

**TOWN COUNCIL MINUTES
MARCH 12, 2003**

PRESENT: Chairman M. DiBitetto, D. Pichette-Volk (arrived 7:02pm), P. Rueppel, P. Loïselle, R. Dion, M. Jolin, G. Longfellow. M. Farrell – Town Administrator. Excused: R. Holley, and M. Ruel.

Chairman DiBitetto called the meeting to order at 6:55pm.

MINUTES:

February 12, 2003 and February 19, 2003 P. Loïselle moved to table the minutes until the next meeting. Seconded by P. Rueppel. **Motion carried unanimously.**

D. Pichette-Volk arrived at 7:02pm.

NOMINATIONS AND APPOINTMENTS:

R. Dion nominated Don Duford to the Solid Waste Management Advisory Board, Full member, Fill-in, exp. 6/2005.

R. Dion moved to waive the rules in order to nominate and appoint in the same meeting. Seconded by P. Loïselle. **Motion carried unanimously.**

G. Longfellow moved to appoint Don Duford to the Solid Waste Management Advisory Board, Full term, Fill-in, exp. 6/2005. Seconded by P. Rueppel. **Motion carried unanimously.**

P. Rueppel nominated John Danforth to the Solid Waste Management Advisory Board, Full term, Fill-in, exp. 6/2005.

P. Rueppel moved to waive the rules in order to nominate and appoint in the same meeting. Seconded by G. Longfellow.

Roll call vote.

P. Rueppel	yes	P. Loïselle	yes
R. Dion	yes	D. Pichette-Volk	yes
G. Longfellow	yes	M. DiBitetto	no
M. Jolin	no		

Motion carried.

P. Rueppel nominated Sandy Oliver to the Solid Waste Management Advisory Board, Alternate, Fill-in, exp. 6/2003.

R. Dion nominated Diane Monteith for Solid Waste Management Advisory Board, Alternate, Fill-in, exp. 6/2004.

P. Rueppel nominated Sandy Oliver to the Heritage Commission, Full term, Fill-in, exp. 6/2004.

M. Farrell received notice today from J. Duffy, Planning Board Administrative Assistant, that Scott Evans resigned his position as Planning Board Alternate, fill-in, exp. 6/2003.

PUBLIC HEARING: PROPOSED TOWN CHARTER AMENDMENTS.

Chair DiBitetto opened the public hearing at 7:00pm, read sect 4.3, 4.6A, 4.7 and the legal opinion.

(Attachment #1) (Attachment #2).

Frank Gray, 17 So. Bow Road, stated this is the way the charter was originally written. Every elected official has the power; Council has authority to delegate but not to abdicate.

Jim McDonough, 20 Auburn Road, stated he is against the proposal. The reason for the change to a Town Council form of government, back in 1989, was to get out of the crisis management mode. He suggested not fixing something that isn't broken.

Sandy Oliver, 1465 Hooksett Rd., stated she is in favor of the proposed changes. A majority vote is easier than 2/3. When one of the Councilors starts to micro manage she feels the other Councilors will come down pretty hard on that Councilor to stop it.

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D. Duford, 191 West River Road, stated on 4.7 last paragraph's highlighted change " except that the council chairman man may direct any employee who is charged with assisting in the council business" he believes legal counsel missed the point as it speaks to one who is charged with assisting the conduct of the Council's business; that person used to be called the Council Secretary and is now called the Administrative Assistant/Secretary, originally the Council's secretary took all the council's work first and completed it to their satisfaction. He noticed that lately the Council's agenda is being signed by the Chairman and he thinks that is a step in the right direction as it shows who's agenda it is. He is in favor of all the amendments.

Nancy Winneg, 42 Cross Road, stated to move forward with the changes.

Chairman DiBietto closed the public hearing at 7:30pm.

G. Longfellow moved to put the proposed charter amendments on the warrant. Seconded by P. Loiselle.

R. Dion stated he is not in favor of the changes because of the way it was brought forward. The Charter Committee should have reviewed and studied it and then brought their recommendations forward.

M. Farrell spoke against the changes. He felt it went against the intent of the original charter and was actually changing the form of government, which would require a charter revision instead of an amendment.
(Attachment #3)

M. Jolin is not in favor of voting all the amendments as one amendment because he is not in favor of all of them therefore, he would have to vote no.

P. Loiselle moved to amend to divide the article by making 4.3, 4.6 and 4.7 into separate articles. Seconded by M. Jolin.

Roll call vote.

R. Dion	yes	D. Pichette-Volk	no
G. Longfellow	no	P. Rueppel	no
M. Jolin	yes	M. DiBietto	no
P. Loiselle	yes	<u>Motion failed.</u>	

Roll call vote on the original motion.

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

RESCIND OLD AND CREATE NEW SPECIAL REVENUE FUND.

Chair DiBietto opened the public hearing at 7:50pm.

Chair DiBietto read both articles aloud in reference to adopting RSA 31:95-c and rescinding RSA31:95c.

M. Jacobi stated that as Chair of the Solid Waste Management Advisory Board she ran this by the DRA and the language is acceptable. The language in the second article is exactly as it appeared when the warrant was adopted in 1991. **(Attachment #4)**

D. Duford stated he doesn't feel it is a good idea that passage of one article be contingent on the previous one. If you split them up you could lose altogether; there's a chance that the money could go into the general fund. If it's in one article and passes the new one is adopted and the old one would be rescinded. He asked who is in favor of all revenues generated at the landfill to be used exclusively for solid waste disposal. Vote of the legislative body can authorize spending as opposed to waiting for a next town meeting.

Chairman DiBietto polled the Councilors and most were in support of revenues generated at the landfill to be used exclusively for solid waste disposal except for D. Pichette-Volk.

Chair DiBietto closed the public hearing at 8:00pm.

P. Loiselle moved to place both articles on the warrant as submitted. Seconded by G. Longfellow.

D. Pichette-Volk stated for the record, it doesn't seem wise to compartmentalize all your revenue streams so narrowly and for that reason she will not support the motion.

Roll call vote.

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

Motion carried.

SCHEDULED APPOINTMENTS.8:00PM:

BOB BEAURIVAGE – MANCHESTER WATER WORKS – LAND SWAP.

Chairman DiBitetto stated Tom Bowen, Director of Manchester Water Works, will speak on the Merrimack River water supply project.

T. Bowen stated there is a 15-acre parcel that belongs to the State of N.H. and is in the Land Conservation Investment Program and because it's in that program the only way to remove it from the program is through an act of the legislature. Two months ago Senator Lou d'Alessandro and Senator Andy Martel sponsored a bill to exchange seven acres owned by Manchester Water Works for 15 acres owned by the State. Lake Massabesic serves 140,000 residents, and they are currently being supplied with 700,000 gallons of water daily, that is 200,000 over the agreement limit. As the region continues to grow there is no way they will be able to meet the usage agreement unless this project is built; that is why they need an alternative supply other than Lake Massabesic. Twenty and one half millions gallons a day is the maximum we can safely take from Lake Massabesic with out taxing it's capacity. Currently regional Manchester uses about 18 million gallons a day. The time frame for this is about six or seven years to completion including acquiring the property, getting the permits, design/engineering and that is about the time the Lake will be at maximum usage.

Bob Beaurivage, Manchester Water Works, stated they are interested in the seven acres at end of Goonan Road. The process is still at the legislature. They are in the process or upgrading their treatment plant and indicated that the cost would be exorbitant. They are looking into other options such as using water from the Merrimack River augmenting the water supply from Lake Massabesic thus they would be running two plants. One plant would be a high tech plant to treat the lower quality water and the other plant would be a more conventional treatment plant. One of the driving forces to making a change is the In-stream Flow Rule that will put serious limitations to the amount of water that can be taken out of any river in the state.

D. Pichette-Volk asked if the Merrimack Water Shed has taken a position on this.

B. Beaurivage said they haven't taken a position, however, the proposed change is more environmentally friendly than the old process of taking water from the River and pumping it into Lake Massabesic because of a loss of 30-40% just through evaporation. This would be a more efficient process, as they would be taking much less water from the River. About a dozen agencies in the environmental community including the Audubon Society, Merrimack River Water Shed Council, Society for the Protection of NH Forests, and Conservation Law Foundation met and with their assistance the legislation was drafted taking into consideration their concerns and some of them attended the hearing on the bill to lend support or express their concerns.

D. Pichette-Volk asked with the proposed new high tech plant to take the quality of the existing river water would the water be pumped to an intermediate location.

B. Beaurivage stated they intend to build a small pumping station with an intake pipe in the lake or the river and the water will then go into the water treatment plant and be pumped into the system.

G. Longfellow asked if there would be a restriction on water usage in the area.

B. Beaurivage stated there would be no navigation restrictions such as used for fishing.

P. Loiselle asked if a mailing would go out to those on Goonan Road.

B. Beaurivage stated they held a meeting with residents on Goonan Road and explained it in great detail.

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Chairman DiBitetto would like to have a Public Hearing in April 2nd and have B. Beurivage and T. Bowen attend.

B. Beurivage stated this is a unique situation due to the legislature concerns and he would be willing to attend the public hearing.

M. Farrell stated that Hooksett Central Water Precinct should be invited to attend the public hearing.

Representative David Hess stated he would like it to be known that Representatives Tony Soltani, James Oliver and Executive Councilor Raymond Wieczorek and himself were in attendance for the Manchester Water Works land swap part of the meeting.

OLD BUSINESS:

FIRE DEPARTMENT INQUIRY – PROPOSAL FOR HEAVY EQUIPMENT COMMITTEE STUDY.

Chair DiBitetto stated that he suggested involving the Heavy Equipment Committee and the Fire Department's Truck Selection Committee to obtain a better understanding on the condition of the fleet and wanted to know if the Council would be receptive of this concept.

D. Pichette-Volk stated that the Fire Department inquiry was targeting two items, overspending and personnel turnover, and she is not sure how the evaluation of the fleet equipment fits into the inquiry. But if there is a general interest in looking at heavy equipment then do so outside the Fire Department Inquiry. Look at all the departments, Highway, Fire, Parks, and then she would not be opposed to looking at it. Do not put it under the banner of the Fire Department inquiry because you would be very far from the original intention of the inquiry.

Chairman DiBitetto stated that during the fire inquiry it was mentioned that the fleet was in deplorable condition. He feels it is the Council's responsibility to find out to what extent is deplorable.

D. Pichette-Volk stated she is uncomfortable with the use of the word deplorable. That word was used only one time, during the fire inquiry in the first session, and that was in reference to the condition of the fleet when Chief Howard was first hired. He then mentioned several steps that were taken to change the situation; a 20-year plan had also been put forward. Therefore she is uncomfortable, and continues to be uncomfortable to justify an initiative based on one word used one time. She is not opposed to looking at any department's equipment but under the fire inquiry banner is trying to get way too much mileage out of the use of one word, used one time in the past tense.

Chief Howard stated as a Town Department he recognizes the Fire Department has the single most expensive equipment as it relates to vehicles; his 20 yr plan runs between 5-6 million dollars. They stand ready to work with the Heavy Equipment Committee and take into consideration their expertise, however, it must be noted that the Fire Department is under very strict standards that they must abide by.

R. Dion stated while it is good to keep the citizens informed, he doesn't want the public to get the impression that something is wrong. Using the word inquiry has a negative connotation. It would be more positive to say that we are looking into to our equipment to see exactly what the status is.

M. Jolin moved to have the Heavy Equipment Committee research and report on the condition of the Fire Department's fleet. Seconded by Paul Loiselle. **Motion carried unanimously.**

M. Farrell stated that he thought that the Fire Department's Truck Selection Committee and the Heavy Equipment Committee would work together to present the equipment status to Council. He also recognized Dave Carignan, Dan Pesula, Steve Colburn, and Bill Palmer, members of the Fire Department Truck Committee, and thanked them for attending this meeting.

P. Loiselle stated in reviewing the Fire calls logs the majority of the Fire calls are fender benders, smoke detectors and things of that nature. When dispatched to an incident a fire truck and three firefighters go to the scene and in most cases there is no injury. The main reason the fire truck is there is because it's the only vehicle they have, they need a different type of vehicle to relieve the usage on the fire truck.

D. Pichette-Volk stated that's the end detail but what you don't know when you are called out is to what the extent of the incident is.

NEW BUSINESS:

PRIME WETLAND PETITION FOR TOWN WARRANT.

Chair DiBietto stated that Council has received a petition for the warrant relating to issue of prime wetlands to the Planning Board and have received communication from our attorney in reference to a procedural flaw in the petition and may render this petition article unenforceable should it pass. The issue of the procedural matter is RSA 482:a (15) Local Option Prime Wetlands. The Conservation Commission did not generate the petition and therefore it is not a proper action for a warrant article. In light of this information he asked if Council wants to place it on the warrant though not enforceable.

R. Dion moved to not place the petition on the warrant. Seconded by PL. **Motion carried unanimously.**

BOY SCOUT'S FINGER PRINT WORKSHOP.

D. Pichette-Volk stated that she arranged with Police Chief Agrafiotis and Lieutenant Detective Owen Gaskell to have a presentation be given to Boy Scout Troop #202 so that they could earn their Fingerprint Merit Badge. Lieutenant Gaskell gave a course on fingerprinting. They rolled prints, did a crime scene, lifted prints, took them into the lab, learned how to read ridges in fingerprints and there were numerous handouts. The course was held on two Saturdays with parents and scouts attending and they expressed their sincere thanks to Chief Agrafiotis and Lieutenant Gaskell. She thanked Chief Agrafiotis for the two lengthy and informative conversations they had and Lieutenant Gaskell for all the time he took to prepare and teach. They all learned a lot.

Chairman DiBietto stated that the Hooksett Lions Club has selected Robert Schroeder as Citizen of the Year.

Council consensus was to send a congratulations letter to Robert Schroeder.

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

1. A letter was received from Allenstown Board of Selectmen requesting permission to install a radio tower in the Pembroke Water Works tower to which we lease space from and have the right to sublet. We are not actively using the tower but it could be a future site for new installation that is now going on at the safety center. In reviewing with our radio consultant, Gary Sleeper, he will supervise their installation as to not interfere with any of our future uses. M. Farrell recommended the use of this radio site.

P. Rueppel moved to allow for the installation of a radio tower at our location on the Pembroke Water Works tower. Seconded by D. Pichette-Volk.

M. Farrell stated we would be subleasing at no cost to Allenstown as it is a taxable piece of property for Pembroke but we have agreed to waive that cost.

Chairman DiBietto asked if Allenstown has paid their bill on the cost of dispatching.

Diane Savoie, Finance Director, stated they owe approximately \$25,000 for each year and the total owed is approximately \$50,000.

M. Jolin moved to table any action on the motion until the next meeting.

2. Allenstown Board of Selectmen will be holding a large public hearing on the use of ATV's in Bear Brook State Park and they wanted Hooksett to be aware of it and support their concerns. The Council has supported ATV usage on Chester Turnpike that runs into Bear Brook, thus we are at opposite ends on this issue.

D. Pichette-Volk moved at 9:30 to extend the meeting to hear the rest of the Town Administrator's Report. Seconded by P. Rueppel.

Roll call vote.

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

3. A few months back Council authorized to release a slope easement in the exit 10 TIF Development by the Hooksett crossing, and Koffler GID recently received an update from their title company, which showed that the easement had not been released. This has been reviewed by the Town's legal Counsel. They are asking that the slope easement be signed.

D. Pichette-Volk moved to authorize the Council Chairman to sign the slope easement release. Seconded by R. Dion. **Motion carried unanimously.**

4. The right-of-way on Quality Drive was moved and their legal counsel found some pieces of land that were not conveyed by the Town to Koffler GID, LLC. Legal counsel reviewed the Quit Claim Deed and approves of the transfer of the land and if Council agrees, a signature is needed.

D. Pichette-Volk moved to authorize the Council Chairman to sign the Quit Claim Deed for land located near the right of way on Quality Drive. **Motion carried unanimously.**

5. Bob Beurivage sent a letter indicating that the previous request for easement modification between Manchester Water Works and the Hooksett Sewer Commission was in error therefore the easement modification was revised so that it accurately reflects the intentions of both parties. It's a temporary construction easement.

P. Loisel moved to authorize the Town Administrator to sign the easement modification agreement on sewer district land. Seconded by D. Pichette-Volk. **Motion carried unanimously.**

6. A small pox planning meeting with Manchester Heath Department was attended by Police Chief Stephen Agrafiotis, Fire Chief Mike Howard, Harold Murray - Deputy Emergency Management Director, Ken Andrews – Health Officer, and M. Farrell - Town Administrator. The discussion was about setting up emergency inoculation for Hooksett residents. It's part of emergency management planning. In the near future they will be working with the Manchester Health Department to finalize the plans. Part of the State's plan is to have the first responders, police, fire, and ambulance attendants inoculated. Primary first responders have been inoculated so far.
7. TIF updates - Target opened last week. Kohl's will be open the first week of April. Home Depot will be open before this coming Christmas.
8. A meeting is being held tonight that came out of the Community Profile project. They will be forming an economic development corporation for the benefit of Hooksett and are a proactive group. They are in the process of developing by-laws, procedures, and rules of the corporation. They will come to the council to give updates. They have some great ideas and great projects in their plans.
9. It is with regret to see Firefighter Mike Johnson leave after serving as a call firefighter then as a full time firefighter for approximately three years. He has accepted position with the Concord Fire Department. We send our best wishes in his career in Concord.
10. Depending on the action of the Budget Committee, the order of the warrant articles can be significant particularly when they disapprove items. The Town Meeting can approve only 10% more than what the Budget Committee approves. If there is a change on the floor, once it reaches 10% the DRA will count articles as they appear on the warrant. Technically with the budget being the last warrant it could get cut. It would behoove us to get in the habit of moving it up on the warrant.

Council consensus was to move the town budget article up on the warrant.

Chairman DiBitetto adjourned the meeting at 9:50 pm.

Respectfully submitted,

Tina M. Paquette
Administrative Assistant

Patricia A. Rueppel
Secretary Pro Tem