

**TOWN COUNCIL MINUTES
REGULAR MEETING
JUNE 11, 2003**

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

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

MINUTES:

May 14, 2003 P. Rueppel moved to approve the minutes of May 14th as amended. Seconded by R. Holley. **Motion carried unanimously.**

May 28, 2003. P. Loiselle moved to approve the minutes. Seconded by G. Longfellow.

Chairman DiBitetto stated that he would like more written detail for the Fire Department budget concerning the requested budget, put in year and dates, what was spent and what the difference was.

P. Loiselle moved to table the minutes to show more detail for the Fire Department's budget explanation. Seconded by G. Longfellow. **Motion carried unanimously.**

AGENDA OVERVIEW:

Chairman DiBitetto stated that at 9:00pm there would be a non-public session.

NOMINATIONS/APPOINTMENTS:

G. Longfellow moved to appoint Tom Keach and Walter Johnson to the Heavy Equipment Committee and Ken Burgess to the Planning board Full Fill- in exp 6/2003 and John Gryval to the Planning Board Alt Fill-in exp 6/2005. Seconded by P. Rueppel. **Motion carried unanimously.**

R. Dion stated that he is a member of the Zoning Board of Adjustment and on next Tuesday, June 17th, they have four walks to do for special exceptions. In July there will be follow up discussion on these walks and he will no longer be on the board in July therefore he would like someone else do the walks that can attend the follow up meeting in July.

M. Ruel stated she would do the four walks and attend the follow up meeting.

P. Loiselle moved to appoint M. Ruel as interim representative for the Council for the first ZBA meeting on July 8, 2003. Seconded by P. Rueppel. **Motion carried unanimously.**

P. Rueppel nominated Joann McHugh for a second term on the Planning Board, full member exp. 6/2006.

R. Dion nominated Judith Hess for 2nd term on the Police Commission, full member, exp. 6/2006.

Chairman DiBitetto closed the nominations.

OLD BUSINESS:

N.H. HEALTHCARE RESOLUTION:

Chairman DiBitetto stated that David Nassar, representative for N.H. for Healthcare is in attendance this evening. He represents a group that is looking for support for the N.H. for Healthcare resolution.

D. Pichette-Volk moved to support N.H. for Healthcare resolution as presented at the last Council meeting. Seconded by R. Holley.

Chairman DiBitetto stated that he recognizes the value of good health care but the concept is so broad that he is not able to give support to this resolution and recommend that the Council not endorse this resolution.

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R. Dion stated that government sometimes can be of assistance and there are other countries that have a national healthcare program. We are one of the countries that doesn't have healthcare for everyone, so he supports the resolution.

Roll call vote.

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

FIREWORKS: UPDATE FEE SCHEDULE:

Chairman DiBitetto would like to have a vote of approval on the change in the fireworks inspection fee schedule.

P. Loiselle moved to rescind the \$5,000 fireworks inspection fee and further to required the applicant of a Fireworks Sales Permit to pay the actual cost of the inspection and to require a deposit of \$2,500 at the time of application from which said costs shall be deducted. Seconded by G. Longfellow.

M. Ruel stated that at the last meeting there was a discussion on whether the fee was in the ordinance and what the ordinance contained. She asked if that was addressed in this motion.

Chairman DiBitetto stated that it was determined that the fee was not in the ordinance and that the fee schedule was adopted by the Council at the request of the Fire Department.

M. Ruel stated the fee only covers the inspection is doesn't cover any administrative costs.

Chairman DiBitetto stated that this ordinance no longer allows for a fireworks business to open up in Hooksett and the current fireworks company is grandfathered under the ordinance change. The purpose of this is to bring the fee schedule into compliance with what was put forth in the settlement agreement.

M. Ruel stated that since the comments that she previously made on that settlement agreement were made during nonpublic session she felt it appropriate to make her statement in public session.

Chairman DiBitetto stated that this ordinance prohibits anyone from applying for the sale of fireworks as it is prohibited in Hooksett.

P. Loiselle questioned the right to prohibit a business to sell in Town.

Chairman DiBitetto stated we are not doing it now the ordinance is already in place.

M. Farrell stated the way the ordinance is written it is illegal to sell fireworks in Hooksett. There was a single existing facility selling fireworks and it would be illegal to change the rules so they are grandfathered in.

P. Loiselle asked if there is a State ordinance that allows the sale of fireworks.

M. Farrell stated yes and that this was a local decision by Town Meeting years ago.

D. Pichette-Volk moved to amend so that the ordinance would refer to the fee schedule Dated May 2001. Seconded by P. Rueppel.

Roll call vote on the amendment.

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

Roll call vote on the motion as amended.

G. Longfellow	yes	R. Dion	yes
D. Pichette-Volk	yes	R. Holley	no

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M. Ruel	no	P. Loiselle	no	
P. Rueppel	yes	M. DiBitetto	yes	<u>Motion carried.</u>

STOP SIGN:

P. Rueppel moved to place a stop sign coming down the hill on Lindsay Rd & Virginia Court.

Chairman DiBitetto requested that a note be sent to the Sign Committee for their comments on the motion.

P. Rueppel stated she received an email from Mr. Falzone giving his permission for the Town to place the stop sign on his land.

FIRE DEPARTMENT HIRING FREEZE:

P. Rueppel moved to place a hiring freeze on the Fire Department at least until July 1, 2003 and if necessary a bit longer. Seconded by G. Longfellow.

P. Rueppel stated the Fire Dept. has been without a Deputy Chief for at least six weeks and she feels we can wait a bit longer and thus saving some money toward the \$27,000 that was permitted in Fire Department overspending a few weeks ago. And she believes that call firefighter Daniel Belanger can be of assistance in this matter.

M. Farrell stated the hiring process has been started and they have reduced the number of candidates to three and their exams at the Fire Academy have been scheduled. The candidate can be hired before the end of the fiscal year.

D. Pichette-Volk stated you are requesting a hiring freeze, specifically to wait even though the process is moving forward, until new council comes on board.

M. Farrell stated the way the motion is worded the floater would not be permitted to be hired as well. The selection process is complete and we are ready to start that person on July 1.

M. Ruel stated that the exact meaning of the motion is not clear and should have a specific date.

Chairman DiBitetto stated that this needs more thought and discussion and would like to see the motion placed on the agenda for the next Council meeting.

M. Ruel suggested holding off on making a selection for hiring a Deputy Fire Chief until after July.

R. Dion stated that this is a position that was in the default budget and the person left and the position is still in the budget. If we wait until the next meeting on June 25 you are effectively freezing for 5 days. By the time they get their first paycheck it will be in the new fiscal year. I don't see a reason for halting the normal process of business.

M. Farrell stated though there has been a recent Town Charter change it was in reference to department heads only therefore the Town Administrator still has the position to hire and fire all employees.

P. Loiselle asked for clarification as to why we would want to delay the hiring.

P. Rueppel stated she doesn't see a need to have two Deputy Fire Chiefs and she would like to look into the necessity of having two of them.

M. Ruel stated her concern is what she thinks she hears is that the Council can postpone the hiring but the Town Administrator could go a head and hire the person prior to the next Council meeting.

M. Farrell stated that as a cost saving measure he ordered the Fire Chief not to hire a Deputy Fire Chief until the new fiscal year starting July 1, 2003.

P. Rueppel stated that she didn't realize that.

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Chairman DiBietto requested that the Town Administrator not make a final commitment to an applicant prior to June 25, 2003 so that there is time to look into the necessity of a second Deputy Fire Chief.

D. Pichette-Volk stated that if you are going to direct the Town Administrator to do something then do it by vote because I will not lend a consensus opinion. This is a new topic brought forward tonight and suddenly you are going to make policy with no information, and without the presence of the people whom would have the most input.

Chairman DiBietto stated that the potential to not fill the position would be discussed at the next Council meeting on June 25th.

P. Rueppel withdrew her motion.

D. Pichette-Volk stated to let the record show that for future potential applicants you have hindered the process for hiring to go forward.

NEW BUSINESS:

TAXICAB ORDINANCE DEFINITION:

Chairman DiBietto stated that he is presenting a proposed amendment to define in the Taxicab Ordinance #00-20 for the picking up a fare in Hooksett and after this evening's discussion a public hearing will be posted. He read section 1.1 as it is currently written and with the proposed changes.

P. Loiselle moved to send the amendments to Public Hearing for June 25, 2003. Seconded by G. Longfellow. **Motion carried unanimously.**

M. Ruel stated section three of the Taxicab Ordinance on "Out of Town Taxicabs" talks about what is a taxicab operation and out of town taxicabs but is doesn't talk about in Town taxicabs; it appears that should to be reviewed as well.

Chairman DiBietto stated that "located outside the Town of Hooksett" could be eliminated in sect 3.1 and the title to be changed to "Applicability" and strike "Out of Town Taxicabs".

EMERGENCY MANAGEMENT PLAN ADOPTION:

Chairman DiBietto submitted the Emergency Management Plan for Council's adoption on 6/25/03 and should be adopted annually. There is a new section on Home Land Security.

M. Farrell stated that it was given to the Council at this meeting to give them time to review the Plan.

Harold Murray, Emergency Management Deputy Director, stated to be advised that this is a generic version, there will be no local names listed. Local names are listed in the back.

M. Farrell stated the southeastern region plan for hazmat is available for reading.

HOME DEPOT CONSERVATION EASEMENT:

Chairman DiBietto stated there are two easements that need to be signed by the Council Chairman.

M. Ruel asked if the easements were part of the site plan approval, then did they go to Conservation Commission and are they now before the Council for their approval of the Chairman's signature.

M. Farrell stated they are wetlands around Exit 10 area and as part of the condition of the site plan approval it was deemed that they should donate these wetlands to the Town for conservation purposes.

Chairman DiBietto stated this is the land known as the proposed Home Depot site.

R. Dion moved to authorize the Council Chairman to sign both easements for Map 38, Lot 42 and Map 38, Lot 43A. Seconded by R. Holley. **Motion carried unanimously.**

TOWN ADMINISTRATORS REPORT: M. Farrell reported that –

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1. Patricia Hannon, N.H. Department of Environmental Services (DES), Septage Coordinator, was asked to attend this meeting to discuss an issue that is between the Town Administrator and the Sewer Department. Since the Town doesn't take septage at its waste treatment plant we are required by State law to provide a place for septage to go. We have an intra-municipal agreement with the City of Concord to accept our Municipality's septage. He read an item that stated the Town may create a Sewer Commission to over see septage issues. When he receives a letter from P. Hannon's office, of the State's DES, on septage he forwards it to the Sewer Commission and they return it saying they don't have anything to do with septage.

P. Hannon gave history of separation of septage and sludge and stated that since 1955 there has been a statute that says every municipality has the responsibility to provide or assure access to proper septage disposal. Hooksett has its own wastewater treatment that could accept septage however Hooksett chooses not to accept septage. The State would recognize an intra-municipal agreement with an approved septage disposal facility such as the one Concord has. Concord is more than willing to sign an agreement with Hooksett but that is not our only choice; as long as Hooksett uses an approved facility the State would deem it ok to use. Her files do indicate the issue of finger-pointing in regard to responsibility within the Town of Hooksett. If the situation is not resolved then the State looks to the Town's governing board and Administration for a resolve to the situation. Therefore the ultimate decision resides with Hooksett's Town Council. There are grant incentives to upgrade to make it possible to receive septage at our wastewater treatment plant. House Bill 207 effective as of July 1, 2003 provides for free Grant money available in addition to the State Aid Grant Fund to update the facilities.

M. Ruel stated that in previous conversation with Bruce Kudrick, Sewer Department Superintendent, he had concerns in combining aerobic and anaerobic type septage together, and currently the system accepts one type of matter. She asked if there are other towns set up like Hooksett and are there wastewater treatment plants that accept septage from the homeowner tanks.

P. Hannon stated that Hooksett has a lagoon system and the State doesn't like to see lagoon systems take a lot of septic. Lagoon's, which are being phased out, can be easily shocked as septage is a very strong material and should be bled into the plant at a slow and even rate to avoid shocking the system. Typically a small facility, similar to Hooksett's, would have storage for septage so that no one load would shock it, it would be bled in during off hours when the loading wasn't as great. The State's operations people at the Waste Water Bureau have been to Hooksett's facility extensively and they feel that Hooksett could take their own septage. The State Department does encourage Hooksett to take their own septage in light of the fact that that there is a looming disposal problem. The situation is that 25% of the septage generated in the state goes to out of state facilities, the heaviest exporters are the towns from Concord on South and the septage is delivered to the Greater Lawrence Sanitary District and they reach their capacity by 11:30am daily.

M. Ruel asked if the grant money could be used to deal with the sludge in taking the additional septage or can only be use to accept the septage. In other words, she asked if the Town wanted to do some composting could the money be applied for that purpose.

P. Hannon said the money can be applied towards composting but on a prorated basis based. Septage is only about 3% solids, and the State would have to prorate how much of those solids are being derived from the septage. If the work is strictly septage related like working on storage tanks and/or septage receiving areas that would be covered by the grant and the Town would qualify for 30% of the eligible costs, then you could prorate solids handling or any other process upgrade that would be directly related to the handling of septage.

M. Farrell stated he knows of a northern town in the state that accepts septage, they charge for the acceptance and therefore it is a source of revenue.

P. Hannon stated there are towns that do that, and the average tipping fee is \$75 per 1,000 gallons of septage, the fee is determined by each town. Lagoons are being phased out due to ground water contamination. There once were 40 lagoons, we are now down to nine and by the end of the year there will be only six left in the state. Assuming that Hooksett has a family of three, 1000-gallon tanks, and that the tanks being pumped out every five years then Hooksett would be producing 781,000 gallons of septage per year. This figure doesn't include any businesses or any homes hooked up to sewers. The number of homes hooked up to sewers would have to be subtracted from equation.

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M. Ruel would like a joint meeting scheduled with the Sewer Commission and B. Kudrick, Sewer Department Superintendent to come to mutual agreement on how to proceed.

M. Farrell will call the Sewer Commission to put this on their agenda for their next meeting on Tuesday's, June 17th, and he invited P. Hannon to attend.

H. Murray, 311 Hackett Hill, hopes that the goal is not to only get a white square on the map, others in town should benefit from this, and we should reap some benefit from those in the out lying areas. He would be happy to attend this meeting.

Phil Fitanides, 1407 Hooksett Rd., stated that in closing the old Town Dump there was septage coming in from many areas. There was a lot of abuse, such as people using names of deceased, trucks were coming in with supposedly one thousand gallons and they were pumping in two to three thousand gallons. Therefore it is important to keep in mind that there are a lot of controls that would need to be implemented. The Town got into a private issue where they were converting the entire solid septic into a type of building block material. The Town's main problem for sewage disposal is that we have a heavy duty ground water conservation set up and it doesn't take very long for the town to get letters from Manchester Water Works addressing the issues of contamination and asking Hooksett to cease and desist.

Chairman DiBitetto stated though the Town would not be proposing to have a septage receiving plant for commercial usage, it is an issue that should be addressed by the Sewer Commission.

M. Ruel stated that when she attends the meeting next week her intent is to say here are the concerns raised by the Department of Environmental Services (DES) and would like to come to a mutual agreement on the best way to deal with this.

Chairman DiBitetto stated that would be a good approach but they should be asked if they have considered any provisions for dealing with septage as this is an issue that needs to be looked at with the expertise of the Sewer Commission.

G. Longfellow asked if state were to come down on us for a violation or another issue, who would be held responsible.

P. Hannon stated that the Council is ultimately responsible. Also subsequent to 1990, RSA 486.113 stated that the DES is directed by legislature not to give state aid grant money or state revolving loan money to any pollution control project that is not providing for septage disposal.

2. Federal grant money from FEMA was received in the amount of \$14,645 for the February 2003 Snow Storm.
3. Office of Emergency Management grant money was received in the amount of \$20,520 for a second generator. He thanked H. Murray for his work on the success of obtaining the grant money. We now have two emergency generators that can be used in the school system.

H. Murray, Deputy Director of Emergency Management, stated that there are two generators at the new middle school. It appears that included in Memorial School's construction addition there will be wiring for an outside generator but he is waiting specifics to be sure because he doesn't see a generator on the plans. The generator has not been purchased yet, but when that time comes he wants to be sure that it be sized to that school.

M. Ruel asked what the size of the two existing generators is.

H. Murray stated that they are 100% capacity; one generator is for the pumping system one is for the building itself. The fuel will be diesel because you can control the fuel, with natural gas you cannot, bottled gas will yield about 10% capacity when the temperatures are down. Diesel is by far the way to go. Four Hundred gallons of Diesel gives out 32 hours of run. There is also a portable generator on wheels that the schools are already pig-tailed into.

4. There is a notice of merger for a voluntary combining of contiguous lots. The Town owns the lots formerly known as the Shehyn property on Quimby Mountain. For the ease of administration it is being

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requested that it be turned back into one parcel of property. In the past the Council had decided not to sell the property but to keep it as open space for perhaps future conservation land. The parcel consists of about 75 acres now to be Map 22 Lot 2 with a small portion shown on Map 16.

Chairman DiBitto stated the reason this lot is before the Council again is that the Town had received an inquiry of buying some of the land to build a house lot.

R. Dion moved that the Council Chairman be authorized to sign the agreement of notice for the merger of two Town owned lots on Quimby Mountain as presented. Seconded by R. Holley

Roll call vote.

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

- Wal-Mart has donated \$1500 for them to purchase a smoke machine and training videos for the Fire Department. In order to accept the donation a public meeting will be held on June 25, 2003. The machine makes artificial smoke for training without having to set something on fire.
- In the May budget report – the wage line for the Finance Department is slightly over by about \$ 6,000 and it is anticipated that Assessing Department's wage line will go over in the month of June by about \$7,000. There are sufficient funds to cover the overages in the Administration budget. There was \$200,000 set aside in dealing with the Fire Department and \$100,000 of that has been used. Finance overages were due to the Deputy Finance Director's resigning during budget season and hiring a temp during those busy times. Assessing's overage, of \$7,000 for this month, was due to the cost subcontracting costs for Municipal Resources Inc. (MRI), work on abatements and the cost of certification.

Chairman DiBitto asked about the possibility of the Assessing Clerk doing the 80 hours of training to be certified so that position may be able to do some of the pick up work. He asked if M. Farrell would recommend moving forward with this idea.

M. Farrell stated yes to move forward with the training so the person in that position could do the easier pick-ups.

Chairman DiBitto stated that he feels that position could certainly do some of the work we are paying a consultant for.

- Engine #2 is out of service and may be for a while and he would discuss this further in nonpublic session under potential legal action.

PUBLIC INPUT:

H. Murray, 311 Hackett Hill, would like a copy of ATV letter that went out in support of trail usage.

NONPUBLIC SESSION:

G. Longfellow moved at 9:12 to go into nonpublic session. RSA 91-a:3, II, (b) Nonpublic Sessions. The hiring of any person as a public employee. Motion seconded by P. Loiselle. **Motion carried unanimously.**

Chairman DiBitto called the nonpublic session to order at 9:15pm.

Present: Chairman DiBitto, P. Rueppel, M. Ruel, R. Dion, G. Longfellow, P. Loiselle, R. Holley, M. Jolin, D. Pichette-Volk, M. Farrell-Town Administrator. Excused M. Jolin.

P. Rueppel moved at 9:30 to extend until 10:00pm. Seconded by P. Loiselle.

Roll call vote.

R. Dion	yes	D. Pichette-Volk	yes
R. Holley	no	M. Ruel	no

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P. Loiselle	yes	P. Rueppel	yes	
G. Longfellow	yes	M. DiBietto	yes	<u>Motion carried.</u>

G. Longfellow moved that no information would be divulged at this time. Seconded by P. Loiselle. **Motion carried unanimously.**

G. Longfellow moved at 10:00pm to exit nonpublic session. Seconded by P. Loiselle. **Motion carried unanimously.**

Chairman DiBietto adjourned the meeting at 10:00pm.

Respectfully submitted,

Tina M. Paquette
Administrative Assistant

Mary A. Ruel
Town Council Secretary