final steps to form a regional water authority. He will update Council for any recommended action.
3. Council has the information on firefighter protective clothing and would like consideration on it.

M. Jolin moved to accept the bid from Bergeron Protective Clothing, in the Amount of \$7,892.85. Seconded by P. Ganley. **Motion carried unanimously.**

Chief Howard gave thanks to Mike Johnson for this work on the project, as he was able to save the Town \$548.00.

4. A major change is being promulgated by the State Department of Labor involving what the National Association of Fire Protection was promulgating, which is a standard of two-in/two-out. This could be a big cost to the Town. It is not an un-funded mandate because there is already a rule under Hazmat rules; it is just a broadening of the rules. The Department of Labor will be holding a hearing on December 30, 2002 and written comments must be received by January 6, 2003.

Chief Howard stated what this means is that before any firefighter can go into a building you must have two in and at least two out and cannot be doing any other function on the fire ground and must be available immediately to protect those two individuals. Right now we have six firefighters on duty, two are assigned as drivers, so if we are sending two in we have two for backup, which meets the minimum standard. The problem is with the change, the two who are out are not able to doing anything but must be available.

VOTE TO EXTEND MEETING:

P. Ganley moved at 9:30pm to extend the meeting for the balance of the Town Administrator's Report. Seconded by P. Loiselle.

Roll call vote.

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

Motion carried.

5. The amount of revenue collected from the Fire Department has doubled since last year from \$23,000 to \$46,000. Collections from Hazmat have been very good this year; they have collected from all but one.

6. Phone bills are a very difficult item to track however he created a list of phone locations and what's involved in the line items. Overspent items will be in the Welfare Department, which has been budgeted for \$50,000 and it is anticipated that over \$100,000 will be spent this brings the amount to \$54,726 short. The Fire Department's overtime budget shows \$160,000 but it doesn't include \$30,000 voted in the warrant article for the new contract so actually the amount is \$190,000. The November report showed that overtime was at 71% when you include the \$30,000 it drops down to 60%. This month will include bonuses so that will cause a spike. We continue to have one person out on worker's compensation at a cost of \$1,000 per week in overtime. The potential over expenditure for fire could be over \$57,000. Legal line has taken a major jump from an average of \$3,000 per month to \$6,000 per month which indicates that line will be overspent by \$38,000 at fiscal year end. Total anticipated to be overspent is approximately \$150,526. At this point there is a surplus in the Transfer Station Budget. Tipping fees are budget at \$454,000 and thus far we are spending \$22,500 per month and if it continues for the rest of the fiscal year it would total \$270,000, which would give us a potential surplus in that line item of \$183,883. He recommended transferring some of this money into Welfare, Fire and Legal line items.

M. Ruel stated that she understood what Council decided to do was to not transfer money but to authorize the over expenditure and have a say in where the money was going to come from. The word transfer may not be the right word. We would authorize those budgets to be overspent by a certain amount with the understanding that other budgets are under budget by at least the amount of the over spent budget(s).

M. Farrell stated that welfare would be over budget this month. Legal is under administration and fire have a couple of months left before they are over spent.

Chief Howard stated the Fire Department's overtime budget line projection would make it through March 1, 2002. Based on corrective area actions and the one firefighter still out of work at that point.

M. Ruel moved to table this budget discussion until the next Council meeting on December 18, 2002. Seconded by P. Loiselle. **Motion carried.**

7. The County Budget for 2003 will go up 12.16%. There will be a Public Hearing on December 10, 2002.

Council consensus was to send a letter to Merrimack County stating that the Hooksett Town Council is in favor of a 0% increase for the County budget.

8. There will be Community Economic Development Forum on December 7, 2002 from 9am to noon at the Southern NH University hosted by Steve Korzyniowski.
9. School Committee for the future use of the Village School will meet on December 12, 2002 at 7pm in the Village School library. The Council has a seat on that committee, Leslie Nepveu is on the committee, and any or all the members of the facilities committee are welcome to attend. Town Administrator has been appointed to the committee.
10. Manchester Water Works (MWW) will be holding a meeting on December 12, 2002 for a project on the west side of Merrimack River near Goonan Road. All Goonan Road residents will be notified. P. Loiselle, Charles Watson – Town Planner, and he met with them last week on this 10 year project and there is a possibility of a land swap with the State. MWW owns some land by the sewer treatment plant on the east side of the river and State Fish & Game owns land by Goonan Road and it hoped that a swap could take place. MWW would like to draw water from the River, treat it, and pump it into Manchester.
11. So. NH Planning Commission will be holding a meeting on December 12, 2002 for a Salem to Concord Bike-way Feasibility Study sponsored by the Department of Transportation.
12. We are a member of the Hazmat District and they will be holding a meeting on the evening of December 19, 2002; they meet three times a year. Council has a vote on this board and we need to designate a Council member. M. DiBitetto volunteered for the board position and will attend the meeting with Fire Chief Howard.
13. The Department of Transportation, through the So. NH Planning Commission is finalizing submittals for a 10-year transportation plan. The deadline to get any work into the plan is January 31, 2002. Charles Watson, Town Planner, will have the Master Plan Committee and the Planning Board make

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submittals to the Council; the Council may want to have a workshop on the submittals. We have to get our projects on the plan including the Manchester Sand & Gravel's parkway proposal.

Chairman DiBitetto adjourned the meeting at 10:02pm.

Respectfully submitted,

Tina M. Paquette
Administrative Assistant

Mary A. Ruel
Secretary