

TOWN COUNCIL MINUTES
JULY 23, 2003

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

Chairman DiBitetto opened the meeting at 6:30pm.

MINUTES:

June 25, 2003. P. Rueppel moved to accept the June 25, 2003 minutes as presented. Seconded by G. Longfellow. **Motion carried.** D. Belanger, P. Fitanides and D. St. Pierre abstained because they were not board members until July 1, 2003.

July 1, 2003. P. Rueppel moved to accept the July 1, 2003 minutes as presented. Seconded by D. St. Pierre. **Motion carried. M. Jolin abstained.**

July 9, 2003. Chairman DiBitetto stated the July 9, 2003 minutes would be on the agenda for the next meeting.

PUBLIC INPUT:

Harold Murray had a meeting this week and attempted to use the slide screen in Town Hall. The screen is in very rough shape and is not usable. He requested that Council approve the spending to buy a new slide screen.

Chairman DiBitetto stated that it would be looked into by Administration.

SEWAGE TREATMENT: SLUDGE COMPOST.

Dennis Morrissette stated he and many people that are within the area of the sewage treatment plant are very displeased with the odor coming from the sewer treatment location. He has attended Sewer Department meetings and did not get any results from those meetings. This is not an imaginary smell and it is not coming from the Outdoor World's business, it is coming from the sewer plant it comes when the wind is blowing east to west. There is even evidence, in the packet he handed out, that Sid Baines, Sewer Commissioner stated that there will be some sort of smell from the composting. He stated the smell is a fecal smell but the real problem is the chemicals that go into the air. He's concerned what will happen to his health and his children's health by breathing in this poor quality of air. Hooksett Memorial School is building an addition that is 550 feet away from this composting area. His engineers said this composting facility could not be in a worse location in Hooksett. The type of composting being done is one of the least popular methods in the state. The most popular method is to burn the sludge because of its chemical content. The residents are looking for Town Council to step in and mediate this situation. It is possible that there would be four neighborhoods coming in for abatements of at least \$100,000. Bruce Kudrick made a public statement that the cost savings is \$25,000. With a \$25,000 savings and then with the possibility of the Town spending \$100,000 it seems a good time for the Council to get involved. In Sid Baines statement he said there is smell and you will have to learn to live with it. He asked the Council what tolerance can you live with. The residents say there is no tolerance of the smell that they can live with; it is invading their homes. He asked the Council how they could help them.

Joan Bailey, 6 West Bank Road, stated she agreed with all that D. Morrissette has said and the smell is not imaginary, it has made her so ill that she heaves. She filed a complaint about the smell with the Department of Environmental Services (DES) in 2002. There are currently 84 resident signatures on a petition to the Hooksett Sewer Commission asking not to construct a composting facility due to the improper location of the facility and the impact it would have on the use of their enjoyment of their property.

P. Rueppel asked D. Morrissette if he thought that keeping the composting inside a building would resolve the situation.

D. Morrissette stated maybe if the building was kept closed and the doors were never opened. But the doors must be opened to bring in the sludge and the doors must be open again to turn the composting. He said when the door is opened the smell is most potent. The smell can be notice from a mile away. Rochester's plant is being closed down for a variety of reasons including neighborhood smells.

P. Rueppel asked him if he knew of any problems from the smoke from burnt sewerage.

D. Morrissette stated that burning is the number one preferred method for disposing of sludge.

Dave Damon, One West Bank Road, stated he lives directly across from the sewerage plant and it has a strong septic smell and he noted the same smell when coaching at the school. Many people in the neighborhood can document that issue. There is a concern with the proximity to the river and also the chemicals that are seeping into the ground. He doesn't know if the Town has tested the ground for chemical content from the composting. He asked if the Town could possibly be setting them selves up for a future problem with the EPA.

Mike Hinkle, stated he is an employee of Denron, and while he was doing some work at D. Morrissette' home he noticed an odor and it was unbearable to work outside of his home.

Kathie Hinkle stated she notices a really bad smell at D. Morrissette's home, and up the river at a yard sale she could smell it. She would not like living on the river with a pool outside and not be able to use it because of the foul odor.

Ron Sanderson, Gullane Road, Riverhill Landing, stated that while boating in the area for about 1½ miles on the Merrimack River the smell was really bad. In May 2003, there was an article in the Hooksett Banner written by Paul Adams in Chichester and he provided some statistics on the chemicals that are going into the ground. He said in 1991 NH Division of Public Health Services measured the levels of arsenic, lead, mercury and cadmium at Hooksett Memorial School as 6, 18, .02 and .04 parts per million respectively. Last year the NH Department of environmental services measured the same four elements in the Hooksett sewerage sludge as 5.8, 17, 2 and 4.2 parts per million respectively. Hooksett had measurements of 150, 330, 17, 66 parts per million respectively, that was rejected due to insufficient solids. So assuming the 2 to 1 sawdust to sewage sludge compost mixture, the Hooksett composted and sewerage sludge will probably contain at lease 2 parts of arsenic, 5.7 parts of lead, .7 parts of mercury and 1.4 of cadmium per million, this means that compost mercury will be 35 times greater and Cadmium will be 10 times greater than the existing soil levels. All of these metals will accumulate in the soil indefinitely and this is happening just a few hundred feet from Memorial School.

Chairman DiBitetto asked if prior to the composting had there ever been any odor detected from the plant.

D. Morrissette stated that in the packet he had handed out there is a copy of a newspaper article quoting Sid Baines as saying "residents haven't had a problem with odors from the sewer plant in the past" and there's never been any complaints, meaning before the composting was put there. Currently Hooksett's composting is a pilot program, when it does start as a permanent program there will be 30 to 80 times more sludge being handled. He would like to propose delaying the opening of Memorial School until the composting piles are removed, and until EPA gives approval on the air quality from those composted piles. He would like more than 15 minutes of the Town Council's time and what would happen if they needed an hour or more.

Chair DiBitetto stated if they need an hour or more then Council would hold a special meeting.

P. Fitanides asked if the odor was year round and if the odors prevent one from opening their windows. He asked if D. Morrissette had called the Bureau of Air Supply and Pollution Control in Concord.

D. Morrissette stated the odors have been during this pilot program, the state has designated only a limited window of time for testing. Last summer they had a larger testing time frame of June, July and August and the odor was unbearable. This year testing was from May 15 to June 15 and during that time the smell was atrocious. He has been working with Mike Rainey of the NH Department of Environmental Services (DES) and M. Rainey told him he has no legal authority to stop the facility because of odor. D. Morrissette said they thought it would be a DES situation. Rainey said they would have to live with it.

P. Fitanides stated the DES is separate from the Bureau of Air Supply and Pollution Control they handle odors such as exhaust fumes and obnoxious odors.

D. Belanger asked if the odor stops when the composting pilot program stops or does it linger.

D. Morrissette stated the smell has been continuous this year because of the rainy weather conditions. When the compost is dry and then gets wet the smell gets strong all over again.

Chairman DiBitetto stated that this discussion could be continued later on in the meeting but now they must move on to scheduled appointments as it is now 7pm.

D. Morrisette stated that later on could be two hours from now and the group did not want to wait that long with a chance that their may not be enough time to be heard so the group would not stay.

Chairman DiBitetto stated he would advise D. Morrisette of any further discussions.

SCHEDULED APPOINTMENTS:

7:00 DEPARTMENT OF REVENUE ADMINISTRATION (DRA)- CHUCK REESE.

Sandy Piper, Director of Assessing, introduced Dave Hynes, Appraiser Supervisor and Charles Reese, Real Estate Appraiser, of the State of NH Department of Revenue Administration (DAR).

D. Hynes stated the reason they have attended this meeting is because the Town is in the process of doing property revaluations and the Town has an extended contract with Municipal Resources Inc. (MRI) to do assessing services. As part of MRI's additional duties they are overseeing the reval and monitoring it at an expense to the Town. Carl Reese sent a letter to M. Farrell dated March 14, 2003 that states RSA 21-J:11, II that the Depart of Revenue monitors all revaluations at not cost and reports back to the governing body, in this case the Town Council. Looking at the Town's current situation you are paying an outside contractor to monitor their reval when they can get the services of the DAR for free, which is an unbiased entity that reports to the Town Council according to the State Statute. He just wanted to bring it to the Council's attention that the Town's money is being spent unnecessarily. That is his sole purpose of attending this meeting.

Chairman stated what you are saying is that we do not require an appraiser on staff to oversee the reassessment and that the DRA will do it. This contradicts what our understanding of the procedure was; then we do not need an overseer for the reval.

D. Hynes stated he has heard this from a number of communities throughout the state. Contractors are interpreting the law the way they would like to and possibly to their benefit. RSA 21-J:11, II says that the Commissioner, at no expense to the municipality, shall monitor appraisals of property and supervise appraisals and it lists the appraisal process of what the DRA must do and they must report to the governing body that is the Town Council.

Chairman DiBitetto asked to what extent would you supervise and what would be the normal oversight you would provide.

D. Hynes stated they do full and partial reevaluations. The DRA representative for Hooksett is Chuck Reese. They take a sampling of all the collection data done by every data collector of the reval contracting company. They re-do from 3% to 10% of their work. They go out and re-measure and list the property for accuracy, as if it was not done before. They review a grading sheet for any errors or omissions and record them on the grading sheet. Then they report back to the Town Council on the quality of the data collection and this is done at every phase of the revaluation.

Chairman DiBitetto asked how many days does that take, what are the hours invested in doing 45 cards that is 1% of the 4,500 homes in Hooksett.

D. Hynes stated it depends on the company doing the reval and how familiar they are with working with each other. For example your Town has hired Visions and he is working with Visions in 9 other communities and there have been no reprimands, have not had to have anyone go back out, and no major situations with Visions' revals. They start off with a minimum of 45 cards to get the best feel of the statistical analysis no matter how many parcels a community has. They usually start out just after the reval company starts.

C. Reese stated he has done 65 cards representing about 4 days of work. He has one commercial report to review that he is trying to discuss with Visions about two days of commercial data collection value.

D. Hynes stated they not only review data collection they review data entry. They go through the analysis phase with the company, and they grade the analysis phase. They sit in on the informal hearing and track all properties until they get to the municipal abatement process.

P. Loiselle asked in the past years when the revals were done was the DRA involved.

C. Reese stated that this new law was passed in 1999 and the DRA no longer does the revals they now oversee the revals. Prior to 1999 the DRA was the revaluation company and they would actually do the revals for communities.

D. Belanger asked how much has the Town paid MRI and did anyone else on the Council know this was available to the Town.

P. Rueppel stated it depends on who did what part of the reval and the range is from \$65 to \$100 an hour.

Chairman DiBietto stated it is our understanding, that it was legally binding for there to be a consultant to oversee this reval. It was made clear to us, by a previous employee, that we had to have the services doing that. He asked S. Piper if that is how she understood it.

S. Piper stated that was the understanding.

D. Hynes stated that has not been the case and it is not the law.

Chair DiBietto asked if we have the contract broken down between appeals and abatements and oversight with MRI.

S. Piper stated it's not broken down it's one lump sum.

P. Loiselle stated that this is something we need to look into very quickly and get it resolved.

Chairman DiBietto asked if we are continuing to oversee through our consultant.

S. Piper stated yes.

Chairman DiBietto stated then this needs to be addressed posthaste.

D. Hynes stated that if you have someone from an outside firm doing monitoring then, by law, the state must step in and monitor the monitor. According to the statute anyone who does appraisal work in any community must be monitored by the DRA.

P. Loiselle moved to have our consultant stop monitoring the reval process until this issue is sorted out.
Seconded by D. Belanger.

S. Piper stated that she has already spoken to one of the representatives that the assessing budget has been dramatically cut by the Town Council and that she needed to be prudent with the budget because technically the Visions contract covers all the pick up work. As part of the reval, MRI doesn't need to do the pick up work for 2003. Visions will be doing the pick up work and the abatements this year. It would be prudent to finish up on the prior abatements and then after the fall bills go out begin the pick up work for 2004.

D. Hynes stated by law Visions must do the pick up work. They must also do the pick up work for the year that they are doing the revaluations because they are the company contracted to apply the values to your community so they must do all the work that applies to value.

Chairman stated until March 2004 Visions would be the abating consultant.

D. Belanger asked what duties would MRI be needed for.

S. Piper stated to clean up the last of the big abatements there are just three or four cases pending for 2002. They went through the process of updating all current use and her assistant has entered all the data only to find out that when the live file arrives from the reval, any work done on the Visions System will be covered over and her assistant will have to reenter all the work again because they should have waited for the revals to come in.

Chairman DiBietto stated just to clarify an issue "we would be doing new pick up work November and December for 2004 and this is not part of the Visions contract". So we have an interim period where the pick up, which are additions and new construction, and Visions is not interested in being the on-going consultant. To keep the continuity we therefore would have MRI do some work on a limited basis.

P. Fitanides asked for the specific law and where it came from on the supervisors of the supervisors.

D. Hynes stated Title 1 of the State Law, 21-j:11 II

Paul Loiselle moved to stop our consultant from doing any further overseeing of the reval until we look into this situation. Seconded by D. Belanger.

M. Jolin stated since the Town never authorized MRI to do that work and we never got a contract, is there a need to take action to stop, just tell them we don't need them anymore.

Paul Loiselle and Dan Belanger withdrew the motion respectively.

Council consensus was to have P. Loiselle, Acting Town Administrator, deal with the issue.

NOMINATIONS & APPOINTMENTS:

Chairman DiBietto stated that Dagmar Arruder is interested in a position on the Parks & Recreation Advisory Board and Patrick O'Leary is interested in the Planning Board Alternate position.

Southern NH Planning Commission.

D. St. Pierre nominated M. Jolin as the Hooksett representative to the Southern NH Planning Commission, which is a voting position on that board. Term expires June 30, 2006.

P. Loiselle moved to suspend the rule of waiting seven days to appoint. Seconded by D. Belanger. **Motion carried unanimously.**

G. Longfellow moved to appoint Mike Jolin as the Town Council representative to the Southern NH Planning Commission, exp. 6/06. Seconded by P. Fitanides. **Motion carried unanimously.**

Parks & Recreation Advisory Board.

P. Rueppel stated the July 9th minutes indicate that Marcye McKenzie had been removed from the Parks & Recreation Advisory Board.

Chairman DiBietto stated he thought it was a motion to send a letter.

P. Loiselle moved to affirm the earlier decision to remove Marcye McKenzie from the Parks & Recreation Advisory Board. Seconded by M Jolin. **Motion carried unanimously.**

P. Rueppel nominated Dagmar Arruda for Parks & Recreation Advisory Board Fill-in, exp. 6/2005.

Planning Board.

P. Rueppel nominated Patrick O'Leary for Planning Board Alternate, Fill-in, exp. 2006.

OLD BUSINESS:

REVAL: UTILITIES.

Chairman DiBietto stated there is a proposal on the table from George Sansoucy, LLC for an assessment of utilities as discussed at the last regular Town Council meeting. The Acting Town Administrator was asked to obtain the quote in writing.

Chairman stated the proposed contract states this current year would be \$45,000, and additional work to be done in 2004 for an additional \$5,000. He asked F. Smith to explain the work for the additional \$5,000.

F. Smith stated the work is no where as intense, it would be an update to include any new utilities in the Town and the existing utilities would be updated if there is a change. They do this because the value is so great that a difference of 1% or 2% is a big difference.

M. Jolin moved to suspend the three-bid rule due to fact that there was only one response to the bid. Seconded by P. Rueppel.

Motion carried unanimously.

P. Loiselle moved to accept the bid from George Sancoucy, LLC for the full amount of \$50,000 for 2003 and 2004 as presented. Seconded by G. Longfellow. **Motion carried unanimously.**

TREASURER.

Chairman DiBitetto stated the appointment of Treasurer is still in process pending response on the background checks.

PROPOSAL SALE OF TOWN LAND: CATE ROAD

Peter Holden, owner of Holden Engineering, (30) explained who owns the land of the area in question. The building was originally intended to be an indoor hockey rink and was used for that purpose for a long time. Now the owner wants to use the building for another purpose and additional parking is needed. There was a preliminary discussion with the Planning Board and the Zoning Board of Adjustment (ZBA) and they received a variance to allow paving of 71% instead of 50%. Part of the ZBA's request was to satisfy the Conservation Commission with reference to its location in an aquifer. They ran two catch basins into a treatment swale and W. Burke agreed to pay for all this work. Paul Kenney, Conservation Commission member, said it is not necessary to do all of this but W. Burke went ahead and did the work. The Planning Board had a discussion and questioned who owns the land. The function of the building would be for public meeting space, trade shows, entertainment, swap meets, concerts, gun sale, train show, etc. and the use of the building would be limited by the number of cars that fit in the parking lot. There was talk on purchasing a piece of property and putting in a detention pond. They tried working it out by putting the detention pond in another location but they would lose about 30 parking spots. Tonight he would like to reaffirm that Burke could purchase the Town owned piece of land. If the Town doesn't sell him the land he would retract back into his land and loose 30 parking spaces. Total piece of Town owned land is about ¼ acre and the total acres Burke would own would be 2.7 acres once he purchases land from Pike.

D. Belanger asked if W. Burke has gone to the Planning Board in reference to concerts to address this with neighboring citizens.

P. Loiselle stated he received a letter from the Hooksett Planning Board dated July 22, 2003, indicating that after a lengthy discussion the Planning Board voted unanimously to respectfully recommend that Town Council retain the land as Town owned property. This land may be needed in the future as an access road, to widen intersections or as access for industrial land.

Chairman DiBitetto asked if there would there be a charge for parking.

P. Holden stated there's never been any talk about charging for parking.

P. Fitanides asked the age of building and what's the water supply.

P. Holden stated the building was built in 1990. He didn't know about the water supply.

Chairman DiBitetto stated that it's not a legal lot and would need a lot line adjustment. It can't be sold to the general public because it's not a free-standing piece of property. It could be sold only to an abutter.

D. Belanger asked if there has been an appraisal on the 9,000 sq ft.

P. Holden stated that the former Town Administrator came up with a price.

Chairman DiBitetto stated that an offer was presented and negotiations had taken place but did not come to the Town Council. It's not a fair market issue because it's not marketable.

D. St. Pierre asked if the detention pond could be put under the parking lot so that he could save 33 parking spots.

P. Holden stated that was discussed and the Conservation Commission said they would like to keep it on top of the ground so they would have access to it in case it would need emergency cleaning such as fuel spill from an automobile.

P. Fitanides stated that a 100,000-gallon fire pond is very big, where would you keep such a large pond to service the entire area.

P. Holden stated that has not been discussed with the Fire Department as yet.

Vicente Lembo asked the size of the building and how many people can it hold.

P. Holden stated the building could hold about 900 people.

P. Loiselle moved that the property not be sold; that the Town of Hooksett retains the land. Seconded by D. St. Pierre.

Roll call vote.

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

Chairman DiBitetto stated there are other alternatives to sale such as the Town doing a lesser of a conveyance rent, lease, etc.

P. Loiselle stated the first question we need to address is if the Town will retain the property then the issue of a lesser conveyance could be addressed. However, he reminded the Council that the Planning Board and the Town Planner, Charles Watson, recommended that the Town retain ownership of the right of way of land at the intersection of Cate Road and Hackett Hill Road. The land may possibly be needed for access to Hackett Hill Road.

D. St. Pierre asked if this land would be going out to anyone else for sale.

P. Holden stated, for example, if the Conservation Commission wanted to save that area as a green area in the aquifer protection district, it would be delegated as Conservation land.

Chairman DiBitetto stated there are questions that need to be addressed.

P. Rueppel stated that perhaps the Town Administrator, the Planning Board, P. Holden, and W. Burke could meet to see if there are other avenues to go such as leasing the land.

D. Belanger stated if he could be assured that there would be enough right of way for road access for Industrial usage in the future, and that they are not blocking a prime piece of land for future industrial passage then he could vote for a reconsideration of the vote.

M. Jolin stated he would be more inclined if the detention pond were located on the property that W. Burk owns and some sort of arrangement be made for him to have parking on the piece of property that the Town owns, so if that land is ever need you would loose the parking but not the detention pond.

P. Holden stated that's a good thought and an alternative to think about.

CONSERVATION COMMISSION: LAND USE CHANGE TAX.

P. Rueppel moved to remove from the table the Land Use Change Tax. Seconded by G. Longfellow. There was no objection to the motion therefore there was a discussion.

Chairman DiBitetto state subsequent to last week's public hearing the Council received a letter from the DAR questioning if the Town Council has the authority to make the change on the percentage or should it go before the voters at town meeting. Our previous Town Administrator, at the time, advised that we are a budgetary town meeting and this Council clearly has legislative authority. However, there is a gray area that keeps coming up as to what is or isn't a budgetary issue. Since we are a Senate Bill 2 Town then raising appropriating at the

town meeting is clearly permissible. What we are attempting to clarify is whether it is limited to that or whether this is essentially a function that needs to be decided at Town meeting. Council is attempting to get further clarity on the issue therefore it would not be right to take further action on the issue tonight.

NEW BUSINESS:
COUNCIL CALENDAR.

D. St. Pierre moved to accept the Council Meeting Calendar for the current fiscal year as presented. Seconded by P. Loiselle.

P. Loiselle moved to table for the next meeting to give Council time to review the meeting schedule.

COUNCIL RULES:

Chairman DiBitto would like to see the Council Rules more streamlined so that items are not held up and to keep the progress flowing.

G. Longfellow moved to set up a Council Rules Committee of three Council members to report on a proposed set of rules on September 10, 2003.

Roll call vote.

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

Chairman DiBitto asked for volunteers and D. St. Pierre, G. Longfellow and he volunteered.

P. Rueppel stated she would like consensus of shortening the minutes by having the minutes consist of the subject matter and recording of the motions.

Dan Belanger stated the more open our government is the more information gets out to the citizens then the better it is.

D. St. Pierre stated that's what is done with the Planning Board minutes, some items highlighted in the minutes but he agrees with Dan Belanger.

P. Loiselle stated there isn't too much more you can do to reduce the minutes.

TOWN ATTORNEY.

P. Rueppel moved to request that the Acting Town Administrator form a subcommittee to interview law firms that are interested in making a presentation to the Town of Hooksett to be their legal representative. Seconded by G. Longfellow. **Motion carried unanimously.**

P. Rueppel stated she has interviewed several law firms to see if they would be interested in representing the Town of Hooksett on their legal matters and since she has spoken to seven law firms she feels she would not be the best candidate on the requested subcommittee as her opinion may be biased. She suggested that three people sit on this committee.

Chairman DiBitto asked that our current law firm be included in the list. The committee should consist of the Acting Town Administrator to serve in both capacities, which means also as a Council member.

P. Rueppel stated that she spoke to four attorneys that she knew and asked them to give her names of law firms that are well versed in municipal law and they gave her the names of seven law firms. She spoke with all seven and came up with four that she could recommend to be interviewed.

D. St. Pierre stated he has two to three law firms on his list.

D. Belanger stated he would be on the subcommittee.

D. St. Pierre stated he would also be on the subcommittee.

P. Fitanides stated he would be interested in being on the subcommittee.

Chairman DiBitetto stated the subcommittee to recommend a Town attorney would be P. Loiselle, D. St. Pierre, D. Belanger, and Phil Fitanides.

BUDGET:
FIRE DEPARTMENT.

Chairman DiBitetto stated that he would like to give the Acting Town Administrator some direction on how the Council views spending under this year's budget and how Council would like to see the coming year's budget in terms of what type of latitude and growth in spending they are willing to entertain.

Chairman DiBitetto stated he would like to propose that the Town Council send a letter to the Acting Town Administrator for him to advise the Fire Department that this year Council expects spending to stay within the allotted budget and that over expenditure of the budget, this year, will be grounds for immediate dismissal and that expenditures will be reviewed monthly to assure compliance with this directive. Seconded by P. Rueppel.

Roll call vote:

D. Belanger	no	George Longfellow	yes	
P. Fitanides	yes	P. Rueppel	yes	
M. Jolin	no	D. St. Pierre	no	
P. Loiselle	no	M. DiBitetto	yes	<u>Motion failed.</u>

M. Jolin dislikes this type of procedure because other departments have over spent in the last few years. It should be a blanket statement if you are proposing such a procedure. You can't just pick out one department because you have a bad feeling with them it should apply to all department heads.

P. Fitanides stated he agrees with M. Jolin, but on the other hand, in reading something that one of the other Councilor's brought forward it shows that from 1998 through 2002 the Fire Department has been over budget by 308% and 138.7%. They have been consistently over budget without being reprimanded on a regular basis to bring the overspending down. He agreed that there are other departments within the Town that need to be addressed in the fashion that the Chair has proposed.

P. Rueppel stated she respectfully disagrees with M. Jolin statement. There are other departments that try really hard to keep in budget. The Highway Department, for example, came to the Council earlier indicating that they might be over budget. The Fire Department has been consistently over budget for the last four years. She looked at previous Fire Department budgets as far back as 1989 and they were never over budget.

P. Loiselle stated he agrees with M. Jolin, that it is unfair to single out one department. This type of motion would have to be for every department, it should be equitable.

D. St. Pierre stated he aggress with Councilors Jolin and Loiselle. If there is an employee that is out of the norm then this should be dealt with on the Town Administrator's level. If we are going to send out a statement threatening someone's job, judged by their budget performance, then Council ought to think carefully about everyone's budget. We have an Acting Town Administrator and he is the boss and he should address the overspending issue with the department head. If that doesn't work then the Council and the Town Administrator should take a joint action.

D. Belanger stated he would like the Acting Town Administrator to have a discussion with the Fire Chief explaining that the Council is extremely upset with the budget overrides and his continually asking for more money, then the Acting Town Administrator could come back to the Council if the situation continues.

Chairman DiBitetto stated this is not a disciplinary letter. Yes there are departments that have run over budget but none that have done it consistently for four years. This department has the ability to craft a plan of response that lives within the budget and has avoided doing that for four years. Lack of action on the part of Council, at this point, is a green light to do exactly what's been done in the last four years. If we don't draw the line then be prepared to be drawn into a corner.

D. St. Pierre stated in response to the Chairman's comment, we have reached this point because the previous Town Administrator would not discipline his subordinates. We now have an Acting Town Administrator that will

discipline his subordinates. The chain of command, and in fairness to employees, whether this Council is angry with the employee is not, is not the case. There is still a due process to employees and we should still give it a fair chance to have it discussed with the boss.

P. Loiselle stated you have to lay down the law and do it uniformly not singularly with a department.

Chairman stated that this is a directive to the Administrator as to what the will of the Council is. The Council needs to decide if it has the will to do what needs to be done. Once we are half way into the fiscal year the die is cast and it would no longer be appropriate.

P. Fitanides stated the Council should be aware that the Fire Department is one of the only large departments that are not audited. That department should have a forensic CPA firm do an audit to get a clearer picture of what's going on.

M. Jolin stated that not in defense of the action, but over the years every time the Fire Department asked for more money Council gave it to them. He doesn't see how this is the solution to the plan. The person will run the department, when they run out of money the same thing will happen and then they will propose closing the fire station.

Chairman stated the point of the letter is that the Council will monitor the budget monthly and any month could be the triggering mechanism. Then Council would not have to wait until year-end to tally up the losses they can deal with it as we go along and take effective action.

TOWN ADMINISTRATOR'S REPORT: Acting Town Administrator, P. Loiselle reported that:

1. A unique situation exists relative to pay scales, because of the two rotations in the pay scale the lowest level of the pay scales ends up putting some employees below the lowest level.

P. Loiselle move that there be no Town employee below the pay scale at any time. Seconded by P. Rueppel.

Roll call vote.

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

2. Camp Dresser & McKee gave a Graphic Information Systems (GIS) presentation with ARC software showing their updated, pictures of the Town with lot lines, building layer upon layer to even show where the hydrants are in Town. The issue they see in going forward is that the Town will eventually need a full time IT computer person to address all the needs of the Town.
3. He will be meeting the Jacques Personnel Agency to discuss advertising costs for the Town Administrator's position.

Chairman DiBitetto asked for discussion on the advertising for the Town Administrator's position.

Council consensus was to advertise in the Boston Globe, Union Leader, the Concord Monitor and the ICMA newsletter in hopes of getting someone familiar with New England type of government and that the Council's search committee stay involved with the process, and contact the Personnel agency to get a reasonable set of perimeters set out for the first phase of the search including the cost of advertising.

4. There is only one annual review left to be completed all others have been done.

PUBLIC INPUT:
OLD TOWN LIBRARY.

Vincent Lembo asked how much the old Town library was sold for and did the money go into the general fund.

Chairman DiBitetto stated it was sold two or three years ago.

P. Rueppel stated a company that wanted to make it a drive through convenience store bought it. It sold for \$185,000. Their plans did not succeed so that company sold the property to Manchester Sand & Gravel.

BUDGET CONTINUED:
FIRE DEPARTMENT.

D. Belanger stated he would like further discussion on reconsideration on the vote of a letter from the Town Council to Fire Department in reference to overspending the budget for this fiscal year.

Council consensus was to reconsider the vote.

D. Belanger moved to direct the Acting Town Administrator to meet with Fire Chief and advise him of the Council's extreme concerns on his continuous over-budgeting. The Council will monitor his budget month by month and if he doesn't comply with Assistant Town Administrator's wishes then the Council will take a vote for further action. Seconded by P. Rueppel. **Motion carried unanimously.**

Chairman DiBietto adjourned the meeting at 9:30pm.

Respectfully submitted,

Tina M. Paquette
Administrative Assistant

M. Jolin
Town Council Secretary Pro-Tem