

TOWN COUNCIL MINUTES
REGULAR MEETING
DECEMBER 18, 2002

Chairman DiBietto called the meeting to order at 6:30pm.

Present: Chairman M. DiBietto, P. Ganley, M. Jolin, R. Dion, P. Loiselle, P. Rueppel, D. Pichette-Volk, M. Farrell-Town Administrator, E. Dinwoodie-Assistant Town Administrator. R. Holley, M. Ruel – excused.

P. Loiselle moved at 6:33pm to enter 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.”; and, RSA 91-A:3,II,(e) “Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled.” Motion seconded by R. Dion. **Roll call vote carried unanimously.**

P. Loiselle moved at 7:18pm to exit nonpublic session. Motion seconded by R. Dion. **Roll call vote carried unanimously.**

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

PUBLIC SESSION:

MINUTES:

December 4, 2002: Chairman DiBietto postponed approval until the next meeting.

PUBLIC INPUT:

MERCHANT MOTORS:

Vincent Lembo, 56 Main St., there is a document circulating around town indicating that Merchant Motors has a policy with the Town on loaning vehicles.

M. Farrell stated that we rent or lease vehicles from Merchant Motors.

TOWN OFFICER TAKING AN OATH:

Phil Fitanides, 1407 Daniel Webster Highway, referred to the New Hampshire Constitution in reference to the Town Administrator’s position with the Town. Indicating that it is an elected position, by majority of Town Council vote, the position is given administrative services of the town, an oath should be taken for faithful and impartial performance and a certificate to that effect shall be filed with the Town Clerk, a bond should be executed in favor of the Town for faithful performance of the duties required. He asked when the Charter was established in 1989 was it meant for the Town Administrator to have almighty power or for the Council to have more power and the Administrator to be a ministerial type person versus the new laws that were established in 1992 and 1994. Therefore after 1994 any Town Administrator has to obey the State laws and there is no mention of grand-fathering. What needs to be determined is who has more power the Town Council or the Town Administrator. If it is determined that the Town Administrator has more power then he should be bonded.

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Christina Katsikas, NH Fireworks, stated that the November 6th Town Council minutes were not completed, they were approved and are on the Internet. At a previous meeting she requested that they be completed and they are still not right. She would like the inclusion of a motion added to the minutes. She also stated in speaking with the Town Clerk that it only takes a few minutes to post the minutes once they are sent to the Town Clerk.

M. DiBietto stated the minutes have been amended and approved.

EMPLOYEE QUALIFICATIONS:

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C. Katsikas stated that she asked L. Dinwoodie, Assistant Town Administrator, what were the qualifications of an employee and she was told that each job is different and qualifications would have to match the job. She asked for an application and was denied because there are no job openings.

L. Dinwoodie stated that her original request was not for an application it was for a document, which would cover qualifications for all Town employees. She was told several times that we do not have such a document with qualifications for all Town employees under one document, that every position has a job description and qualifications for each position are on that job description. Then she asked for an application to which she was denied because it is the department's policy that if there is no position open we do not give out applications but we would accept a resume and keep it on file for six months.

STORAGE OF VEHICLES ON TOWN PROPERTY:

C. Katsikas was at the Highway Department and noticed that there were two motorcycles inside the building. She wanted the Council to know they belong to Town employees. C. Katsikas presented a letter written in 1996 by the Town Administrator, which states that personal vehicles cannot be stored or repaired on Town property. She asked if the Council was aware of this and would like a response.

M. DiBietto stated in due time the Council will address the issue.

SCHEDULED APPOINTMENTS:
HIGHWAY DEPARTMENT BOND REDUCTIONS.

Dale Hemeon, Highway Department Manager, presented the following Bond Reductions. He requested Heritage Estates V- Phase One to be reduced to \$147,959.35.

P. Ganley moved to reduce the bond on Heritage Estates V- Phase One to \$147,959.35. Seconded by P. Loiselle.

Chairman DiBietto moved to amend subject to obtaining signed copies by Engineer Stephen L. Williams and Dale Hemeon. Seconded by P. Rueppel. **Motion carried unanimously.**

Roll call vote on the motion as amended **carried unanimously.**

D. Hemeon requested Granite Hill III/2 bond be reduced to zero dollars because the as-builts are in and the structures have been fixed. He would like to end the bond as all obligations have been met and return the remaining money of this bond back to Mr. LaPierre.

Chairman DiBietto stepped down due to a conflict.

R. Dion moved to release the bond contingent upon obtaining signed copies by Engineer Stephen L. Williams and Dale Hemeon. Seconded by Paul Loiselle. **Motion carried unanimously.** Chairman DiBietto abstained.

D. Hemeon requested to reduce the bond on South Bow Rd. to \$40,997.00.

P. Loiselle moved to reduce the bond on South Bow Rd. to \$40,997.00 contingent upon obtaining signed copies by Engineer Stephen L. Williams and Dale Hemeon. Seconded by R. Dion. **Motion carried unanimously.**

D. Hemeon requested to reduce the bond on Barberry Estates to \$93,631.00.

R. Dion moved to reduce the bond on Barberry Estates to \$93,631.00 contingent upon obtaining signed copies by Engineer Stephen L. Williams and Dale Hemeon. Seconded by P. Ganley. **Motion carried unanimously.**

D. Hemeon requested to reduce the bond on Briar Court to \$73,370.00.

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P. Loiselle moved to reduce the bond on Briar Court to \$73,370.00 contingent upon obtaining signed copies by Engineer Stephen L. Williams and Dale Hemeon. Seconded by R. Dion. **Motion carried unanimously.**

D. Hemeon requested to reduce the bond on Lafond Ave. to \$23,430.00.

P. Loiselle moved to reduce the bond on Lafond Ave. to \$23,430.00 contingent upon obtaining signed copies by Engineer Stephen L. Williams and Dale Hemeon. Seconded by R. Dion. **Motion carried unanimously.**

OLD BUSINESS:

D. Hemeon, Director of Parks and Recreation presented a breakdown for the cost of maintaining the fields at the proposed new middle school that consists of 15 acres of more grass, four more fields to maintain, four fields for the irrigation. He stated it would require one additional employee and the first year would be more costly than other years due to start-up costs and new equipment needed for the job. **(Attachment #1)**. The bottom line cost would be \$72,000 the first year not counting snow plowing that would take at least 4 hours to add to an employee's route.

R. Dion asked if we hired a new employee how many hours would he spend maintaining the new field.

D. Hemeon stated it would take three days worth of labor.

P. Loiselle asked if there was an existing well for the irrigation.

D. Hemeon stated they have recently dug a well that should handle the irrigation. He also stated that in other towns where they do not maintain their school fields, they just have the grass cut by an outside source, and do not give the time for proper care.

P. Ganley moved to advise the School Board of what it would cost the town, per D. Hemeon's proposal of \$72,527.42, to maintain the new field. Seconded by P. Loiselle. **Motion carried unanimously.**

P. Ganley stated he would like to see the four schools put the maintenance in their budget and remove it from the Town's budget.

R. Dion stated that he feels the Town should maintain the fields, it's just a matter of having it on the Town books or the schools books, either way payment comes from tax payers.

M. Jolin stated the Town has a tough time getting the budget passed and the schools don't have a problem getting their budget passed therefore he's in favor of having the maintenance expense in the school's budget.

Council consensus was to have the Town Administrator send a letter to the school and attach D. Hemeon's ground maintenance proposal that he presented at this meeting.

TIPPING FEES:

Chairman DiBitetto stated that additional information is required so that our legal counsel will be able to respond; therefore this will be on the next meeting's agenda. He also verified that a copy of a letter from Attorney Branch was sent indicating that a public hearing be held on tipping fees.

PROJECTED EXPENDITURES:

M. Farrell stated that a possible surplus in tipping fees would adequately cover current shortages and that Parks and Recreation has a surplus of \$39,000 because the default budget contains more than what they requested.

P. Loiselle moved to table discussion of projected expenditures. Seconded by M. DiBitetto.

Roll call vote.

P. Rueppel	yes	P. Loiselle	yes
R. Dion	yes	D. Pichette-Volk	no

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P. Ganley	no	M. DiBitetto	no
M. Jolin	no	<u>Motion failed.</u>	

M. Farrell stated that by time we meet again welfare and the legal line will be overspent. The average monthly overspending for welfare is \$8,700, which may result in a total over spending of \$54,000; total expenditure projection would be \$104,000. The \$54,000 would come from the projected surplus on tipping fees.

M. Jolin moved to increase the welfare budget line item by \$54,000 by using funds from the surplus tipping fees. Seconded by P. Ganley.

Roll call vote.

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

D. Pichette-Volk stated in the future she would like to see a column added to the spread sheets at the detailed level and add a column to the roll-up to show the changes so you will remember what you did, to be able to back track what was done and when.

M. Farrell that that would be able to be shown.

M. Farrell stated that legal expenses have been averaging \$6,150 per month. If this amount continues it is expected that the total spending would be \$73,800 and the default amount in the legal line item is currently \$35,000. He suggested that the anticipated shortfall in the legal line item will be \$38,800 and would come from the projected surplus on tipping fees.

M. Jolin moved to increase the legal line item by \$38,800 by using funds from the surplus tipping fees. Seconded by R. Dion.

Roll call vote.

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

M. Farrell stated that the projection is that the Fire Department will be overspent in the beginning of March.

P. Ganley moved to table any action on the Fire Department until next meeting. Seconded by D. Pichette-Volk.

Roll call vote.

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

M. Farrell stated that the expenses for the employee dinner is budgeted at \$5,000 and the volunteer dinner is budgeted at \$4,500 and asked how the Council would handle the situation if those funds were not recommended in the current default budget.

P. Rueppel stated keeping the volunteer dinner as it represents a thank you for your time. Having a buffet with the usual plaque presentations for years of service could lower the employee dinner expense.

R. Dion stated keeping the volunteer dinner if affordable or having a family picnic. The employee dinner is essential to employee moral.

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M. Jolin stated the volunteer dinner is very important for recognition of service and presenting an afternoon luncheon could reduce the employee dinner cost.

D. Pichette-Volk stated that perhaps giving the employees a turkey or a ham instead of a dinner to thank everyone at a lesser cost. She said it is important to keep the volunteer dinner. Perhaps a survey to the employees on a preference of a buffet, dinner, ham or a turkey would be helpful.

P. Ganley stated that the employees and volunteers should have equal recognition and have both dinners.

P. Loiselle stated that he agrees with P. Ganley and R. Dion in continuing to hold both dinners.

M. Farrell stated that the dinners be revamped and discussed at the next meeting because if reservations are to be made it would need to be done soon. At this time the line items will not change.

RECALL ELECTION:

Chairman DiBitetto stated that the recall election has been set for January 14, 2002, from 6:00am to 7pm at the Memorial School.

FIRE DEPARTMENT INQUIRY UPDATE:

M. DiBitetto stated there is nothing to report.

PENNICHUCK WATER:

M. Farrell stated that each Councilor should have a copy of the draft Memorandum of Understanding (MOU) due to be finalized by January 31, 2003. He attended a meeting with many other town representatives to see if they are interested in forming a regional water authority, which would mean purchasing the Pennichuck Water System. Hooksett has 90 customers on the Pennichuck Water System; one location is Smyth Woods, which is the Joanne Drive area and the other location is the former Westco community well, which is in the village area off of Pine Street. The Department of Environmental Services (DES) is pushing communities to form a regional water authority. The law currently allows individual communities to use revenue bonds to purchase water authorities however, it is silent on groups of communities, therefore the laws needs to be amended to make it clear that groups of communities can also use revenue bonds. Revenue bonds are used because there is no general obligation debt, it doesn't use up your debt limits and the taxpayer is not responsible, the ratepayer is responsible for any cost involved. For the 90 customers involved, the cost would be relatively low for Hooksett. Those impacted the most by Pennichuck are going ahead to form this water authority. Anyone who wants to participate should make their intentions known soon. Each town has only one vote and the most it would cost Hooksett would be \$2,000 to be used for engineering studies, appraisals and legal fees. If you vote tonight to get involved you would not be sending any money and could withdraw at a later date if it looks like it would cost the Town a lot of money. It is a good opportunity for the Town to get involved. Those 90 customers are paying the highest water rates in the state. The future outlook is that in 20 years from now this area will have only one water system and this may be an opportunity to help control our water destiny. We do not have any control with the Manchester water system. In joining this effort we would be charter members of the Regional Water Authority giving us voting power.

D. Pichette-Volk moved that the Hooksett Town council supports the concept of a Regional Water District and support the necessary changes in legislation to make it happen. Seconded by M. Jolin. **Motion carried unanimously.**

M. Jolin stated that recently the So. NH Planning Commission voted unanimously to support legislation that would enable a Regional Water District to be formed.

ELDERLY EMEPTIONS:

Chairman DiBitetto stated the Elderly Subcommittee met to discuss income, asset and exemption levels. They recommended the income cap for single exemption to be \$35,000 and for married \$50,000. Exemption amounts for ages 65-74 to be \$50,000, for ages 75-79 to be \$70,000 and for ages 80+ to be \$90,000 and for maximum allowable assets to be eliminated. The subcommittee recommends the effective date to be as of April 1, 2002.

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D. Pichette-Volk asked if we know the impact projection for next year, how many more elderly exemptions would this include for each age category.

Chairman DiBitetto stated what we know is that there are 125-130 exemptions and 25 +/- were not eligible because of the discrepancy in the method the Town used in its calculations. The state statute says applicant must be a resident of the state for at least five years. The applicant must file before March 31st yearly. However, the Assessing Director does not anticipate that there would be a dramatic change in the number of exemptions.

R. Dion moved to adopt the elderly exemption recommendations as proposed by the subcommittee. Seconded by D. Pichette-Volk.

Roll call vote:

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

Motion carried.

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

P. Ganley moved to amend to extend to hear the Town Administrator's Report. Seconded by R. Dion.

Roll call vote on amendment.

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

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

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

Motion carried.**TOWN ADMINISTRATOR'S REPORT:** M. Farrell reported that:

1. The Department of Transportation's (DOT) 10 year transportation plan is due to be submitted to the So. NH Planning Commission by January 31, 2003. Charles Watson, Town Planner, will coordinate with the Planning Board and the Master Plan Committee then he will update the Council then Council will submit a formal proposal to the So. NH Planning Commission.
2. Manchester Water Works held a public meeting for the residents of Goonan Road to discuss a proposed water treatment plant. The meeting included Senator Gatsas and several representatives and was well attended. Hooksett representative were not asked to sponsor any legislation. They will need legislation and the land on the west side of river needs to be de-listed from conservation easements. The actual construction is about 10 years out.
3. A new lease will be due in January 2003 for the Hackett Hill Radio Tower located in Bow and is our main radio site. We are hopeful to secure a 25-year lease instead of the 3-4 year leases we've had in the past. Negotiations are on going and we have the ability to sublet space with AT&T on the tower. If we lease there would be income instead of the \$4,800 expense to the Town.
4. Village School Reuse Committee had their first meeting. The Council and the Facilities Committee has a seat on the committee. The next meeting will be in January, a report is due back to the School Board by October 2003. The Building will be vacated in June 2004, 1 year's time for construction, and then the building will be available for use in 2005.
5. Walley Spears, a Hooksett firefighter, will be riding around in a Santa suite in a fire truck collecting toys for tots and food for the food pantry.
6. M. Farrell will be on vacation from December 23 through January 1st, and will be back in the office on January 2, 2003.
7. Diane Savoie, Finance Director, will have the budget books ready for December 23, 2002.

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Chairman DiBitetto adjourned the meeting at 9:50pm.

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Respectfully submitted,

Tina M. Paquette
Administrative Assistant

Pat Rueppel
Secretary Pro-tem