

**TOWN COUNCIL MINUTES  
MAY 14, 2003**

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

Chairman DiBietto called the meeting to order at 6:32pm.

P. Loiselle arrived 6:33pm

D. Pichette-Volk moved at 6:35pm 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 requests an open meeting. Also under 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. Seconded by G. Longfellow. **Motion carried unanimously.**

Rick Holley arrived at 6:39pm (during nonpublic session).

Chairman DiBietto stated that there are two items he would like to speak about that were discussed in the non-public session. The first issue is on the litigation between NH Fireworks v. Town of Hooksett has been concluded. The Council has agreed along with the representative of NH Fireworks to settle all outstanding matters that have been pending. He gave thanks to NH Fireworks for their cooperation with those matters. The second issue is that our Town Administrator, after six years at his position, will be leaving at the end of this fiscal year. He read the statement that will be issued to the press and thanked M. Farrell for a job well done.

**MINUTES:**

**February 12, 2003.** Paul Loiselle moved to accept the minutes of February 12, 2003 as amended. Seconded by R. Holley. **Motion carried unanimously.**

**March 5, 2003.** P. Rueppel moved to accept the minutes of March 5, 2003. Seconded by G. Longfellow. **Motion carried.** P. Loiselle abstained.

**April 1, 2003** P. Rueppel moved to accept the minutes of April 1, 2003 as amended. Seconded by P. Loiselle. **Motion carried.** M. Ruel and R. Holley abstained.

**April 2, 2003.** G. Longfellow moved to accept the minutes of April 2, 2003 as amended. Seconded by P. Loiselle. **Motion carried.** R. Holley, D. Pichette-Volk and M. DiBietto abstained.

**April 9, 2003.** P. Loiselle moved to accept the minutes of April 9, 2003 as amended. Seconded by G. Longfellow. **Motion carried unanimously.**

**April 30, 2003.** P. Rueppel moved to accept the minutes of April 30, 2003. Seconded by G. Longfellow. **Motion carried.** R. Holley and M. DiBietto abstained.

**AGENDA OVERVIEW:**

Chairman DiBietto stated that a public hearing was posted but cannot be conducted because changes to the ordinance must be made first and we will work on the changes tonight.

**PUBLIC INPUT:**

Harold Murray, 311 Hackett Hill Road, stated that there are many people here in reference to the letter to the State for an ATV trail through Bear Brook State Park. The ATV Club kept their promise and cleaned up the Chester Turnpike section where the ATV's travel through. He would like to see a positive letter written to the State in favor of an ATV trail through Bear Brook State Park. Steve Sherman lives in Bear Brook State Park and is a State employee with the Department of Resources and Economic Development(DRED) employee who spends a lot of time chasing ATV trail abusers and noted that there is no difference as to what goes on with ATV riders as to what goes on with Snowmobile riders. If the Council would like more information on the trail system he would be more than willing to ask the Director of Trails, the Director of Fish & Game and Steve Sherman to

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attend a Council meeting. Some members have used their own money to clean up the trails and removed cars and car parts that have been there for years.

Chairman DiBietto asked if there is a contiguous trail.

Rick Lacourse, ATV Club President, stated that the Department of Environmental Safety (DES) would be conducting a study to see if there are any endangered plants or animals or wetlands in the area. Then in June or July the State will go before Allenstown to discuss their proposal. Since the ATV club has Town permission to traverse the Chester Turnpike they have asked that if the State develops the Bear Brook trail that it hook on to the Chester Turnpike trail. The Club does have lot numbers and maps of the landowners off of Chester Turnpike and they are prepared to send letters out to the landowners for a possibility of opening up their land for ATV trail usage. Right now there is no contiguous trail from Chester Turnpike.

M. Ruel asked about the extent of possible damage on current trails such as mountain bike trails. How can you protect horse, bike, hiking trails from the damage and the noise of the ATV's.

R. Lacourse stated the trails are separately marked. If there were a 20-mile area set aside for ATV usage the damage would be less than no trail set aside.

P. Rueppel asked how would you police the ATV trails.

R. Lacourse stated they have their members doing the policing by reporting violators to the Fish & Game Department and they will issue citations or tickets to the violators. The Clubs 30 trail patrol members all have taken a CPR and first-aid course.

P. Rueppel asked if he has gone to the state about setting up a volunteer unit.

Lacourse stated they have spoken with an attorney to address that issue of using their members for rescue searches. They have eight walkie-talkies and all the board members carry a first-aid kit on them.

P. Loiselle moved to have a letter sent to the State in support of statewide expansion of the ATV trails system to mirror the snowmobile trails system. Seconded by P. Rueppel. **Motion carried.**

D. Pichette-Volk asked if the letter had been written, for Council to review, to not support the ATV usage in Bear Brook and to support Allenstown's position.

M. Farrell stated that the draft letter had not been created.

#### **NOMINATIONS AND APPOINTMENTS:**

**HEAVY EQUIPMENT COMMITTEE:** G. Longfellow stated the Committee would like to increase their number of members from five to seven members because they feel they would have more expertise with the two members they would like on the Committee.

G. Longfellow moved to increase the number of members from five to seven on the Heavy Equipment Committee. Seconded by R. Holley. **Motion carried unanimously.**

G. Longfellow nominated Tom Keach who is currently employed by the Department of Safety.

G. Longfellow nominated Walter "Chipper" Johnson.

Chairman DiBietto closed the nominations.

P. Loiselle stated that he wanted the Council to know that Scott Bussiere is interested in a Planning Board membership.

#### **SCHEDULED APPOINTMENTS:**

##### **7:00PM John Rokeh – Holden Engineering.**

Peter Holden stated that Burke Real Estate Enterprises who owns the property is looking to use the property for business meetings and large concerts. The building was originally built to be used as an indoor soccer field.

Paving would be in the Towns aquifer area. They were granted a variance by the zoning board and now will work with the Conservation Commission to protect the aquifer under the sand and gravel deposit. They will be looking to obtain rights for groundwater and they still need to go before the Planning Board and the Conservation Commission.

Chair DiBietto asked for the Planning Board's view.

Dick Marshall, Vice Chairman of the Planning Board said it would be ok if they were only talking about the land; then there would be no problem. However the entrance is a problem specifically they do not want Cate Road being used as an access route.

D. Pichette-Volk asked if we could agree to allow the land to be sold only when the Planning Board issues have been cleared.

D. Marshal stated abandonment of a portion of the right of way is an issue.

M. Farrell stated the right of way would be used for future expansion.

D. Marshall stated the Planning Board would approve the plan subject to receipt of transfer of the land or withhold action until transfer of the land by the town. He recommended not doing the transfer of the land until all issues have been cleared.

Chairman DiBietto tabled the issue pending the terms and conditions of conveyance be worked out then get Town Council to give approval on the final deal. The price is to be determined.

P. Rueppel stated that it was a recommendation of the Conservation Commission.

William Burke, owner of the land, stated he would like to purchase the middle piece of property from Pike Industries and the piece in question tonight. The easements the Town would want him to grant would not be a problem. He asked how could things be done in a timely manner, as one item seems to be dependent on the other.

Chairman DiBietto stated that he believes the Planning Board would be willing to endorse the plan subject to your acquiring the other parcel and the Planning Board is now ready to hear you.

**7:15pm Heather Stone – NH for Health Care Resolution.**

Heather Stone, representative of NH for Health Care, stated she comes before the Council to ask them to adopt a resolution. The Health Care's goal is to send a message to consumers to lower health care costs, expand access to health care and lower the cost of prescription drugs. NH residents pay the second highest cost of health care in the country. One hundred and thirteen towns have adopted this resolution and 128 residents in Hooksett signed on in favor of this resolution. NH for Health Care represents part of NH State Employee Assoc recognizing small business with difficulties in obtaining health insurance and they are affiliated with the NH chapter Association of Social Workers. Their objective is to send a message to Concord that health care issues are a priority as far as cost goes, putting forward principles of accessibility, quality and affordability, though no specific plan is being endorsed.

Chairman DiBietto asked if they are looking to see that people receive health care similar to what Federal Employees receive.

H. Stone stated no but what is important is the health care be of options and quality and affordable.

Chair would like additional information presented to Council before making a decision.

D. Pichette-Volk excused at 8:15pm

**PUBLIC INPUT:**

Michelle Wuster, 23 K Avenue, stated there is going to be reconstruction work done at Frasier Park's playground. The Park comes right up to her front yard therefore she has some concerns and would like to see

the reconstruction plans. As an abutter to the park she wanted to know why she was not contacted on the reconstruction plans.

Shawn Menard, 18 K Ave., lives across the street from Frasier Park and he also has concerns as he is very close to the park and has a child with special needs so the possibility of additional traffic is also a concern.

Chairman DiBitetto stated these issues don't go before the Planning Board because it's a municipal issue.

M. Ruel stated he could view the plans by contacting the Kiwanis Club and Parks & Recreation Department.

M. Farrell stated that in a conversation with G. Longfellow there would be two play apparatus installed and they will be working on mitigating the parking problems. By changing the use of the park to be for small children less vandalism would occur.

M. Wuster would be open for a discussion as to where the structure would be put. D. Hemeon, Highway Department Manager, gave impression that every year something will be added to it. The speed should be 15 mph not 25 mph and there should be a speed bump installed.

Chairman DiBitetto stated the Council would review the plans and have D. Hemeon attend a Council meeting to discuss further. G. Longfellow and D. Hemeon will view the area and show M. Wuster what they are planning.

#### **SOLID WASTE POLICY.**

Diane Boyce stated there is a small policy change on dumpsters on non-town maintained roads. The last paragraph on 1<sup>st</sup> page shows they are taking two dumpsters out of Granite Brook Mobile Home Park. Solid waste will not be providing dumpsters to the schools and the library; they are providing their own. The Town Department will provide containers Solid Waste will maintain (empty) them. In the handout the underlined section has new language. On page two of the handout there are supplemental services regarding collection of leaves & grass and they will only collect with the brown bags. Before they were collecting in plastic bags that had to be opened and emptied that was very time consuming. (Attachment #1)

P. Loiselle moved to accept the new policy changes. Seconded by G. Longfellow. **Motion carried unanimously.**

Chairman DiBitetto stated approximately 750-800 units or 20% of the residents would see a collection change and a public hearing would be in order. He requested the policy changes be posted and the hearing to be a separate meeting.

D. Boyce stated they are running the packer on two private roads however their department is striving to have everyone treated the same.

#### **FISCAL YEAR BUDGET STATUS:**

M. Farrell stated that in the last budget discussion with Council it was discussed what could be done through the end of April for the Fire Department's budget with their overtime situation and workers comp issues. The packet you received from Chief Howard gives explanation in great detail. In managing his department's line items he closed off some line items and it presently appears that he will be at 108% of his overall budget; overspending his budget by 8% thus needing \$54,000 to be transferred into the over time account to complete this fiscal year. To cover the transfer of funds it would come out of the Administration Department under the health insurance line that shows a surplus of \$327,175 and the May premium has been paid just over \$63,000 and anticipate June payment to be the same amount which means there would be a \$200,000 surplus in the health insurance line.

Chairman DiBitetto asked how the figure of \$1060 is arrived at for one firefighter's workers comp.

Chief Howard stated that a percentage of the firefighter salary is covered partially through workers comp and the person covering is paid via overtime. So we pay for injured person at time, and replacement at time and a half that equals two and a half times the pay rate. We get reimbursed at 60% in permanent rate time for the person on workers comp. He further stated that prior to his arrival in 1989 there was a grievance dealing with compensation for education related issues. The resolution to that issue was that individuals would be covered for department related education. The Town would pay you go to a class if you were on duty and your position

would be covered by another individual and this was the procedure until October 2002. In October of last year he told the union local that there would be no more funding for education and to this date this has not been an issue. However pay for mandatory certification will be covered. The \$17,329 issue will not come back it has been stopped. The entire problem this year, again, has been workman's comp. At the last meeting he projected making it until April 20<sup>th</sup> but was able to go another week more which was until the last pay period in April. In his letter of April 29, he projects a deficit of \$120,858 till fiscal year end. Diane Savoie, Finance Director projects a \$14,000 deficit. If the department reaches \$120,000 he is confident that he will be able to make up the \$12, 000 difference. These funds will be used only to maintain the staffing on the apparatus not for anything else.

G. Longfellow asked if the workers comp usage is average for 20 firefighters.

Chief Howard stated based on their activity the average on and off is between three to five people yearly. Looking at the figures, some of the time is for very short periods of time others are lengthy periods of time. During a year you may have seven to eight firefighters that get injured but the average for a 12-month period is usually three to five people out. In the last five to seven years there has been an average of up to four firefighters being out at any given period of time. What makes the situation tough is that the budget is not designed to adsorb any significant time for workers comp and also the overtime budget is not designed to cover workers comp.

M Ruel asked what happens if you don't get more funds tonight.

Chief Howard stated that Village Station would have to be closed. If Council overrides his decision then Council would be accepting 100% of the liability.

M. Ruel asked for the Town Administrator's opinion.

M. Farrell stated allow Chief Howard to overspend because there is \$200,000 in the insurance line, which is more than enough to cover for the rest of the year.

Chairman DiBitetto what do you need to get thru end of May then work your figures from there.

Chief Howard stated half of the \$54,000 then he will come back to Council in June.

P. Loiselle moved to allow the over expenditure of \$27,000 for the month of May recognizing there is a surplus in the insurance line. Seconded by R. Holley.

**Roll call vote.**

R. Holley	yes	M. Ruel	yes
P. Loiselle	yes	P. Rueppel	no
G. Longfellow	yes	M. DiBitetto	no
M. Ruel	yes		

**Motion carried.**

**FIRE DEPARTMENT INQUIRY:**

P. Rueppel asked for the status of fire department inquiry.

Chairman DiBitetto stated he would like to see a subcommittee formed comprising of three members, D. Pichette-Volk, P. Loiselle and one other Councilor, perhaps M. Jolin. Their objective would be to take the information and summarize a draft report to present to Council for final approval.

P. Loiselle moved to create a subcommittee of Council members to finalize the fire department investigation. The Committee members would be D. Pichette-Volk, P. Loiselle and M. Jolin pending his acceptance. Seconded by P. Rueppel.

**Roll call vote.**

P. Loiselle	yes	P. Rueppel	yes
G. Longfellow	yes	R. Holley	yes
M. Ruel	no	M. DiBitetto	yes

**Motion carried.**

**NEW BUSINESS:**

**INTRODUCTION TO TAXICAB ORDINANCE AMENDMENT TO:**

**ARTICLE 3.6 A&B.**

M. Farrell stated we could proceed in a way that is not very complex, similar to Concord's procedures or be more complex, similar to Manchester's ordinance that consists of over 27 pages where they inspect the cabs and do surprise inspections administered thru police department. Hooksett's Taxicab Ordinance, section 4.1 requires insurance of at least one million dollars however this amount is not obtainable in N.H. for a taxicab business. The maximum obtainable amount is \$500,000. Other cities in the state run from \$300,000 to \$500,000. Now that Council has received a proper amendment in proper form to change the requirement from one million to half a million dollars a public hearing should be held to amend the ordinance and discuss ways in which to proceed. He recommended keeping it in a simple form. We were notified that Queen City Taxi is operating in Hooksett. The owner has a valid Manchester taxicab license and he has provided us with all the information required for a license therefore his application is considered pending until we update our taxicab ordinance. The issue is not the drop off as that is permitted in Hooksett. He has been informed that he cannot pick up any fares in Hooksett.

P. Loiselle moved to post a public hearing to reduce the amount of insurance. Seconded by R. Holley. **Motion carried unanimously.**

Chairman DiBitetto requested that the hearing be held at the next Council meeting on May 28.

**ELECTIONS:**

Chairman DiBitetto stated that Lisa Tonneson was a write-in candidate for Town Council, District 4 and because she was a write-in, the Town did not have a chance to verify if the candidate was qualified to run in the election. The prerequisite to run for a Council seat is that there must be residency in the Town for one year. Ms. Tonneson has not been a resident of Hooksett for one year. Our legal counsel will review this and if he determines the seat cannot be taken then there would be a vacancy then the appointment becomes subject to the Council's discretion.

G. Longfellow moved at 9:30 to extend the meeting to complete the election issue. Seconded by P. Rueppel.

**Roll call vote.**

R. Holley	no	M. Ruel	yes	
P. Loiselle	yes	P. Rueppel	yes	
G. Longfellow	yes	M. DiBitetto	yes	<b><u>Motion carried.</u></b>

Lisa Tonneson stated she would like a legal opinion and the requirement for the number of days to fill the position.

Chairman DiBitetto read the Town Charter, Article 3, Section 3.3. He stated a vacancy could be filled until the next year.

Leslie Nepveu, Town Clerk, stated that in section 3.2 of the Town Charter it imposes qualifications for elections. Today we found a State Statute for a minimum requirement of residency of up to one year. The law clearly states that you do not go from the winner to the next runner up; if the winner cannot fill the obligation then there is a vacancy.

Chairman DiBitetto stated he would speak with legal Counsel and get something in writing.

M. Farrell stated that the NH Municipal Association's most recent publication of Town & City has an article on when the winning candidate cannot take office.

**TOWN ADMINISTRATORS REPORT.** M. Farrell reported that -

1. G&M Cooperative Inc., that is the Granite Mobile Home Park on Route 3, had received a Community Development Block Grant a number of years ago thus the Town has a lien on the Park for that Grant. The Park wants to refinance and in order for them to get refinancing the Town's lien must be subordinated to the mortgage lien. Their mortgage amount is \$505,000 to Bank North N.A and the

value of the Town's lien is \$350,000. The grant was used to put a sewer into the park and they are required to pay the Town back if the co-op dissolves and they liquidate their assets.

P. Rueppel moved to extend the meeting. Seconded by P. Loiselle

**Roll call vote.**

P. Loiselle	yes	P. Rueppel	yes	
G. Longfellow	yes	R. Holley	no	
M. Ruel	yes	M. DiBitetto	yes	<b><u>Motion carried.</u></b>

Chairman DiBitetto asked if there is a fixed term for repayment, and is the money given to the Town then loaned to the park to do the utility improvements with the hope of it being paid back to the Town.

M. Farrell stated there is no fixed term and the Town would not be looking to be paid back because to qualify for the money they had to be low to moderate income. The grant was to provide them with affordable housing.

P. Rueppel moved to accept that the Town be subordinate to Bank North N.A. for the amount of \$350,000 for G&M Cooperative, Inc. mortgage refinancing. Seconded by P. Loiselle. **Motion carried unanimously.**

2. C.B. Sullivan had land in current use and took it out of current use several years ago and the Town did not release the current use lien that we placed on those properties. There is no record of payment and it is now beyond the time where it can be collected. We have an uncollectable lien debt that is keeping C.B. Sullivan from refinancing. C.B. Sullivan thought they paid it.

Chairman DiBitetto asked if it was C.B. Sullivan's obligation to show proof of payment.

M. Farrell stated no it's the Town's obligation to collect in a timely manner.

P. Rueppel moved to release the lien on C.B. Sullivan for land taken out of current use several years ago. Seconded by R. Holley.

**Roll call vote.**

R. Holley	yes	M. Ruel	yes	
P. Loiselle	yes	P. Rueppel	yes	
G. Longfellow	yes	M. DiBitetto	no	<b><u>Motion carried.</u></b>

Chairman DiBitetto adjourned the meeting at 9:50pm.

Respectfully submitted,

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Tina M. Paquette  
Administrative Assistant

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Mary A. Ruel  
Town Council Secretary