

**TOWN COUNCIL MINUTES
SPECIAL MEETING
JULY 16, 2003**

HOOKSETT PUBLIC LIBRARY

Present: Chairman DiBitetto, D. Belanger, P. Fitandes, G. Longfellow, M. Ruel,
P. Rueppel, D. St. Pierre. P. Loiselle - Acting Town Administrator Excused. M. Jolin.

Chairman DiBitetto called the meeting to order at 7:03pm.

Chairman DiBitetto stated that there would be a nonpublic session at the end of the meeting.

PUBLIC HEARING:

LAND USE CHANGE TAX:

Chairman DiBitetto opened the hearing at 7:05pm

Chairman DiBitetto stated that the Conservation Commission has requested that Council increase the percentage of current use penalty tax from 50% to 100%. Currently 50% of land use change tax goes into a specific Conservation Commission fund for the purchase of land only and they would like the percentage increased to 100%. Their proposal is as follows: To see if the Town will vote to increase the percent of "Land Use Change Tax" which is allocated to the "Conservation Commission Land Fund", held by the Town Treasurer (created pursuant to RSA 36-A:5III by the 1993 Town Meeting, Article 12,) from the Current 50% to be 100%.

Tim Johnson, Conservation Commission Chairman, stated that the request makes a lot of sense due to economic reasons, saving open space with these funds would take these parcels out of development forever. There would be no maintenance burden on the highway department; no burden on the school system thus saving citizens tax dollars and perhaps the land could be used for recreation. This would make it a win win situation for the Town. The Conservation Commission feels it's good way to fund open space.

Steve Couture, Conservation Commission member, stated one reason they are proposing this change is that they would like to become more proactive than reactive. Though they are fortunate to receive 50% of the tax, at the rate that the value of land is going up it is getting more difficult to make land purchases. In addition to T. Johnson's reasons there are other points such as a natural resource protection for water, to protect wild life habitat, and to provide opportunities for recreation, hiking, cross country skiing etc. If they are going to identify parcels of land that the Town feels should be protected then they need the resources to do so. This is one resource where the taxpayer would not be paying to protect the land. The developer, who takes the land out of current use status, who has been receiving a tax break over the years, would be making the payment.

Joseph Fugere, lives in Meadowsett Village, asked is there money involved for the tax payers to have to pay out, is it truly a win win with no cost to the tax payer.

M. Ruel stated that when land is taken out of current use there is a tax to pay; the option is for the money to go into the general fund or to a special fund to preserve land as this was the intended use of the fee in the first place.

Chairman DiBitetto stated currently there are properties in the Town that receive a tax break for a promise not to develop that parcel of land. In actuality that tax break means others are paying for that to make up that loss of revenue. In actuality the taxpayers are subsidizing these parcels that are in current use. When taken out of current use they pay a penalty for not paying a tax all the years it was in current use and the penalty fee is 10% of the value of the land. When the land is taken out of current use 50 % of that fee paid goes into general fund to reduce your tax rate. If it doesn't go to the general fund it will not reduce your tax rate. This needs to be made clear because it is a use of funds that would otherwise go to reduce taxes to all the taxpayers.

A Town citizen spoke up and asked shouldn't this go before the voters of the Town.

Chairman DiBitetto stated since the change in the Charter form of government the Council has the authority to make this change. However they would like to hear the public's input before making any changes. In fact the Conservation Commission has put it on the ballot but Council was advised that it is a legislative decision. He read RSA 36A "once the money is put into this fund it may be expended from the fund by the Conservation

COUNCIL MINUTES
SPECIAL MEETING

2

July 16, 2003

Commission for the purposes of this chapter without further approval of Town Meeting” which he understands also means without further approval of the Council which conflicts with information he received earlier indicating that the Council had the ultimate decision on the use of those funds. According to the statute, once the money goes into the Conservation Land Fund, the Conservation Commission has full authority to spend the funds as they see fit for the purposes of that RSA.

A Town citizen spoke up and asked if it was Manchester Sand & Gravel that has their land in current use.

Chairman DiBitetto stated that they do not have their land in current use but the former NH College, the Mount St. Mary's site, has land in current use. Once the land is developed there will be a current use tax that will come due, payable as the lots are developed. According to our prior Town Administrator, he estimated that tax penalty would be about \$1,100,000 and half of it, \$500,050, would go into the Conservation Land Fund and the other half would go into the Town's general fund, which would be used to reduce the tax rate. If the proposed changes were to go into effect all \$1.1 million dollars would to the Conservation Commission's land fund used for the sole purpose of buying land.

M. Ruel stated remember that when talking about this money it is not going to lower your tax rate on an on-going basis, it is a one-time thing. If you think this Town is growing too fast, then you should be thinking what's more important a one time windfall to lower your tax rate or money to go to preserve the land for conservation purposes to maintain it and not develop it. This meeting was posted in the paper for the citizens of Hooksett to attend and give their input for the Council to make a decision as to what is the best interest of the Town.

P. Rueppel stated she is the Council's liaison to the Conservation Commission and she is 100% in favor of their proposal. She would like to see some land protected. The following towns have taken the same action, Bow, Windham, Candia, Auburn, Londonderry, Derry, Pembroke and Merrimack.

Mr. LeClair, Hooksett citizen, stated he's all for the conservation but by the same token we have enough problems with the traffic. He asked what happened to all those plans such as the by-pass for alleviating the traffic. With new residents coming to Town and it doesn't take much to use all our resources. We are building new schools, repairing old schools, new residents will add to the number of children in school, and we need to build our own high school. Let's do something with the traffic in Town; it takes 20 minutes to get out of where he lives.

Maureen Blazok, Manchester Manor, 22 Kirkwood Rd., stated in addressing this win win situation this money could be better used for a fire truck, property taxes or schools. She asked how is this a win win for everyone.

Steve Couture, stated the cost to the Town for open space versus residential space is much less to the town on the long term. With open space one must make sure the easement is being followed. In residential use you have roads, schools, trash etc. That's why in the short term there may be a loss but you will have a long-term gain. Over the long term you will have a much greater tax benefit for the community if the land is not developed and is left as open space. That's where the win win comes from.

Don Duford, 191 West River Road, stated he has opened land that allows for open space without development, it keeps the tax impact down by not building schools, roads etc. Being in current use you pay 10% of the value of taxes of the land yearly, when that land comes out of current use the land owner is assessed 10% on value of the land. He is a member of an organization called S.P.A.C.E. and they watch over current situations very diligently. In SPACE's recent new letter they published the results of what happens when land is in current use for a certain amount of time and what the ultimate return is. Any land that is in current use for a number of years and is taken out of current use brings it back to 156% of what it would have been on the market. The land that we are speaking about in Hooksett will come out of current use a little at a time, it's not coming out all at once. It will take a some time for all the land to come out therefore the impact will be spread out for a length of time. He is not in favor of the Conservation Commission's proposal; they should stay at 50%. He felt that if you go 100% you are cheating yourselves out of all the revenue that would have come in dribs and drabs through out the years.

Judy Malik, Amanda Lane, Meadowsett village, asked what is the dollar amount that you will take out of the general fund.

July 16, 2003

Chairman DiBitetto stated zero dollars would come out of the general fund.

P. Loiselle stated we are talking about a current value of about \$40,000 in the Conservation Committee's land fund and there is a possibility you could apply for matching funds to increment it to possibly \$80,000. He asked, for the current rate of lots today, what significant amount of land for conservation could you buy for \$80,000? It won't buy much. It takes a \$200,000 to \$500,000 to get an amount of land for one to say the Town has looked at conservation in a serious manner.

Rodger A. Letendre, Mammoth Road, stated that 100% gives too much power and control over the money. As land comes available let it come up to the Town voters for their approval.

Joseph Legere, Hooksett resident, stated if you are talking about \$100,000 it won't do much to his tax rate, Conservation should get the money then we stand to have a better chance.

Chairman DiBitetto closed the public hearing at 7:41pm.

P. Loiselle moved to table the discussion. Seconded by D. St. Pierre.

Roll call vote.

D. Belanger	yes	M. Ruel	yes	
P. Fitanides	no	P. Rueppel	no	
P. Loiselle	yes	D. St. Pierre	yes	
G. Longfellow	yes	M. DiBitetto	yes	<u>Motion carried.</u>

PUBLIC HEARING:

SOLID WASTE DEPARTMENT: PROPOSED CHANGES TO THEIR RUBBISH COLLECTION POLICY.

Chairman DiBitetto opened the hearing at 7:44pm.

Chairman DiBitetto stated the issue relates to a proposal from the Solid Waste Advisory Committee to the Town Council requesting that the trash collection in private developments be addressed. There are some private developments in Town that are getting either trash collected or getting a portion of their tipping fees reimbursed and there are other developments in Town that are getting neither one. The current situation is that The Solid Waste Advisory Committee is attempting to address these issues by developing a policy that can be applied across the board. The intent is not to take from some people but to come up with a uniform policy; excluding trash collection may be one of the options. The purpose of this public hearing is to hear the comments of the citizens of Hooksett.

Mr. Legere, Meadowsett Village asked what kind of money are they trying to save, what will happen if there is no rubbish collection.

P. Loiselle stated there is no intent to not pick up; there is an imbalance of receiving a tipping fee for some associations and not for others. All must be treated on the same basis that is the intent of this meeting.

Chairman DiBitetto stated the issue came to the Council's attention via a letter Dated September 23, 1992 from the Chairman of the Solid Waste Management Advisory Committee. The letter states the inequities of trash pickup within Town Associations and is looking for a resolve to these inequities.

Nicole Jeandreau, Manchester Manor, Four Rusty Road, stated they pay their taxes, they don't have town-plowed roads, all they have is trash pick up. If there would be no curbside pick up what would the cost be, the cost will go to the park and in turn the increase will be passed on to the renters of the lot.

Chairman DiBitetto stated answers would not be given tonight we are here for public input.

D. Duford stated that he has been on the Solid Waste Committee and the Solid Waste Advisory Committee since it's inception in 1973 and all these issues have come up before. They have gone from Committee to Council and the Council to the Committee more than once. The Committee used to be regulatory then the rules changed and they are now advisory to the Council. Also what needs to be considered are lawsuits if something happens on the private property. There needs to be insurance for those picking up the trash as well as for the

COUNCIL MINUTES
SPECIAL MEETING

4

July 16, 2003

residents on the private roads. Therefore a standard policy should be in place by amending the existing policy and put safeguards in place so that everyone is protected.

Chairman DiBietto asked how many are here from Manchester Manor and how many want status quo in trash pick up at no additional fee. By show of hands, about 2/3 of the attendance was from Manchester Manor, 1/3 from Meadowsett Village, and 1 or 2 were from the other associations. He noted that all hands were raised in response to wanting status quo in trash pick up.

Carol Mudrick, 10 Kirkwood Rd, Manchester Manor, stated that she heard that Manchester Manor was grandfathered in around 1990 and she noted that was prior to Granite Hills.

Chairman DiBietto stated that the word grandfathered might not have a legal meaning in the context of the letter that it was mentioned in.

Maureen Blazok, 22 Kirkwood Rd, Manchester Manor, stated if private roads are the issue, then they should be paying less tax than anyone else, if not they should have the same service that everyone else has.

M. Ruel stated she would like everyone to think about the following, society is not a pay as you go society, we are trying to live as one community in the Town of Hooksett and we are working toward one goal. We as a community pay to have basic services. Trash pick up may be one of those services and if you are on a public road there's no problem. If you are on a private road there is a liability issue with the Town and that's what we are trying to address, we are trying to address the inconsistencies.

Mr. Legere, Meadowsett Village asked if the Town employees are insured while at work. He stated that roadways like his should be provided with safe conditions for the employees to work on. Those who live in condos should be responsible to see that their trash is at the roadside just like it is where he lives and they should be required to provide the same safety conditions on their roads.

Steve Couture, President of the Hooksett Country View Condominium Association stated there are 57 condo units located off of Pleasant Street. They do not receive trash service from the Town and just imagine 57 bags of trash lined up at the curbside. He stated they have dumpster with pick up three times a week. If it is the decision of the Council that providing service to condominium associations or other associations is in the best interest of the Town and if it were fair and equitable then his association would be in favor of it. Right now it's not fair and equitable and he applauds the Town Council for taking it into consideration. This may also be an opportunity for encouraging recycling as well.

Mr. Burgess, Hooksett Resident, stated as far as insurance goes, he would not have a problem signing a waiver. It seems unfair to take away a service. There are a lot of older people with 40 + years of paying taxes, please consider the little guy.

D. Duford stated these conversations are going off track. The idea was to treat everyone the same. This has been an issue since the 1990's and it is now up to the Council to establish a uniform policy.

Chairman DiBietto stated that uniformity is the goal, be it a dumpster, reimbursement or whatever the outcome is, the Council will strive for uniformity.

P. Loiselle stated he would like to recognize and acknowledge the fact that Manchester Manor and Meadowsett Village be recognized as they are grandfathered and continue the practice that the Town has been providing.

Elizabeth Stuart, Meadowsett Village, stated that when the people bought in the areas where there is no rubbish pick up they knew that when they bought in that area.

Nancy's mom lives in Pleasant View Condominiums, she stated her mom knew and it was in the agreement when she bought there that she would have to take her trash to the dump.

Diane Ayotte, 125 Vindale Road, stated you are comparing apples to orange, condos are grouped together, and manufactured homes are separate homes, same as any other home. She shouldn't be singled out because she's on a private road.

Bob Desrosiers, Granite Brook Co-op, asked if they are grandfathered on rubbish pickup, would it continue to be picked up.

Chairman DiBietto stated that's the question that's on the table and an answer cannot be given before a vote is taken.

Lorraine Dion, Meadowsett Village, stated maybe they could be given a tax break.

Leon Hebert, 1160 Hooksett Road, stated he would like to see everyone get along. The Town of Hooksett employees have the best insurance that the people here can't afford to have, so are you saying that if something happens when picking up trash that liability will not cover them.

D. Duford stated he would like to remind the Council that a vote couldn't take place for seven days.

Chairman DiBietto stated, in addressing the Council, they will need to propose a policy and the Assistant Town Administrator is in the process of developing a policy that he would like to present to the Council at a later date.

Chairman DiBietto closed the hearing at 8:17pm.

D. Belanger moved at 8:23pm to enter into nonpublic session under RSA 91-A:3,II,(b) "The hiring of any person as a public employee"; and (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 M. Ruel. **Roll call vote carried unanimously.**

P. Rueppel moved at 9:32pm to exit nonpublic session. Motion seconded by M. DiBietto. **Roll call vote carried unanimously.**

The Council made a statement that the nonpublic minutes would not be divulged at this time with the exception of issue #3.

Chairman DiBietto adjourned the meeting at 9:33pm.

Respectfully submitted,

Tina M. Paquette
Administrative Assistant

Mary A. Ruel
Town Council Secretary