

**TOWN COUNCIL MINUTES
REGULAR MEETING
JANUARY 22, 2003**

Present: Chairman DiBitetto, D. Pichette-Volk, P. Rueppel, P. Loiselle, R. Dion, M. Jolin, M. Ruel present at 6:34pm, M. Farrell-Town Administrator. R. Holley – excused.

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

P. Loiselle moved at 6:34pm to enter into nonpublic session under RSA 91-A:3,II, c, e. RSA 91-A:3,II,c. Matters which, if disclosed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting. 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. Rueppel moved at 7:09pm to exit nonpublic session. Motion seconded by P. Loiselle. **Roll call carried unanimously.**

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

MINUTES: January 8, 2003. Chairman DiBitetto tabled the minutes for the next Council meeting.

PUBLIC INPUT:

George Longfellow, 29 Elmer Ave., stated his interest in the District 6 Council seat. His past municipal services include Parks & Recreation Committee, Police Commission, Solid Waste Committee Chair, and Selectman. He would be happy to serve the Town of Hooksett as a Council member.

Phil Fitanides, N.H. Fireworks, 1407 Hooksett Rd., presented handouts on copies of RSA's pertaining to the office of the Town Council and the Town Administrator. He stated if the Council would like his explanation on why the Town's legal fees have doubled he would give his explanation at a later date and he offered to give the Council a copy of the transcript of Judge LaPoint's Court in reference to a 2001 case on Town of Hooksett, the Fire Department and the State Fire Marshal's office. He stated the case was thrown out and adjudicated and it seems that they are trying to reinvent the wheel. He will see that the Council receives a copy of the transcript.

NOMINATIONS/APPOINTMENTS:

Tina Paquette, Administrative Assistant, stated that there is one person interested in the Planning Board Alternate position and she is waiting for further information from this individual. There have been no other inquiries for the Town Council seat.

P. Rueppel contacted three people that seemed interested and two have withdrawn their interest and the other has not responded back.

OLD BUSINESS:

RADIO TOWER LEASE.

Chairman DiBitetto stated since the lease has not been finalized this will be postponed until the negotiations are finalized.

MANCHESTER WATER WORKS RATE INCREASES.

Chairman DiBitetto received an email from Gerry Handley, past Town Councilor, and he brings to light the issue with the City of Manchester Water Works and the Goonan Road issue. At one time there was a plan to draw water out of the Merrimack River near Egawes Drive. and the Town granted easements to run water pipes up to Dube's Pond. At that point there was an agreement between the parties that Manchester Water Works would allow the Town to increase their demand up to 3 ½ million gallons per day. Our gallon usage is substantially below that yet there has been discussion relating to the rate increase and an allocation increase. He will see

that Councilor Ruel, our Central Water Rep., receives a copy to present to Central Water Precinct as it may have an impact on negotiations relative to the rates.

M. Ruel stated that tomorrow evening the Central Water Precinct will be presenting their budget to the Budget Committee and their rate increase will be included. She has communicated with Central Water and presented issues that the Council would like to know about such as learning more about the rate increases and how it all works.

Chairman DiBietto stated that Senator Gatsas filed legislation to allow the Fish & Game to pull that land out of an open space usage for water usage purposes. At the next Council meeting, when the Senator is here, it might be an opportune time to discuss this.

FIRE INQUIRY:

P. Rueppel moved to rescind the Council's decision made at their December 11, 2002 meeting, not to call Deputy Chief DeSilva, of the Fire Department, to appear before the Council. Seconded by M. Ruel.

P. Rueppel stated This motion had failed by tie vote on December 11, 2002.

Chairman DiBietto stated it is not necessary to rescind the motion the proper action would be to make a new motion.

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

P. Rueppel moved to have Deputy Chief DeSilva and Gene Serafin, Fleet Maintenance Manager be invited before the Council, after our budget meetings have been completed. Seconded by M. Ruel.

P. Rueppel stated that Councilor Loiselle had expressed an interest in speaking to G. Serafin on the fleet maintenance. Other Councilors are concerned about the call-outs and whether they have been excessive or not and that's the reason for requesting Deputy Chief DeSilva come before the Council.

D. Pichette-Volk asked if this would be within initiative of the Fire Department Inquiry.

P. Rueppel stated yes per the motion of August 11, 2002.

M. Jolin stated he has an issue with having the same conditions as before with a note taker, having a judge present and being sworn in. He feels Council should be able to ask the Town Administrator to explain any procedure that's done in the Town without having to go through an inquiry procedure or that any employee should be able to come before the Council and explain how certain things are done.

Chairman DiBietto said that would be fine for Fleet Maintenance but he would like Deputy Chief DeSilva to explain, under oath, why he failed to show up when subpoenaed.

M. Jolin moved to amend the original motion after Deputy Chief DeSilva add "date to be determined", and "after our budget meetings have been completed" and replace with "on Monday, January 27, 2003". Seconded by M. DiBietto.

Roll call vote on the amendment:

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

Motion carried.

M. Ruel stated for clarity the motion as amended is "to have Deputy Chief DeSilva, date to be determined, and Gene Serafin, Fleet Maintenance Manager be invited before the Council on January 27, 2003.

Roll call vote on motion as amended:

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

You have a qualified Finance Director who should over see the funds, and then there would be continuity of how they are reported.

Chairman DiBitetto asked D. Savoie, Finance Director, what she sees from the Sewer Department.

D. Savoie stated that she sees wages. It is mandatory by law that the Town reports wages to the IRS because they are an entity of the Town, they have the same Tax ID as the Town therefore it is the departments responsibility to see the W-2's, 941's, and all of the wages. They work together at year-end in that she receives the Sewer Department's budget so that she may prepare the Council's Warrant Article and the information is also included in the budget package.

S. Baines stated that the condition of the Sewer records is good and if there is anything they need he can get it.

Chairman DiBitetto stated the overseeing of the Sewer Department's financial records would be discussed at a future Council meeting so that communications can be improved.

Council consensus was that they were satisfied with B. Sanderson's financial report.

MIKE BERNARD – MASTER ROAD SCHOLAR ACHIEVEMENT AWARD.

Dale Hemeon, Highway Department Manager, introduced Dave Fluharty representing UNH T 2 (T squared) who is here to present the award.

D. Fluharty stated that the Technology Transfer Center at UNH provides technical and managerial information, through workshops, to people who maintain local roads. UNH created a Road Scholar Program that has four levels of accomplishment. The Highest level is Master Road Scholar and to achieve this level one must attend 20 all day workshops that totals about 100 hours of instruction on 20 different topics. He thanked everyone for allowing him to recognize, Master Road Scholar, Foreman Mike Bernard and presented him with an award for his achievement.

P. Rueppel stated that she has received numerous calls on the good job that has been done on the road plowing this winter.

D. Hemeon stated the thanks should go to M. Bernard for managing the plowing division at the Highway Department.

HOKSETT POLICE DEPARTMENT – DEFIBRILLATOR PURCHASE.

Chief Agrafiotis stated that per Warrant Article 32 on last year's ballot for \$28,600 to purchase five Automated External Defibrillators (AED's) he is requesting approval to purchase. Costs would be: five AED's for \$15,180; Training cost \$1,800; overtime cost for training \$11,620 for a total of \$28,600.

R. Dion moved to approve the Police Department's purchase of five AED's from Bound Tree Medical, LLC as recommended by Police Chief Agrafiotis in the amount of \$15,180. Seconded by P. Rueppel. **Motion carried unanimously.**

NH DOT – 10 YEAR TRANSPORATION PLAN.

Chairman DiBitetto stated Charles Watson, Town Planner, had a meeting conflict and was not able to attend. He receive a letter from the Planning Board's Chairman indicating they have given unanimous support to the Route 3 segments as outlined in the SNHPC draft letter.

M. Jolin moved to send the NHDOT Ten-Year Transportation Plan letter out as presented. Seconded by D. Pichette-Volk. **Motion carried unanimously.**

NEW BUSINESS:

RECOGNITION OF ED HASKELL AND JOSEPH FUGERE.

Chairman Dibitetto stated that Ed "Hackey" Haskell spent his entire career working for the Town as Road Agent for many years. His illness forced him to retire early and he passed away two weeks ago. He was well liked and known for his conscientiousness on spending Town funds. The Council recognized him for his many years of dedicated service he gave the town.

Harold Murray, Fire Warden, stated he was well known as a call firefighter to station one for many years.

Chairman DiBitetto stated that Joseph Fugere was a Hooksett Police Chief and relocated to Alabama. He passed away two weeks ago and Council recognized him for his dedicated service to the Town.

NH LAND AND COMMUNITY HERITAGE INVESTMENT PROGRAM (LCHIP):

M. Farrell stated this is promulgated by the Society for the Protection of NH Forests and Citizens for NH Land and Community Heritage. They are asking each community to put their resolution on as a non-binding Warrant Article or in the case where there is a Council form of government to be a resolution of the governing body. The resolution speaks to the State of NH to maintain funding for the program in the next biennium budget.

Chairman DiBitetto stated that the State budget would be subject to many cuts. We need to identify our priorities before opposing cuts in one program. Let's be certain not to adversely affect other critical budget items. Council has time to act on this.

M. Jolin said they came before the Council two years ago and the Council was one of the supporters at that time.

M. Farrell stated that M. Jolin is correct. This request is for providing grants for historic preservation of buildings and land.

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

1. Conservation Commission voted at their last meeting to submit a warrant article to change the amount of land use tax fund, a 10% penalty tax. They currently get 50% of the tax and it goes into a conservation fund that can be used to purchase easements or land but needs Council approval for land purchases. The Town receives the other 50% that goes to the General Fund. Their proposed warrant article suggests that Conservation Commission retain 100% of the penalty and nothing for the General Fund.

D. Pichette-Volk asked if the Conservation Commission could make this type of warrant article as a Commission or as private citizens.

M. Farrell stated due to our type of government only warrant articles pertaining to budgetary proposes can be on the warrant therefore, they have been asked to attend the Council meeting on February 12, 2003 because the Council is the legislative body for all non-budgetary and zoning items.

Chairman DiBitetto asked if the Conservation Commission has the authority to spend that money without the vote of the Council.

M. Farrell stated they have two funds. The penalty money is only for the purchase of land and conservation easements and they need approval of the governing body to purchase land. The other fund is a smaller fund obtained by putting any of their unspent budget money into a conservation fund, it does not go back to the general fund, and needs no approval to spend unless it's for the purchase of land.

2. The Conservation Commission used their funds to sue the Zoning Board and the Supreme Court decision determining if they have the right to sue or not will be published tomorrow morning.
3. The Village School Usage Committee met yesterday and it was recommended by the Committee that the Council might want to support a warrant article to establish a capital reserve fund for design construction estimates if the School were to be used as a Town Hall/Community Center. Without cost estimates it is difficult to make any decisions. If the School Board votes to allow building usage for Town Hall and Community Center then money would be needed for an architectural and engineering assessment. He will work on getting a dollar figure for the 2003/2004 budget. The next Village School Usage meeting will be on February 4, 2003. Council member attendance will be either D. Pichette-Volk or R. Dion or M. Jolin.
4. The Regional Water District concept for purchase was approved by the City of Nashua. There are now 14 communities who have signed the Memorandum of Understanding. Charter meetings will be every other Thursday until June. In order for Charles Watson, Town Planner, and he to continue representing the Town they will need authority to vote on behalf of the Town. They will be setting up subcommittees to work on different sections of the Charter, to be finalized by the end of June.

5. The Planning Board will be forming a committee to develop a noise ordinance and they would like representation from the Council on that committee. The goal is to have something on this year's ballot under zoning ordinances.

P. Loiselle volunteered to be the Town Council representative to the Noise Ordinance Subcommittee.

6. The Budget Summary for December, mid year week 26, shows that Family Services is at 72%, Transfer Station continues to at 39%, Parks & Recreation is low because there is \$40,000 that was not requested but there due to the default budget. The Highway's overtime budget has been completely spent since January 6 in the amount of \$27,000. D. Hemeon had budgeted for 24 storms but the default budget was set at 14 storms therefore spring cleanup money will be spent for winter storms which may leave spring cleanup very light.

M. Ruel stated that she met with Joy Buzzell, Family Services Director, to learn more about the process. They went over guidelines and she is now aware of the many venues used to keep spending down. She realizes that the Director strives to be as frugal as legally possible to stay within the budget.

M. Farrell stated that BH 161 deals with receiving assistance and that in order to receive assistance one must be a resident of the community. It will meet with heavy opposition from Legal Aid and ACLU will fight it, if necessary, all the way to the U. S. Supreme Court.

7. A health Care Petition with 25 signed petitions was received this week. They are approaching all communities in the state in hopes of getting it on town's warrant articles. The petition promoters are NH Working Families of SEA, SEIU Local 1984. This petition is not applicable for our type of Town government but he will seek a legal opinion.

R. Dion stated that North Campus is getting ready to do a lot of construction and they would have a direct interest on the Connector Road. What is the latest status on Connector Road.

M. Farrell stated they have not received an application and will not apply for one until their court case has been settled. They are appealing the Planning Board's decision of the approval of their master plan update but the Board also voted that it had changed significantly. North Campus said they were not in favor of it being said the change was significant because as part of the deal for the free library was if they change their master plan significantly then impact fees come into play. Currently they are exempt from impact fees.

Chairman DiBietto adjourned the meeting at 9:30pm.

Respectfully submitted,

Tina M. Paquette
Administrative Assistant

Mary A. Ruel
Secretary