

TOWN COUNCIL MINUTES
REGULAR MEETING
JANUARY 8, 2003

Chairman DiBietto called the meeting to order at 6:37pm.

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

MINUTES: December 4, 2002. P. Loiselle moved to approve the minutes as amended. Seconded by R. Holley. **Motion carried unanimously.** P. Rueppel abstained.

December 11, 2002. D. Pichette-Volk moved to approve the minutes. Seconded by P. Loiselle. **Motion carried unanimously.** P. Rueppel abstained.

December 18, 2002. P. Loiselle moved to approve the minutes as amended. Seconded by D. Pichette-Volk. **Motion carried unanimously.** R. Holley and M. Ruel abstained.

SUBCOMMITTEE REPORTS:

BOARD OF ASSESSORS: P. Ganley reported that at the last meeting there were seven veterans' exemptions that were approved at \$100 dollars each. Court case decision made by BTLA on A&F Realty was in favor of Hooksett. Court case decision was made on Plourde Sand & Gravel in favor of Hooksett.

BUDGET COMMITTEE: M. Ruel reported that the committee has been very busy with the School Budget and the new middle school.

CONSERVATION COMMISSION: P. Rueppel reported that she has not been able to attend because the Town Council has met on the same nights.

COUNCIL NEWSLETTER: M. Ruel reported that she has a few ideas and submitted them to the Council. She recruited P. Rueppel and M. DiBietto to help formulate some ideas.

FACILITIES: M. Farrell reported that the Village School Use Committee has an opening for a Council member. A report is due to the School Board in April and a final report due in October. He was able to recruit M. Farrell to attend the January 21st meeting and D. Pichette-Volk will alternate and attend the following meeting.

PERAMBULATION: D. Pichette-Volk reported that Manchester is still in the research phase and there is no certain given date for completion.

PLANNING BOARD: P. Ganley reported that next Tuesday there will a combined meeting with the Planning and Zoning Boards to discuss the elderly housing project to be located in the area of Mammoth and Hale Roads.

ROAD CONNECTOR: M. Farrell reported that it is on hold until the developer delivers a formal application to the Planning Board; their master plan has been approved.

SEWER: P. Rueppel reported they are still working on composting; State funds are at a good rate so they are going for a loan. Charles Watson, Town Planner met with the Sewer Commission concerning planning.

C. Watson stated that the purpose of the meeting was to assist the Master Plan Committee in gathering information and a meeting has been scheduled for this week with Bruce Kudrick, Sewer Department Superintendent. A meeting has also been scheduled, with the Sewer Commission, for mid February, to bring together people who have been working on transportation and economic development.

SO. NH PLANNING COMMISSION: M. Jolin reported that there are no changes since the last meeting particularly with the regional water situation.

CENTRAL HOOKSETT WATER: M. Ruel reported that they received a letter from Manchester Water Works indicating that, after 10 years, the water rates will be going up and have adopted a rate increase plan with the increase to be approximately 30%. The reason for the increase is for the amount of water used; they were fined because they

exceeded their water usage limits. Central needs to purchase a contract to supply a larger capacity of water, which will cost about \$100,000. She will bring the details of the increase to the next Council meeting.

COMMERCE ALLIANCE: P. Ganley reported that there would be a meeting this week.

HOOKSETT VILLAGE WATER PRECINCT: D. Pichette-Volk is not able to make the meetings due to meeting conflicts. If anyone else can make the meetings please let her know. She will have the minutes for the Council's reading file.

TRI-TOWN AMBULANCE COMMITTEE: D. Pichette-Volk had nothing to report but along the same idea at the next meeting she would like to take a few minutes to explain a few things about Ambulance situations.

BUDGETT COMMITTEE: M. Ruel stated in reference to the November 21, 2002 Budget Committee minutes there was an issue on the purchase of a vehicle for the Building Inspector. In the monthly report it showed the expenditure under Capital Purchases. There was no line under Capital Purchases to purchase that pick-up truck therefore the Budget Committee was concerned with the legalities of the purchase.

M. Farrell stated that he and D. Savoie are aware of the comments through the Budget Committee minutes but there has been no formal request to do anything. The purchase was done properly and legally. There is a line item for Capital Equipment.

Chairman DiBietto asked M. Farrell if it is his interpretation that the cap item allows latitude in whatever capital purchase is deemed necessary by the Council. It seems that it doesn't necessarily need to be separately itemized before hand.

M. Farrell stated it's informational only. The truck was in the approved budget and the warrant article was defeated in the previous year that's why it was put in this year's budget.

M. Ruel stated that the budget approved by the voters is a default budget so the truck was not in that budget it was in the proposed budget that was defeated.

Chairman DiBietto stated that he would like to know, so that in the future the Council will have a guideline to go by, during a default budget does it mean that the money isn't to be used for any capital purchases.

M. Farrell stated what is sent to the DRA is the official form showing capital purchases.

D. Pichette-Volk asked is it correct that what the public gets to see are the internal worksheets and what is sent to the DRA are capital purchases unspecified.

M. Farrell stated that's correct.

Chairman DiBietto asked if we could request that DRA give an opinion of the latitude that is allowed in the capital purchases.

M. Ruel stated that the Town Council approved the purchase of the truck on September 25, 2002.

M. Ruel moved to obtain an interpretation from the DRA on the latitude that is allowed for capital purchases. Seconded by P. Rueppel.

Roll call vote.

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

Motion failed.

PUBLIC INPUT:

Harold Murray, 311 Hackett Hill, in reference to the Manchester Water Works pump station at Goonan Road north end, he asked if anyone has given consideration to the boating traffic near the public water source area. On Lake Massabesic you cannot get closer than 3/4 of a mile near the intakes on the lake.

M. Farrell stated Massabesic is a Class A water source and Merrimack River is a Class B water source so they are treated differently but he will come back to the Council with more specific information.

SCHEDULE APPOINTMENTS:

PUBLIC HEARING.

HOOKSETT-ITES HAPPY HELPERS DONATION.

Public Hearing opened at 7:30pm.

Bernadette Chevrette, Chairperson, Hooksett-ites Happy Helpers (HHH), state she would like to present a belated Christmas Gift of two Automated External Defibrillators (AED's) to the Fire Department for the community of Hooksett. One AED is for the Fire Station in the Village and the other is for the Fire Station at the Safety Center. She said you have all made this possible by providing the HHH with building and the facilities to operate the clothing store. They can say they were all involved one more time and that success can be recognized.

Fire Chief Howard thanked Mrs. Chevrette and the HHH for their generous and most thoughtful donation. He also thanked Town Firefighter John Hill who is our EMS Coordinator for all his work. There was a unique opportunity in working with the Police Department's warrant article for five AED's. In combining the purchases we were able to get a very good price for a total of seven AED's. Each unit cost \$3,036. bringing the total donated value to \$6,072. Because of where the AED's will be place on the apparatus the Fire Department will be purchasing a strong durable Pelican Case. He asked for the Council's approval of the donation for the Hooksett Fire Department.

Chief Howard stated that AED's are Automated External Defibrillators use in the aid of cardiac arrest. In the two to three years there has been a great amount of publicizing how they save lives and they are being made more and more available in places such as airlines, shopping malls and areas where there is a great amount of public attendance. It is a great life saving tool to have within the community.

Chairman DiBietto stated that it's one of the most effective ways of saving a heart attack victims and its proximity to the machine is a high factor in survival. It is a great asset for the community.

Mrs. Chevrette stated that it could be use on a small child as well as an adult.

Firefighter John Hill stated that an advantage of combining the Fire with the Police Departments order was that they were able to obtain the units with an extra feature. This feature called an ECG enables one to view the heart rhythm via a screen.

Chief Howard said the Fire Department would not need training, as these are the same as what the department currently has. The Police Department's package will include training. The ECG is approximately a \$300-400 up-grade that we would not have been able to have if the AED's were order separately from the Police Departments order.

Public Hearing closed at 7:45pm.

P. Ganley moved to accept the donation from the Hooksett-ites Happy Helpers and for the Town Council to generate a letter of recognition to the donors. Seconded by R. Holley. **Motion carried unanimously.**

NOMINATIONS/APPOINTMENTS:

Chairman Dibietto stated there are openings but there have not been any recent applicants and requested an updated list for the next meeting.

OLD BUSINESS:

10 YEAR TRANSPORTATION PLAN – DRAFT CONCEPT.

Charles Watson, Town Planner, stated that Moni Sharma of So. NH Planning Commission sent a letter requesting input for the State's 10-year highway plan. This request, for input from member communities, is done every two years. C. Watson prepared a draft response that is due back by the end of the month. **(Attachment #1)**. He would appreciate the Council reviewing the draft and responding back at the next Council meeting on January 22, 2003. He will be reviewing the draft with the Planning Board on January 13. The recommendations in the draft came out of the Master Plan Update's Transportation Committee. The Committee looked at what they considered to be crucial transportation and highway network difficulties in Hooksett. They agreed with the Town Council and the citizens, whom had input at the Community Profile Meetings in November 2001, that the area of concentration should be Route

3. The two 1994 corridor study maps illustrate the layout that the State designed from intersection of the bypass down past Martin's Ferry Road. Lane mile costs are based on the DOT's estimates for construction purposes and does not include the significant factor of land acquisitions. Those cost figures will be attached before you have to make a final decision. The submittal to the So. NH Planning Commission is due to them by January 31, 2003.

P. Ganley stated that it's imperative that this be included in the Town's 10 year transportation plan, because if it's not the State will not put it on their plan. C. Watson has done a concise and clear job of identifying the main areas of Route 3 that need to be renovated and or changed; he's done a great job.

C. Watson stated that he would like Council to wait until the January 22 before making a decision so that Council can hear the Planning Board's opinions. He would be forwarding pages 1 through 3 to SNHPC and may include some photographs as well.

Representative Ray Langer stated if sharing the cost is aimed at speeding up the process and if it doesn't speed up the process then we've put ourselves in the position of being obligated to share in the cost with no benefit. The Town would be better off omitting the last sentence.

M. Ruel would like to see the word on page 3 paragraphs F to read "#1 transportation priority".

Steve Korzyniowski Master Plan Committee Chair, stated that he is concerned that the draft is centered around Route 3 though there are other problem areas in Town such as Route 3A which should not be forgotten. We should also be thinking about an alternate to Route 3, which will be an expensive project and we should be thinking about how it could be done and types of funding to be use. Route 27, which goes out to the new middle school, should be given some consideration as well. In the letter from Moni Sharma he mentions improvements at rest areas and it seems that the funds could be better spent on Hooksett roads.

Bob St. Jean, Master Plan Committee – Transportation Chair, stated the State has \$10 million dollars in their 10 year plan to address safety concerns on Route 3A from Manchester to the Bow town line. One important comment made my Moni Sharma is that when he receives our letter he would like everyone to be in agreement on exactly what we want because there are other projects that could be moved up to our slot.

Chairman DiBietto state the Town Council will review the draft for a vote at the next meeting on January 22, 2003.

TIPPING FEES.

P. Ganley asked if there is a written agreement with Granite Hill and if so has our attorney reviewed it yet.

M. Farrell stated that Liz Dinwoodie, Assistant Town Administrator, has done some extensive research and no written agreement has be found and what she did find on tipping fees has been sent to the Town Attorney for their opinion.

Chairman DiBietto stated that in a letter from Attorney B.J. Branch he suggested we hold a public hearing. Chairman DiBietto concurred that we should move forward with a public hearing.

PENNICHUCK WATER:

M. Farrell stated there was a meeting to finalize the MOU and the outcome is dated January 2, 2003 with the changes as highlighted. There will be one vote per town, there are 20 towns involved. Hooksett has only 91 customers out of a total of almost 28,000 and since Nashua has 75% of the customers one of the revisions is that Nashua will have veto power. Nashua will be funding 100% of the acquisition and if successful they will be fully reimbursed once the municipal water authority if formed. If Nashua is in disagreement with the majority it will not pass.

Chairman DiBietto asked if the Charter would be formed before the legislation or the regulatory board makes a decision.

M. Farrell stated that legislation would be needed first because right now it allows individual communities to form water districts but there is no legislation on multiple municipalities.

Chairman DiBietto asked is the Public Utilities Commission currently reviewing a proposal to sell to a third party; is that decision expected to come before legislative action.

M. Farrell stated yes. Right now they are expecting a decision, the idea is try to delay that decision. February 28th is the date for the PUC to approve the sale.

M. Farrell stated that this MOU only needs Council's majority vote however the vote to form the district would be require a 2/3 vote of the Council.

M. Jolin move to approve that Town Council for the Town of Hooksett hereby votes to enter into a joint agreement with other municipalities to establish a regional water district in anticipation of acquiring the asset's or the stock of the Pennichuck Corporation or its' successors. There will be no impact on the municipal budget or the property tax rate as a result of this action. Such action will not affect any municipal water system, Village Water District or franchise area of another water utility unless such municipal system, Village District or water utility chooses to join this water district. Seconded by P. Ganley.

Roll call vote.

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

Motion carried.

M. Ruel would like to see that a public hearing be held for the residents involved.

M. Farrell stated when and if the charter were formed then it would be a more oportune time for a public hearing.

EMPLOYEE APPRECIATION:

P. Rueppel asked what is the status of the employee survey.

M. Farrell stated that he and E. Dinwoodie, Assistant Town Administrator, have had some discussions on it but a survey has not gone out.

FIRE DEPARTMENT INQUIRY:

P. Rueppel stated that at the Council's December 11, 2002 meeting Councilor M. Ruel made a motion that failed to require that Deputy Chief DeSilva be called to appear before the Council in regards to the Fire Department inquiry as approved by the Council on August 28, 2002 and the motion failed. On January 22nd P. Rueppel will make that motion and include Gene Serefin, the Fleet Maintenance Supervisor to be invited.

LETTER TO BRYAN WILLIAMS:

P. Rueppel stated that at a previous Council an item on the agenda was a letter to Bryan Williams, Budget Committee Chairman. This letter was written by M. Farrell and copied to the Councilors yet they never receive a copy. M. Farrell stated that due to the advice of legal counsel it should not be given out.

P. Rueppel moved that M. Farrell give the Town Council a copy of the letter and all items pertaining to the issue. Seconded by M. Ruel.

M. Farrell stated at that meeting he said he would send the Council their copies. Shortly after the meeting he had a discussion with Attorney Mayer and he advised against sending the copies out. The contents of the letter are exempt from the right to know law. There has been other correspondence with the parties involved, which he can release.

P. Rueppel and M. Ruel withdrew their motion respectively.

M. Farrell stated that he would provide the other information to clear up the issue.

Council Consensus was to go into non-public session at 6:30pm before the Town Council's regular meeting on January 22, 2003.

FRANK GRAY:

Chairman DiBietto stated that Mr. Gray wrote a letter to the Council thanking them for addressing his concerns.

Chairman DiBietto stated that he received correspondence from the Coalition Communities in reference to the education-funding grant from the State of NH. The NHMA is conducting a series of workshops attempting to bring the donor and receiver towns together. He plans on attending the meeting to get a sense of where this is heading.

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

1. At the next Council meeting he will present the radio tower lease on Hackett Hill for review and approval. Negotiations are in process with the landlord for a new lease and sublease with AT&T.
2. A Resolution will be forthcoming by the Society's Protection of NH Forests dealing with LCHIP funding that provides for preservation of open land. They are asking communities throughout the state to sign in favor of continuing the LCHIP State funding program.
3. NH Department of Transportation (DOT) is working on obtaining a new rule regarding the Fire Department's 2 in 2 out and they also held a public hearing. They had a public hearing. It is being proffered under the Administrative Rules and it doesn't require any legislative action. The NH Department of Labor is bringing it forward under work safety rules. It will impact the Town operationally and is likely to pass. An appeal process is not likely as the Commissioner has the authority to see this succeed. It does go to the Joint Legislative Committee on Administrative Rules (JLCAR). The Commissioner has address the issue of it not being an un-funded mandate because under the hazardous materials work rule it already states you must have two people when you go into an environment that contains hazardous material, which in this case would be the gases from fire.

Chairman DiBietto asked that M. Ruel find out if there is an opportunity to get some input through the legislature.

4. He confirmed with Council, per the schedule agreed upon this past spring, that there will be no meeting on February 26, 2002 thus one Council meeting in February.

PUBLIC INPUT:

Phil Fitandes, N.H. Fireworks, at the last meeting he had a question on the Town Administrator taking an oath and why he had not taken an oath. He reviewed the scenarios as to when the Town Administrator is or is not required to take an oath and what the duties might be. He wanted to know when he could expect an answer.

Chairman DiBietto stated that the issue has not been addressed to date.

P. Rueppel moved to adjourn the meeting. Seconded by R. Dion.

Chairman DiBietto adjourned the meeting at 9:30pm.

Respectfully submitted,

Tina M. Paquette
Administrative Assistant

Mary A. Ruel
Secretary