

**Hooksett Town Council Minutes**  
**Regular Meeting**  
**Wednesday, May 28, 2003**

Present: Chairman M. DiBietto, G. Longfellow, M. Jolin, P. Rueppel, M. Ruel, P. Loiselle, R. Holley. R. Dion – excused, D. Pichette-Volk – excused.

Chairman DiBietto called the meeting to order at 6:34pm.

**MINUTES:** May 12, 2003: P. Rueppel moved to approve as presented. Motion seconded by M. Jolin. Roll call vote carried unanimously.

**PUBLIC INPUT:** Sandra McKenney, Allenstown Selectman, addressed two issues. First, the Queen City Trails Committee is looking for a Hooksett representative on their committee and to assist on their current project which is a bike path from Salem to Concord. If anyone is interested they should contact John St Hilaire. (Contact information was given to the Administration Department.) Second, the Council was questioned why they were writing a letter supporting the ATV trail system in Bear Brook when they had originally said they would not support it.

D. Duford, 191 West River Rd, stated he was concerned about the recent election and requested the Council investigate broken laws, lack of fiscal agents, and campaigners. The timing of the write-in candidate was very coincidental. Town employees sought out help from Hooksett companies to campaign for a write-in candidate. If the Council does nothing, he will go to another level. Everyone has the right to run if they qualify.

D. Duford, 191 West River Rd, stated the NH Fireworks settlement was coincidentally announced the day after the elections. The Town lost the suit and settled with four years worth of fireworks valued at \$20,000. Where was the money found to pay for fire, police, highway, transfer, legal fees, etc for last years raid.

D. Duford, 191 West River Rd, asked what the resignation date was of the Town Administrator and stated it was timed coincidentally with the election. According to the employment agreement entered into, under Section 2 D, the employee has to give the employer 90-days advanced notice in order to receive salary and benefits and in the event of failing to give the 90-day notice, the employee forfeits those benefits.

Chairman DiBietto addressed D. Duford's statement regarding the employment agreement stating it was an agreement to part ways, not one-sided, and under that the contract provided certain termination provisions.

**NOMINATIONS/APPOINTMENTS:** Planning Board:

Chairman DiBietto nominated Ken Burgess up from his alternate position to fill Jim Graham's full position exp-6/2003.

Chairman DiBietto nominated John Gryval to fill Ken Burgess's soon to be vacant alternate position exp-6/2005.

Chairman DiBietto closed Planning Board nominations.

**OLD BUSINESS:**

**NH Healthcare Resolution:** Heather Stone distributed additional federal data to the Council.

P. Rueppel moved to table the issue in order for the Council to read the data. Motion seconded by P. Loiselle. Roll call vote carried unanimously.

ATV Trail System: Chairman DiBietto read a letter from the Conservation Commission. (Attachment #1) The Conservation Commission is neither in support or opposed to the trail system but stated the Town should support the DRED (Dept of Resources & Economic Development) rules and follow all aspects of the State law specifically RSA 215 as well as Bear Brook State Park rules.

P. Loiselle stated this information should be referenced in the letter to the State.

P. Loiselle on behalf of Councilor Pichette-Volk addressed that she had requested via e-mail to have a more generic letter concerning the state system rather than only the Bear Brook Trail System.

P. Loiselle moved to make the letter broader in spectrum and include supporting the ATV Trail System in the State of NH in accordance with state law. Motion seconded by P. Rueppel.

Roll call vote:

M. Jolin	no	P. Rueppel	yes
M. Ruel	no	R. Holley	yes
P. Loiselle	yes	G. Longfellow	yes
M. DiBietto	yes		<u>Roll call vote carried.</u>

Taxicab Ordinance: Chairman DiBietto opened the public hearing at 7:03pm.

Attorney Stewart Richmond of the McLane, Graf, Raulerson & Middleton law firm stated he was representing Queen City Taxi in Hooksett and supports the proposed change. Changing the insurance requirement downward would be more in line with other municipalities. One half million dollars provides ample coverage.

Vincent Lembo, 56 Main St, asked if there was a taxicab business in town doing business illegally.

Chairman DiBietto explained that the definition is too vague thus an answer couldn't be provided. However, during a conversation with Police Chief Agrafiotis, the Chief had stated that the definition could be viewed as broad as to cover a taxicab passing through town, or the exact opposite.

Frank Gray, 17 South Bow Rd, stated his son started a taxicab business years ago under this ordinance and when a taxicab picked up a fare in Hooksett that was considered doing business in Hooksett regardless of the destination drop off point. Manchester has a requirement that if you pick up in Manchester you're doing business in their city because it doesn't matter where the customer is transported to. It's where the fare is picked up.

D. Duford, 191 West River Rd, stated that this is a sue-happy society and \$500,000 is inadequate.

Chairman DiBietto closed the public hearing at 7:17pm.

P. Loiselle moved to change the insurance requirement from one million dollars to one-half million dollars. Motion seconded by P. Rueppel. Roll call vote carried unanimously.

M. Jolin asked about umbrella policies in case a suit goes over \$500,000.

Attorney Richmond answered that umbrella policies may be obtained and his client has a one-million dollar umbrella policy.

The Council consensus was to draft a definition dealing with the "picking up of passengers" only, not dispatching, housing vehicles, fueling or anything else about taxicab companies and post it for a public hearing at the next meeting.

Fee Schedule: Chairman DiBitetto explained that a motion would be needed to rescind the \$5,000 relating to Fireworks Sales listed on the Fee Schedule. This needs to be removed and in its place indicate the applicant is required to pay the actual costs of the inspection and pay a deposit of \$2,500 at time of application. This is in accordance with the negotiated settlement agreement with NH Fireworks.

G. Longfellow moved to remove the \$5,000 listed in the Fee Schedule pertaining to the sale of fireworks and replace it with wording requiring the applicant to pay the actual costs of the inspection and pay a deposit of \$2,500 at the time of application submission. Motion seconded by P. Rueppel.

Phil Fitanides, NH Fireworks, stated the fee schedule was an ordinance and a public hearing needed to be held.

Fire Chief Howard stated the sale of fireworks fee was never in the fireworks ordinance. It was put into the fee schedule previously by a vote of the Council.

Chairman DiBitetto concurred with Fire Chief Howard as he remembered the Council vote a few years back.

Phil Fitanides demanded the Council research the record that any fireworks company in Hooksett has ever paid one cent for anything that they called a permit and the Council will discover that no one has ever paid a dime. Fitanides stated Leslie Nepveu the Town Clerk could find nothing and she is the official keeper of the Town Records as Town Clerk.

R. Holley moved to table this issue. Motion seconded by P. Loiselle. Roll call vote carried unanimously.

Bryan Williams – financial reimbursement: P. Rueppel moved to reimburse Bryan Williams \$74.50 for the legal fees he incurred last year involving an issue discussed in nonpublic session. Motion seconded by G. Longfellow.

<u>Roll call:</u>	G. Longfellow	yes	P. Loiselle	yes
	M. Ruel	yes	M. DiBitetto	no
	R. Holley	yes	M. Jolin	no
	P. Rueppel	yes	<u>Roll call vote carried.</u>	

Sewer Commission correspondence of 3/18/03: Chairman DiBitetto stated he received correspondence from the Sewer Commission on last year's audit regarding a payment issue. A meeting was held with the DiBitetto, the auditor and the Sewer Commission to review all items of concern. They all agreed the issues were minor and it was more an issue that they weren't ready for the auditor due to an illness of their own employee when the auditor arrived. They all agreed on a protocol for going forward and there's no need to address this issue further.

TIF Development Advisory Board: M. Farrell brought this to the Council in 2001 where it was tabled and never brought back. There's never been a need to bring it back until recently with refinancing being done on the bond. This board is a requirement by statute and the duties of this board are not going to be such that will require much activity. They have to meet a minimal amount of times and their biggest decision will be to advise the Council as to whether to use the debt service to pay off the bond earlier or take portions of it to put towards the fund balance. There's no maintenance in operations and no decision making as far as planning, construction or phasing because that's all taken care of by the Planning Board. There needs to be five members on the board and the majority may be either occupants or owners of the land within the TIF District or directly abutting it. Notices were sent out to all abutters in August, 2001 looking for members and two responses were received. This time around we need to recruit people knowing that there will be a minimal amount of work to be done.

P. Loiselle asked who the District Administrator was.

M. Farrell answered that in most communities it's the city manager, the economic development director or someone who's very close to the project and knows first hand what's going on and he recommended the Town Administrator.

P. Rueppel moved to form the TIF District Advisory Board. Motion seconded by G. Longfellow.  
Roll call vote carried unanimously.

Highway Department - Parks Division lawn mower bids: P. Rueppel moved to approve the Still's power Equipment, one Toro Z Master 27HP at \$9,541.60. Motion seconded by M. Jolin. Roll call vote carried unanimously.

Town Treasurer's Resignation: James Bennett, Town Treasurer, has submitted his resignation effective June 30, 2003 due to retirement from his full-time job and wintering in Florida.

P. Loiselle mentioned that the resignation letter reads that he is open to other options as far as staying on part-time.

M. Farrell agreed but stated that after discussion with the Finance Director Diane Savoie, she felt that a treasurer who lives locally would be needed. There are no residency requirements in the statute. He's done an excellent job. We've received praise from many bankers. However, he's retiring and will be in Florida most of the time. The Finance Director needs someone nearby for closing accounts, moving money around and being available when needed. The Deputy Town Treasurer will be filling in for signing checks, but the other duties of moving accounts around, dealing with bonds, will not be dealt with.

P. Loiselle asked about consulting Jim Bennett on an interim basis until someone else is found.

Diane Savoie, Finance Director stated that Mr. Bennett will have to close out the fiscal year and will be available for detailed auditor's questions. The Town has grown immensely and he moves money once or twice a week, invests money, escrow accounts, planning accounts, and the Town needs a person to do these things.

The Council consensus was to advertise for resumes.

Town Administrator Recruitment: M. Farrell stated there are two firms in the State who do recruitment of town managers. MRI and NHMA. MRI also does interim management and reminded the Council that during the last changeover the Assistant Town Administrator Liz Dinwoodie filled in. She's more experienced now and she'll do a very good job.

M. Jolin suggested contacting the Town of Raymond because they went through this last year and didn't use MRI or NHMA. Raymond was very impressed with the firm they used.

The Council consensus was for the Town Administrator to prepare an RFP.

Encumbrances: M. Farrell distributed a list of encumbrances supplied from the department heads which include certain items from this year's operating budget. (Attachment #2)

P. Loiselle moved to approve the encumbrances as presented. Motion seconded by M. Jolin.  
Roll call vote carried unanimously.

M. Ruel requested an explanation of Item #9 on the list of encumbrances called opti-com and asked why it hadn't been finished yet.

Fire Chief Howard explained that the remaining balance is for the opticom system at the intersection of Route 3 and Mammoth Road. The opticom can't be installed at that intersection due to crushed conduit underneath the roadway. The light system still works and the State won't do anything at that intersection until there's a problem with the light system or more development is done requiring changes in the system at that intersection.

**Town Administrator's Report:** M. Farrell reported on the following items:

1. The survey of the Village School results taken at the second session Town Meeting showed an overwhelming majority stated the school should go for community needs.
2. An analysis of the Town Meeting votes was distributed and discussed.
3. A request from Manchester Water Works (MWW) was received to extend their franchise by one house on Prescott Heights to include Map 40 Lot 15 which is the second house on the left going up Prescott Heights. The property is owned by Joe & Stacey Perley and they are the petitioners and will be paying for this themselves.

M. Jolin moved to waive the public hearing before the PUC and approve the franchise extension regarding Map 40, Lot 15. Motion seconded by R. Holley. Roll call vote carried unanimously.

4. The employee salary chart was distributed. The plan was that each fiscal year the lowest step would be deleted and another 2% step would be added to the highest step but always keeping the chart as a 20-step chart. Employees have reached the top of the chart and are red-lined. Action will be needed before the start of the fiscal year.

M. Jolin moved to table this issue. Motion seconded by P. Loiselle. Roll call vote carried unanimously.

4. At the last meeting a budget update was given which indicated that the Fire Department would need money for overtime for the remainder of the fiscal year. The expenses calculated would be approximately \$54,000 which is what was asked for at the last meeting. The Council approved half of what was needed and requested the Chief attend tonight's meeting to ask for the second half. As previously explained, the amount would be taken from the surplus in the health insurance line. The surplus is the result of lack of police officers that were not hired and insurance premiums budgeted at 15% which came in at 7.2%. The remaining \$27,000 is needed to finish out the remainder of the fiscal year.

Chairman DiBitetto asked if there was any change in the numbers from the previous request. The first \$27,000 brought him to the end of May and the remaining \$27,000 would take the department through June.

Diane Savoie, Finance Director stated if you look at the June projections, the wage line has a large influx from \$54,000 to \$83,000 which means it is not the way the Chief is operating the budget, it's the way to account for vacation time that hasn't been used and also the end of the fiscal year for sick leave reimbursement. When an employee leaves, they are paid for their accrued vacation time. Other vacation accruals for employees who remain, are turned in to the general fund.

G. Longfellow stated the Council is talking after the fact. Some employees won't be paid if we don't transfer the money. This should've been discussed six months ago. Effective July 1<sup>st</sup> we should be kept abreast well ahead of time before these issues become urgent.

P. Rueppel stated to Councilor Longfellow that he could give the money to the employees if he wanted to, but she was going to vote no.

Chairman DiBietto stated that six ago this issue was raised. It should've been dealt with at that time however, a councilor made a motion to delay it until "we got to the wall".

M. Ruel stated the department heads have to live within their budget, with what they have and do the best they can. If they can't, then they should come to the Council for more money. This issue isn't about employees getting paid. It's about using the budget properly and cutting back on other areas in order to increase the overtime. The department heads have to live within their budgets.

Fire Chief Howard stated he has been giving the Council information for four months and it's not an issue of not notifying them. The only other option is to close Station 1 and lay off employees. It's troubling to hear councilors talk as if information hasn't been brought to them over the last four months. The issue isn't managing. It's about employees being out on workers comp and other leaves. At one point we had five employees out on workers comp. Currently we have two out. Workers comp injuries aren't budgeted for. It takes overtime to fill the vacant shifts in order to have a full crew for safety and liability purposes.

M. Ruel stated she wasn't insinuating he was mismanaging, but there seems to be an abundance of calls.

P. Rueppel stated she has no problem with closing Station 1 part-time. Manchester does it whenever they have budget issues.

After much discussion, M. Jolin pointed out that the Fire Chief was running \$200,000 under request due to the default budget.

M. Ruel moved to approve the additional \$27,000 needed and to take it from the surplus in the health insurance line. Motion seconded by G. Longfellow.

Roll call:

G. Longfellow	yes	P. Loielle	yes
M. Ruel	yes	M. DiBietto	no
R. Holley	yes	M. Jolin	yes
P. Rueppel	no	<u>Roll call vote carried.</u>	

Chairman DiBietto adjourned the meeting at 9:27pm.

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Elizabeth Dinwoodie  
Acting Minute Taker

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Mary A. Ruel  
Council Secretary