

TOWN COUNCIL MINUTES
AUGUST 13, 2003

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

Chairman DiBitetto opened the meeting at 6:30pm.

MINUTES:

JULY 9, 2003. P. Rueppel moved to accept the July 9, 2003 minutes as amended. Seconded by P. Loiselle.
Motion carried unanimously.

JULY 16, 2003. Chairman DiBitetto tabled the July 16, 2003 minutes until the next meeting, because Council has not received the minutes.

JULY 23, 2003. M. Jolin moved to accept the July 23, 2003 minutes as amended. Seconded by P. Rueppel.
Motion carried unanimously. M. Ruel abstained; she was excused from that meeting.

PUBLIC INPUT:

SALE OF OLD PUBLIC LIBRARY.

Vincent Lembo, 56 Main Street, stated that he spoke with P. Loiselle on the issue of the sale of the old public library. That piece of property was valued at \$335,000 and the Town sold it for \$185,000. He asked if there is anyone on the current Council that was on the Council when the library was sold.

Chairman DiBitetto stated that he was not on that Council at that time but he understands that P. Loiselle has done some inquiry on the issue.

V. Lembo asked how it got to be sold for \$185,000 when it was valued at \$335,000 and about 10 months later it sold for \$550,000. On the initial sale the Town lost about \$150,000 and 10 months later on the subsequent sale the Town lost about \$300,000. He would like it recorded in the Council minutes on how this happened and how this can be avoided in the future.

P. Loiselle stated the property was appraised at approximately \$300,000 *and it was reduced on May 13 to \$222,000* (See August 27, 2003 minutes for correction) and it went on the market for \$220,000. There was a complete market analysis done, that he would be willing to share with Mr. Lembo. Commercial properties from Manchester were used as comparables with same amount of square footage, and the old post office in Hooksett on Route 3 was used as a comparable, which sold for \$160,000. There is plenty of that kind of information but he has yet to find where the decision was made to sell the property. Russ Porier, a realtor in Hooksett had suggested a price of \$160,000 and he also recommended not selling the property and he wanted to have further discussion. The person who brought the property spent an enormous amount of money on the property.

C. Watson, Town Planner, stated the person who bought the property from the Town had hired engineers and went through the Planning Board approval process for it to be a convenience store and the Planning Board approved it.

P. Loiselle stated that there was a lot of advertising done on the piece of property and Manchester Sand & Gravel ended up being the final buyer. In hindsight, looking back four years later, one may ask was it the right thing to do, did we know that the market was going to go up so high, there's a lot of questions we could ask at this point. The homework that was done to assess the value of the property at that time was well in place. He doesn't know why it was marketed for \$220,000 and was sold for \$185,000.

P. Rueppel stated she was on the Planning Board when the convenience store came to get their approval. She spoke to Sandra Oliver, who was the Chairman at the time, and S. Oliver told her there were no bids on the property, there was no one else interested in buying it. That's one of the reasons it sold for \$185,000.

P. Loiselle stated that big signs were printed, and there was a lot of advertising done but he had not found where the decision was made and he is still working on it. Commercial real estate is a very difficult market to predict.

V. Lembo stated he thinks it was a misuse of taxpayers money to let that piece of property go for that small amount of money and he asked if there is something in place so that this doesn't happen again.

P. Loiselle stated that they are in the process of putting a policy together relative to Town owned property.

Chairman DiBitto stated that V. Lembo's point is well taken. There are very specific procedures for making purchases, such as certain figures require certain procedures and Council has to approve any purchase in excess of \$7,500. He has not found any similar policy for disposition of Town owned property therefore he had brought forward the issue that a definitive disposal program should be created which should include a minimum dollar amount than an item/parcel could be sold for and any item or parcel to be sold would need Council's approval.

V. Lembo asked if the selling of the old public library should that have gone to the voters for their decision.

Chairman DiBitto stated it is a good general policy to have a discussion of what to do with major assets.

M. Jolin asked if P. Loiselle found any record in the minutes that there was an authorization to sell the building.

P. Loiselle stated, going as far back as May 2000, the only thing he found in the minutes was that it had been sold.

M. Jolin stated that if the majority of the Council votes to get rid of the building then it goes up for sale. It's not a matter of whether it's a good or bad price but if they Council votes to sell and put the money in the Town's fund then that's what happens.

P. Loiselle stated that another issue brought up is that on May 13, 2002 Vision did the appraisal and it went from \$335,000 down to \$221, 000. So there is reason to question whether the first appraisal was correct. The analysis done justifies bringing the price to \$220,000.

P. Fitanides stated he was present when that property was to be approved. It as supposed to be a drive through, this went on for about three different Planning Board meetings. You may find something in those minutes that would be of value.

Harold Murray, 311 Hackett Hill, stated you would have documentation signed by someone of authority from the Town, if you find that signature then go to that person and ask your questions.

Dagmar Arruda, 19 Maple Street, stated she was interested in the property back in the fall of 1999 when it had just come on the market so maybe researching as far back as then would yield some answers.

V. Lembo stated he has an appraisal from the Town dated June 3, 2002 valued at \$335,800.

P. Loiselle stated this appraisal is dated May 13, 2000.

V. Lembo stated so within a month the appraisal went down \$114,800.

Chairman DiBitto stated he would like to address this at the first or second Council meeting in September 2003.

GARBAGE TRUCK:

V. Lembo stated that his second issue dates back to the March deliberative session. It was brought to the voter's attention that the garbage truck was swapped for a dump truck. The following day he spoke to Councilor Ruel on the issue to find out what the legality of that is.

M. Ruel stated this is a similar issue in that you would have to do a lot of research and go back to find out what might have happened but it seems that there may be many other similar issues and you have raised only a couple of them. Going back to what Councilor Jolin said, if five people on this board make the decision and it goes forward, then what we need to do is implement some policies to say how to better control these types of decisions, document and justify why we made those decisions.

V. Lembo stated the point was that the voters voted for a \$130,000 garbage truck, they got it, found out what ever they thought was useless to them and then someone in the Town swapped it for a dump truck that the Town voted against. The point being, there are people in this Town taking the voters money and buying what they want not what was voted on. If you add up some of these situations the taxpayers in this town are out over a half million dollars. He doesn't want to pay for items that the voters did not approve.

Chairman DiBietto stated that after that happened he approached the Town Administrator to find out what our policy was to dispose of Town property and he couldn't find any formal procedure. Then Chairman DiBietto said it's time to develop a policy. He stated that Mr. Lembo's raising the issue brought it to the forefront.

V. Lembo stated there must be an RSA to protect the taxpayer's money from incidences like this. We don't even know if it was a new or used truck or if it has a warranty.

P. Loisel stated it was a brand new truck with a blade. The Department tried to return the truck and the company had no interest in taking it back. At the point, the Department felt they had a truck that was too big and too high. There were claims coming against the Town; there were three or four injuries that became workers comp claims costing the Town money. The Department realized the truck was not working out so they went to Pinard and made a deal for a new truck with a new blade and made a swap and at that time the Highway Department and Solid Waste were one department.

V. Lembo stated you would have a better chance for a better trade in value by making a deal with a company that sells garbage trucks.

P. Loisel stated they tried and the company was not interested.

Chairman DiBietto stated that going back three to four years ago is somewhat difficult, therefore, we are trying to move forward by creating a policy on tracking bought, sold and traded items.

Merrill Johnson, Heavy Equipment Committee member, stated that truck is what was instrumental in creating the Heavy Equipment Committee. We had hired an engineer to make purchases and he went and bought trucks on his own then the Heavy Equipment Committee was formed to stop that from happening.

PUBLIC INPUT:

Mr. Constance Hartnick, 10 Bird Street, stated that she attend the Zoning Board of Adjustment (ZBA) meeting last night. Her impression was that the ZBA did not seem concerned about listening to the neighbors concern that a certain person keeps applying for a variance to expand their property despite the ordinance. The board was talking all the time; they could not hear the person talking. The Board said it's all right if you can't hear us we can hear you and that was said quite a few times and they were laughing. She wanted to bring this issue to the Council's attention so that this would not happen again. Some neighbors sent letters during the week and the ZBA did not make an effort to read the letters until it was brought to their attention that the letters were sent and these letters should be read to everyone.

Chairman DiBietto stated that the ZBA has legal authority independent of the Town Council. He will see to it that a policy be in place, across the board, for courtesy to be extended to anyone who addresses any board or who comes as an interested party. He will convey the importance of that the courtesy and that it continue or improve where needed.

D. Belanger stated that he is a member of the ZBA and was in attendance at that meeting. At no time did the ZBA say don't speak to the audience, it was continually speak to the audience because we can hear you. The behavior of some of you was abhorrent. He heard language from some people that wouldn't be allowed in most bar rooms. The people were given a fair hearing with a 3 to 2 vote and he voted on your side. The members on the board were courteous to you, they listened to you, the vote was taken and that's what happened.

C. Hartnick stated there was a lot of talking and laughing; there was more to it than what you said. She is telling the truth, what she said is what she saw.

Theresa Chevette, 17 Burt Street, stated the ZBA was completely humiliating, every time they got up to speak the board would snicker. She told them you probably think this is funny but she didn't think so. They had to ask if the ZBA received their emails and one letter was not even brought up until she mentioned it. When the

Yearke's asked for their special exception Randy Holt told them to leave one foot separated from the garage and he could build his new addition because this was a special exception and not a variance. She feels that is not right, he gave them advice that should not have been given. That gives him only a 24-foot set back. She asked questions about the plan being different because every plan presented is always different, they don't know what he wants any more. She felt that she did not get an answer.

D. Belanger stated that she was given an answer to her question. There was no variance granted it was a special exception.

Chairman DiBitto stated you do have a right to an appeal procedure by asking for a rehearing within the next 30 days to the ZBA; you don't need to go back to the Planning Board.

P. Rueppel stated she received a call on this matter and she mentioned the appeal process and she heard that Ken Andrews, Building Department, told a member of the group that there were three variances on it already. She didn't realize it was a special exception. She advised them to get the paperwork that K. Andrews has and bring it to the ZBA along with their appeal.

Chairman DiBitto restated that he would be sure to address the issue of being more courteous.

M. Ruel stated while we don't get involved in the legal process of the ZBA decisions we do appoint that board, so we have some responsibility on selecting those appointed and un-appointed. You should also know that depending on the process, there is a time for public input but, similar to this board, there are times when the board will be discussing something but the public may not have the opportunity for input at that time. She advised that if you go back to the ZBA you may want to present new information or they may not hear your appeal.

Al Levassuer, 140 Merrimack Street, stated that he apologized for any crude words that he may have said at the ZBA meeting last night. It's not that he doesn't like the ZBA or the Planning Board; he is a past Town Councilor of District 1 and has the utmost respect for those on the boards.

NOMINATIONS AND APPOINTMENTS:
PARKS & RECREATION ADVISORY BOARD:
PLANNING BOARD:

Chairman DiBitto stated that Dagmar Arruda has been nominated for the Parks and Recreation Advisory Board, Full Member, exp. 6/2005 and Patrick O'Leary has been nominated for the Planning Board, Alternate fill-in, Exp. 6/2006

D. St. Pierre moved to appoint Dagmar Arruda to the Parks and Recreation Advisory Board, Full Member, exp. 6/2005. Seconded by D. Belanger. **Motion carried unanimously.**

P. Rueppel moved to appoint Patrick O'Leary to the Planning Board, Alternate, Fill-in, Exp. 6/2006. Seconded by P. Loiselle. **Motion carried unanimously.**

OLD BUSS:
COUNCIL CALENDAR:

M. Jolin moved to accept the Town Council Meeting Schedule for the current fiscal year as presented by Chairman DiBitto. Seconded by P. Rueppel. **Motion carried unanimously.**

Chairman DiBitto requested that the Schedule be posted to the Town's web site.

COUNCIL RULES:

Chairman DiBitto stated there would be a meeting tomorrow evening for the Council Rules Subcommittee consisting of G. Longfellow, D. St. Pierre and himself. They will review the rules and will come back for discussion on any proposed rules for Council's first meeting in September.

SOLID WASTE TRASH COLLECTION POLICY:

P. Loiselle stated that Marion Jacobi – Solid Waste Management Advisory Board Chairperson, G. Longfellow and himself are in the final stages of putting a trash pick-up policy together that would be fair and equitable to every one in Hooksett. There are three scenarios. One scenario concerns the mobile home parks that have

been historically picked up by the Town. Another scenario is where condo associations take care of their own trash and they pay their bill. Then there is one condo association where the Town reimburses them \$25 per ton. Due to so many inequities they looked at how to treat everyone the same and in order to do that the consensus is that every condo association will be reimbursed equally based on a weekly rate of 31 pounds per household.

Chairman DiBitto stated this would be the Acting Town Administrator's proposal that will be brought before the Town Council for their action at the next Council meeting.

P. Loiselle stated that's correct. There is also another scenario where some of the homes at Granite Hill have a separate agreement for trash pick-up that is done at each home and it has been agreed that will stay the same. That section of the association that handles their own trash will be reimbursed. The bottom line is that all residents will have either their trash collected by the Town or will be reimbursed for those who have private trash collection. The current rate is \$65 per ton and will be increasing to \$68 per ton; there will be a mid-year change in the contract. Those are the rates that will be used at the condo associations at a consumption of 31 pounds per household per week. He will try to negotiate with Oak Hill that has approximately eight residents to see if they will bring their trash to the end of the Road for Town pickup. Manchester Manor has submitted a waiver of liability for the Town. This policy change will impact the Town for an amount of approximately \$50,000 to \$55,000 annually.

P. O'Leary, President of the Granite Hill III-2 Homeowners Association, stated he is very pleased to hear this discussion on the proposal.

CONSERVATION FUND: CURRENT USE TAX.

Chairman DiBitto received a letter from our of town attorney indicating that this is a budgetary item and should go on the ballot to the voters.

M. Ruel asked that last year when we were discussing putting this on the ballot where did the guidance come from, was it a legal advisement.

Chairman DiBitto stated the guidance came from the Town Administrator; it was not a legal advisement.

M. Ruel stated that she would like to invite the Conservation Commission to a September meeting to discuss what they want to present to the voters. She would like to do it then rather than deciding what will go to the voters in the middle of the budget season; that would help budget season run a bit smoother.

Council consensus was to invite the Conservation Commission to the September 10th meeting and to see that they receive a copy of the letter from the Town's attorney.

HEAVY EQUIPMENT STUDY REPORT:

Merrill Johnson: (attachment #1) stated that the mechanical aspects of the trucks are fine; it is not true that the trucks need to be replaced because of the mechanics. The report shows that each vehicle was reviewed separately using a checklist as their guide. The fleet is in good shape. They could not find anything seriously wrong with E-2; there are minor cracks in the cab but nothing to cause a safety concern. The drive shaft is operable he is not aware of any current problems.

D. St. Pierre stated that Tom Keach is a member of the Heavy Equipment Purchases Committee and he participated on the study report. He asked if T. Keach is an inspector for the State Department of Safety and how did he participate in this study.

M. Johnson stated yes. He took the vehicles to the Hooksett highway garage and went through the vehicles completely. There was some minor maintenance performed such as adjustments to brakes. He's basically talking about 5 vehicles. They went through all the vehicles and did check list sheets on all equipment that was reviewed including but not limited to the Deputy Chief's vehicle and forest vehicles as well.

D. St. Pierre stated that T. Keach went through every vehicle similar to the way a commercial truck is reviewed on the scales on the state highways.

D. St. Pierre stated that on your report, sheet on E-5 line 33 it indicated that the overall condition on E5 is poor however you just said the fleet was in fine shape. He asked if the vehicle was roadworthy.

M. Johnson stated it probably has rust on it. This is the vehicle that was refurbished because the frame was rusted out and it should have been rebuilt, not recapped, so the rusted frame is still underneath and is still rusting out. There are no other faults with the vehicle; the vehicle is roadworthy.

M. Ruel asked M. Johnson to expand upon the maintenance that has been done.

M. Johnson stated that he's not too sure about the cost of some maintenance but there was an oil change for \$550 done in the lakes region and there may have other work done during that oil change. An average oil change is about \$50-55 so the \$550 may be a typographical error. He feels we are spending too much money in the lakes region for changing light bulbs and oil changes; we should be using our own garage at the Highway Department.

D. Belanger asked if there is a set policy for scheduled maintenance to be done at the Highway Department.

Dale Hemeon, Highway Department Manger, stated they come over almost daily to schedule something to be done on the truck, if there is an issue they cannot handle it will go the lakes region. The truck would go to the lakes region if it were a pump issue that the Highway garage could not handle. To his knowledge, since he's been at the Highway Department, he has never seen a truck go to the lakes region for an oil change.

P. Loiselle stated that the question of timing should be considered.

D. Hemeon stated the Highway Department never has them wait more than a day for an issue to be taken care of. It may have gone to lakes region maybe for pump work; he doesn't know if the Chief would have done that.

D. Belanger moved that all scheduled and unscheduled maintenance be carried out at the fleet highway department before sending it out. Seconded by P. Rueppel.

M. Johnson stated after listening to D. Hemeon's explanation, he would sit down with P. Loiselle and come back to the Council for action if needed.

D. Belanger and P. Rueppel withdrew their motion respectively.

NEW BUSINESS:

BOND RELEASES:

West River Road.

Bond releases Dale Hemeon presented West River Road, LLC and stated Arleigh Greene started to build a detention pond on Quality Drive but it was not completed therefore the owners of Hockey 2002 wanted a bond or a cash deposit put up to ensure the work would be done. This detention pond was completed for an overflow to the Merrimack River; the work that was required to be done has been completed. It was a cash bond that they are holding in lieu of when the Town signs off. The Department of Environmental Services (DES) approved the plan. The work that needed to be done was to install 40 feet of concrete piping and tie into the Merrimack River. Dufresne & Henry have signed off.

P. Loiselle moved to release the bond on West River Road, LLC. Seconded by D. St. Pierre.

D. St. Pierre asked if that spillway had been approved to dump into the Merrimack River.

D. Hemeon stated it was approved in the original plans and the only item left for completion was the tying into the River. Orr & Reno held the bond in the amount of \$20,000. It wasn't handled like a subdivision because this started without a bond on the project and that's why Hockey 2000 wanted the bond put up to ensure the job would be completed.

D. Belanger asked if the Town is releasing the bond or are we saying that our part of it is done, the work is completed. We are not releasing a bond.

D. Hemeon stated they put the Town as the third party. They just want the Town to approved that the project is finished.

P. Loiselle and D. St. Pierre rescinded their motion respectively.

M. Ruel moved to authorize the Acting Town Administrator to sign the letter from Orr & Reno confirming that the project is complete. Seconded by G. Longfellow. **Motion carried unanimously.**

Beacon Hill Bond Reduction.

D. Hemeon stated that the developer Dufresne-Henry called him and said they are at a certain stage of development and they would like to reduce the amount of the bond to \$114,197.55.

M. Jolin moved to accept the Beacon Hill bond reduction as requested by D. Hemeon, Highway Department Manager, to the amount of \$114,197.55. Seconded by D. Belanger. **Motion carried unanimously.**

Misty Meadows Bond Reduction.

D. Hemeon would like to reduce the Misty Meadows bond to \$51,211.60.

P. Loiselle moved to accept the Misty Meadows bond reduction as requested by D. Hemeon, Highway Department Manager, to the amount of \$51,211.60. Seconded by G. Longfellow. **Motion carried unanimously.**

SIGN APPROVAL:

D. Hemeon stated there have been a lot of problems with parking such as over night, areas that should not be permitted to park, and in the spring snowmobiles do a lot of damage as well. He would like to put a sign in all parks that reads: Hooksett park regulations, curfew 9pm-6am, no overnight parking, vehicles towed at owners expense, no dog fouling, no golfing, no snowmobiling, no ATV's, no motorcycles. The signs would be placed near the grass area as that is the place the signs would be referring to for no parking.

D. St. Pierre stated he supports the sign idea. He has seen many cars at Lambert Park with for sale signs that don't belong in the Town's pristine park.

P. Loiselle moved to accept the parking regulation sign as presented by D. Hemeon. Seconded by D. Belanger.

M. Ruel likes the idea of adding "no motorized vehicles" that includes snowmobiles, ATV's and motorcycles.

D. Hemeon stated he would add "no motorized vehicles to the sign".

M. Jolin, Parks and Recreation Council's Representative, stated that Parks and Recreation hasn't seen the sign. He has been in the park for events that went beyond 9pm; so how could 9pm be enforced if an event is still going on.

D. Hemeon state that the Town's ordinance is 9pm and was passed years ago therefore he's going by the Town's rules.

P. Fitanides stated that someone could put a trailer on the green. The sign should cover everything you do not want in the park.

H. Murray, 311 Hackett Hill, stated he believed that a curfew was one of the original items asked for when the boat ramp part of the park was created at Lambert's Park and they were told that a curfew was not permitted. Vincent Lembo, 56 Main St., asked is this for the green area only and is the Council aware that there is a lady living in her car in the parking lot at Donati Field.

Chair DiBitetto stated this should be tabled to give the Acting Town Administrator time to review certain issues or enforceability.

M. Jolin moved to table the discussion on the sign approval for park regulations. Seconded by P. Fitanides.

Roll call vote.

P. Loiselle	yes	D. Belanger	no
G. Longfellow	no	P. Fitanides	yes

M. Ruel	yes	M. Jolin	yes
P. Rueppel	yes	M. DiBitetto	yes
D. St. Pierre	yes		

Motion carried.

ASPHALT ROLLER AND TRAILER ACQUISITION:

D. Hemeon stated that he has received three bids on a roller and a trailer as presented and his recommendation was to go with Woods CRW Corp. of N.H. This item was in the budget.

M. Jolin moved to accept the low bid from Woods CRW Corp., of N.H for a total package price of \$13,200 to purchase an asphalt roller and trailer as recommended by D. Hemeon, Highway Manager. Seconded by P. Loisel.

Roll call vote:

D. St. Pierre	yes	G. Longfellow	yes
D. Belanger	yes	M. Ruel	yes
P. Fitanides	no	M. DiBitetto	yes
M. Jolin	yes		
P. Loisel	yes		

Motion carried. P. Rueppel abstained due to knowing the owner.

MOWER:

D. Hemeon stated he would like to present the purchase of laser mower for Council approval that is in the Parks and Recreation budget.

P. Loisel moved to waive the Council's rule for the five-day waiting period. Seconded by P. Rueppel.

Roll call vote:

D. St. Pierre	yes	G. Longfellow	yes
D. Belanger	yes	M. Ruel	yes
P. Fitanides	no	P. Rueppel	yes
M. Jolin	no	M. DiBitetto	yes
P. Loisel	yes		

Motion carried.

P. Rueppel moved to accept the low bid from Still's Turf Depot for a total package price of \$8,798.40 to purchase a mower. Seconded by P. Loisel.

Roll call vote:

D. Belanger	yes	M. Ruel	yes
P. Fitanides	no	P. Rueppel	yes
M. Jolin	no	D. St. Pierre	yes
P. Loisel	yes	M. DiBitetto	yes
G. Longfellow	yes		

Motion carried.

P. Fitanides how do you know these are the best bids.

Chairman DiBitetto stated this was done through a sealed bid arrangement.

DISSION OF COMPLAINTS OF SLUDGE COMPOSTING ODOR:

Chairman DiBitetto asked that the members of the Town Council take a trip to the composting facility.

D. St. Pierre stated he took a visit and they have wrapped up their composting for the year.

P. Loisel spoke with Sid Baines, Sewer Commission Chairman, and they are still planning to build a facility for composing. Some of the surveying is done. The original location that town voted not to put the facility at was the better location however S. Baines has plans to plant trees and put buffers the best he can. There are no plans to seize and desist. He agrees that no amount of smell is acceptable. The Town Council has no jurisdiction over the Sewer Commission.

D. St. Pierre stated going back to having jurisdiction over the Sewer Commission or not, everyone on commission or board is an elected official that chose to be there. With out taking sides he takes exception in having a Commissioner tell people who are experiencing an obnoxious order, we were here first. This sets the demeanor and the tempo to fellow citizens that live with it. If you have a person on the committee that isn't the best person to solve a problem with the community perhaps you shouldn't send that person out there. It's

counter productive and not a polite way to address fellow citizens of the Town. You should reach your hand out and say we will work with you the best we can. We have a situation here on a material that needs to be addressed and find the best way of getting rid of it. I don't think it was articulated that way and it brought us to destruction with our fellow citizens.

P. Loiselle stated that S. Baines did hold a number of meetings with citizens. His first interest was in composting he didn't realize the odor would be a problem and he has tried different ways of composting and he wants to find a way to make it work. He has even said if he has to shut it down he will.

D. Belanger agrees with Doug that something has to be done. He asked who has authority over the Sewer Commission.

P. Fitanides stated that he has received phone calls on the matter and has done some research. He found out that the local health officer has the last say, it has to be a health hazard and the Department of Environmental Services (DES) has no jurisdiction and cannot make any decisions on the matter. On the Positive side he stated at another location they are processing bark mulch, if the Town could figure how to use that amicably they could sell it and use it all over Town for fertilizer.

D. Hemeon stated a few years ago he was on the Sewer Commission and he was very involved in the process for sludge, which is a class "B" sludge and looked at a number of ways of solving this problem. He traveled to at least 10 places including Dover, and Maine. The best solution was converting to class "B" sludge. The Town of Merrimack cannot keep this product in their yard long as it is bought up very quickly. We were looking for the best solution for the Town, that's the solution we came up with and one that the Town could afford. He has smelt the sewage odor and doesn't know if it is the sewer plant or coming from another location.

D. St. Pierre stated for the record the minutes of a previous meeting, when there were attendees from the effected neighborhoods, indicated they were advised that four neighborhoods would be putting in for abatements due to obnoxious odors. He feels the Town should be looking at the Sewer Plant to recoup the possible \$100,000 revenue loss. If he's going to loose a \$100,000 tax base then he would expect to recoup the losses.

M. Ruel asked if the Town has an ordinance on obnoxious odors. While she understands the concerns there are some other technical issues that would be a little bit more complicated to address.

D. St. Pierre stated we do have such an ordinance it's under Code Enforcement Obnoxious Odors.

D. Belanger stated that he has been to the Town of Merrimack's soccer fields, which are located near the composting area, and the odors are atrocious.

P. Fitanides stated the Bow Power Plant process two-train boxcars of coal per hour. The train drops off the coal and comes back empty. Perhaps the Town could figure out a way to have the Rail Road haul it out of Town.

M. Jolin stated we have no control over the Sewer Commission however the Council could at least voice their opinion by making a motion with a strong objection to proceeding with this project due to the complaints from the neighborhoods.

P. Rueppel asked if S. Baines would consider hauling the sludge to another spot.

G. Longfellow stated that perhaps the sludge could be hauled and composted at the Quimby Mountain property at bottom of hill where the shooting range is located.

M. Ruel stated legally the Town is responsible for all disposal of all septage and sewage thus it legally falls on this Town Council. We can't tell the Sewer Department how to run their plant, if you tell them not to compost then you need to have place for it to go. You need to work with them cooperatively and figure what is the best option.

Chairman DiBitetto stated he went to the composting site and the sewage does have an odor and he questions if it is the composting or the main plant function. There have been other issues such as changes in terrain. He would no want to stop composting and find out later on down the road that was not the problem. If we find out

it's part of the sewerage plant process we cannot terminate the operation as it is a vital part of the Town's operation. He then opened the floor to comments from the affected residents.

Nick Bernardi, 2 West Bank Road stated that since 1983 he has lived directly across the street from the sewer plant and he has never had a problem with the sewer plant. What they experienced in mid June was horrible the odor was so bad he and his company had to stay at the Holiday Inn for the weekend. Last year it was horrendous. He invited P. Loiselle to his home but it wasn't as bad this year because they weren't composting. He never had problem with the sewer plant all these years and he can't live with what they are doing now. Decay and fecal matter will smell for weeks because they continue to maintain and turn it.

Craig Allquist, 9 Bayview Terrace, stated that there could possibly be 84 houses getting \$100,000 in abatements that means the Town may lose \$100,000s in tax revenue. There are all kinds of chemical waste concerns and you would be creating a toxic dump next to the school, which is the worst place to have it.

D. Hemeon stated when they took the trips to other facilities the odor was noticed more when turning the piles and turning the piles is half the process to make composting work. When Brock lowered their bank by 50 to 100 feet it did change the wind direction. When the sewer plant dewateres and aerates it does stink, he can't imagine it not smelling across the river. S. Baines wanted to be here but was not notified and he went out of state at noon today.

H. Murray stated he wasn't going to get involved until it was mentioned moving it near his house. If you are going to move it to the Hackett Hill area you will have a heck of a problem. Don't move it to some one else's area.

P. Rueppel asked that P. Loiselle and S. Baines work together on this situation.

P. Loiselle has spoken to S. Baines and a letter should be sent to him explaining the Town Council's concerns.

Chairman DiBietto will draft a letter to S. Baines for Council to review at the next Council meeting on August 27.

D. St. Pierre stated he will not be here at the next meeting and does approve of sending such a letter. He wanted to reiterate what he said before that the Town should have a way of recouping its losses if abatements are filed for this issue.

Joan Bailey, 6 West Bank Road, stated taking the sludge to Manchester and incinerate it.

MANCHESTER WATER EXTENTION:

Chairman DiBietto read the letter dated July 23, 2003 containing the description of the Manchester Water Works franchise extension (**Attachment #2**).

M. Ruel asked what the status was on another issue with Manchester Water Works bring water to another piece of property that involved L-CHIP property. The Council sent a letter not supporting yet the legislature moved forward with it anyway.

Chairman DiBietto stated that it was tabled and sent to committee for further study.

M. Ruel would like to Council to keep track of this issue.

M. Ruel moved not to approve this franchise extension. Seconded by P. Rueppel.

Roll call vote.

D. Belanger	no	M. Ruel	yes
P. Fitanides	yes	P. Rueppel	no
M. Jolin	no	D. St. Pierre	no
P. Loiselle	no	M. DiBietto	no
G. Longfellow	no		

Motion failed.

D. Belanger moved to approve the Manchester Water Works Franchise per their letter dated July 23, 2003. Seconded by G. Longfellow.

Roll call vote.

P. Fitanides	yes	P. Rueppel	yes
M. Jolin	yes	D. St. Pierre	yes
P. Loiselle	yes	D. Belanger	yes
G. Longfellow	yes	M. DiBitetto	yes
M. Ruel	no		

Motion carried.

COMMUNITY ECONOMIC DEVELOPMENT CORPORATION OF HOOKSETT (CEDCOH):

C. Watson, Town Planner and CEDCOH board member, stated that Steve Korzyniowski, Dawn Stanhope, Patrick O'Leary and David Paquette who are CEDCOH board members are attending this meeting to render their support for the request of funds. On July 9, 2003 the CEDCOH board members came to the Council and the Council voted unanimously to release the funds in the amount of \$43,181 for Fougere Planning and Development to develop the updated master plan for the Town of Hooksett. They have entered into a contract with Fougere Planning and Development. They are now looking to do a Charrette that will involve the citizens of Hooksett. This Charrette involves sending out four Requests for Proposals (RPF) and they received two bids and one letter of regret. He asked the Council if they would contract with CEDCOH to produce the village chapter of the master plan update and in turn CEDCOH would contract with Planning Decision, of South Portland, as the low bidder of \$19,110 to do the Charrette.

M. Rue stated there was \$60,000 in this fund and \$43,000 was approved for spending and if this \$10,000 is approved that would leave \$7,000 in the fund.

Chairman DiBitetto stated that's correct.

D. St. Pierre moved to authorize the spending of \$10,000 for the Charrette for the village area of the master plan update. Seconded by Dan Belanger.

D. Belanger stated that as a new member of the Council, could CEDCOH please be defined.

Dawn Stanhope, CEDCOH Board Chair stated that CEDCOH is a 501.C 3 pending app of May 2003. The idea came about from the Visioning process that took place in Hooksett on November 2nd & 3rd of 2001 and from community participation in the Town's master plan. Drafts of all the chapters of the public forum were created to educated residents of the Town. From all of that came 12 board members that consists of 10 residents, Charles Watson the Town Planner and one professor from the Community Economic Development at Southern NH University. CEDCOH's goal is to provide sustainable economic development through a community based development, which means they want resident input on how their town grows and develops. They will look at how to balance the tax base, how to bring in new job opportunities, how to strengthen existing services in the community as well as including the quality of life. They have determined that the first project they would like to do is the Charrette. A Charrette is a way of defining plans for a small area. They are looking at a one-mile radius from where Town Hall is as the Village section and developing a Town Center. They would receive resident input on what they see being in this Town Center. Out of that they will have goals and objectives that they can use as an organization to identify future projects. The section on the village chapter was a challenge for the Master Plan Committee because no one was involved in developing that chapter and part of the reason that happened is that the people did not have the necessary tools to pull that together. CEDCOH offers an opportunity to meet their needs in developing their own strategic plan as well as produce that final document for the village chapter. They have raised funds from PSNH, Manchester Regional Community Foundation, Community Development Finance Authority, and the Hess Family Foundation as well as private, individual donations.

M. Jolin stated he has a concern with the formality of this procedure. We have a three bid requirement and we don't have three bids and the Council is not awarding the project to the low bidder because Council is not the one to contract with the planning and development company; it doesn't seem to be going along in any straight lines. We are not giving the money to planning decisions so therefore we did not really go through a three-bid process. It doesn't go along with any policies in Town to expend this money.

C. Watson stated recognizing that this is an innovative approach; they did go through a three-bid process that they would go through if they were going through a vendor. He sent out and received responses on the RFP's; he did this in his dual capacity as a board member of CEDCOH and as an employee of the Town. He felt it was appropriate to bring it to Council and treat it the same way as if the Town was dealing directly with the vendors.

He feels it is a great opportunity, although it is different from what has been done in the past. It is a really good opportunity to have CEDCOH deal with the provider.

Chairman DiBietto asked would the Town be cutting the check directly to the provider.

C. Watson stated they would ask the Town to contract with CEDCOH to have this work done. CEDCOH would bring their money in and contract with Planning Decisions for the Charrette process.

M. Jolin stated that's where it's not going along in a straight line. You are contracting with one entity that really didn't put out a proposal.

Chairman DiBietto asked if it would be set up so that the Town could pay directly to the vendor, almost as a joint effort. We don't want to refuse the contribution that CEDCOH will be making. It's in the Town's interest to accept as much of that grant money as we can.

C. Watson stated that a joint effort might be a possibility. It is his hope that CEDCOH would be able to execute a contract with the vendor.

Chairman DiBietto stated the payment could be made from two parties.

M. Jolin would have preferred that an RFP would have been sent to CEDCOH and CEDCOH respond to the RFP indicating that they are going to provide the services for \$10,000 and then you get three bids. You are not awarding the contract to the lowest bidder.

D. St. Pierre moved at 9:30 to extend the meeting until 9:45pm. Seconded by P. Loiselle

Roll call vote.

D. Belanger	yes	M. Ruel	yes
P. Fitanides	yes	P. Rueppel	no
M. Jolin	no	D. St. Pierre	yes
P. Loiselle	yes	M. DiBietto	yes
G. Longfellow	yes		

Motion carried.

P. Fitanides asked if \$10,000 is where it will stop. It looks like they are looking for more money down the Road.

C. Watson stated the entire project is \$ 19,110 that was the lowest bid.

D. Belanger asked if the Town could enter in to joint agreement with CEDCOH to go out and hire this provider and make it formal that way we pay our share and CEDCOH pays their share, that way is shows a clear and direct flow of payment to the contract.

M. Jolin stated that would be a better direction to go, to enter into an agreement with CEDCOH.

D. Belanger stated we would enter into an agreement with CEDCOH instead of hiring CEDCOH to go out and do the project.

D. Stanhope stated that the proposal you have is actually made out as a proposal to CEDCOH and the Town of Hooksett.

D. Belanger stated perfect. We enter into a joint agreement with CEDCOH to go out and get this service and we pay \$10,000 CEDCOH pays the rest.

D. St. Pierre thinks it's a good idea, however, he still would like this entity to stand on it's own and we are going to use their advice to bring CEDCOH forward. We don't want to dictate how they go about following their goals just because we write out a check. CEDCOH is guided by professional consulting firms and Council input should be at a minimum and not try to steer them in what they are doing.

D. St. Pierre and D. Belanger withdrew their motion respectively.

M. Jolin stated that it's not a new motion that needs to be done. An agreement should be brought to the Council showing that it is a joint venture.

M. Ruel moved to accept Planning decision's bid of \$19,110 for the Charrette as part of the Village master plan project with \$10,000 to be expended from the Town's master plan funds per the Town Warrant and the balance to be funded by CEDCOH. Seconded by D. St. Pierre.

Roll call vote:

D. St. Pierre	yes	G. Longfellow	yes
D. Belanger	yes	M. Ruel	yes
P. Fitanides	yes	P. Rueppel	yes
M. Jolin	no	M. DiBitetto	yes
P. Loiselle	yes		

Motion carried.

NEW BUSINESS:

Chairman DiBitetto stated that the Comcast Cable Advisory Subcommittee should hold a meeting. Those interested in serving are Don Duford, P. Loiselle, David Paquette and Pete Farwell. A recommendation is due by October 1, 2003.

M. Ruel moved to form the Comcast Cable Advisory Subcommittee and to appoint Don Duford, P. Loiselle, David Paquette and Pete Farwell the members. Seconded by P. Loiselle. Motion carried unanimously.

P. Loiselle read a memo dated August 5, 2003 from Jo Ann Duffy stating that the Hooksett Planning Board reviewed a request from William Burke Real Estate Enterprise, Inc. regarding a lease agreement for the land located on the corner of Hackett Hill Road, Cate Road and Dana Road. The Planning Board unanimously agreed to recommend that the Town not enter into a lease agreement for the land and they also recommended that Burke Real Estate Enterprise, Inc. be responsible for reclaiming this land, as trees were removed and stumps were buried without permission from the landowner (Town of Hooksett).

D. Belanger moved that the Town of Hooksett not enter into a lease agreement with William Burke Real Estate Enterprise, Inc. for land located on the Corner of Hackett Hill Road, Cate Road and Dana Road. Seconded by P. Loiselle. Motion carried unanimously.

Roll call vote.

P. Fitanides	yes	P. Rueppel	no
M. Jolin	no	D. St. Pierre	yes
P. Loiselle	yes	D. Belanger	yes
G. Longfellow	yes	M. DiBitetto	no
M. Ruel	yes		

Motion carried.

D. St. Pierre moved to send a letter to Ken Andrews congratulating him on his recent award as Inspector of the Year by the N.H. Building Officials Association. Seconded by M. DiBitetto. **Motion carried unanimously.**

PUBLIC INPUT:

David Paquette, 154 Merrimack St., stated that it would be nice to see one of the Parks & Recreation signs talked about tonight be placed by the District Court and see that the two trash barrels be removed. It is a state road and should be a carry in carry out area.

Chairman DiBitetto adjourned the meeting at 9:50pm.

Respectfully submitted,

Tina M. Paquette
Administrative Assistant

Mary A. Ruel
Town Council Secretary