

TOWN COUNCIL MINUTES
Regular Meeting
Wednesday, December 17, 2003

CALL TO ORDER: The meeting was called to order by Chairman, M. DiBitetto at 6:30 pm.

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

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

MINUTES:

December 1, 2003

G. Longfellow motioned to approve. Seconded by P. Rueppel
Motion carried. M. Jolin abstained.

December 3, 2003

The Council, by consensus request that the minutes be sent back for corrections.
The Council was directed to send all corrections to P. Loiselle.

PUBLIC INPUT:

Harold Murray, Fire Warden announced that late this afternoon, that he received phone calls from J. Sununu and J. Bradley, stating that we were awarded a grant for \$100,000 (FEMA)

Ray Langer informed the Council of the Budget committee's request and delivery of Senate Bill 32, which states that appropriations approved by the budget committee, should go on the warrant. The bill is passed and is RSA 32.

Frank Gray, 17 South Bow Road stated, "I received my tax bill and paid it. I am not eligible for an elderly exemption and I know many people will have difficulty paying their bill. The most important thing to this council is the elderly and how they will pay their bill. I supported the new construction of the schools, but many elderly must make the decision, do they pay their taxes or lose their house. I think this is the most important issue right now. I recommend we put in an additional exemption for the elderly. Those who can afford the taxes are exempt. It is important that this council address that issue."

Elizabeth Kudrick, 15 Oak Hill Rd, "I am disappointed with this Council. Last week I got a letter from the town, which says that I must bring my trash down to Rte 3 because where I put it, it is private property. I don't think you looked at the situation. You didn't think of the traffic or the employees who have to get off their truck on Rte 3, which is a dangerous street. I would have liked to have been aware of this at the discussion stage. I am a life long residence and taxpayer and I didn't have the courtesy of a notification that this is under discussion. All we want is to be made aware. I know K. Rice, M. Sorel, and others are not happy. We pay our taxes like everyone else. We should have been notified like any other meeting when an abutter is affected. We have the right to be made aware of this."

P. Rueppel, "M. Sorel spoke to me and he asked if we would delay this 30 days so that they can explain this to us. He believes this is a serious safety issue."

P. Loiselle stated that there was a public hearing in May regarding trash pick-up on private roads. The reason the trucks are not going up there is because the road is hazardous and are not in reasonable shape. If the road is brought up to par, the town may reconsider going up there.

M. DiBitetto, "This is not before the council now and it will be dealt with at the Administration and Solid Waste Departments."

M. Ruel, "We did address this at the Council."

M. DiBitetto, "We addressed this as a general policy."

G. Longfellow, "The one thing I want to correct, I don't think we meant for them to bring the trash to Rte 3. They were suppose to leave their trash at NH Landscaping."

E. Kudrick, "It said Rte 3 by the hydrant in the letter."

M. Ruel, "P. Loiselle will address this."

NON-PUBLIC SESSION:

P. Loiselle moved at 7:00pm to enter into nonpublic session under RSA 91-A: 3,II, a – The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected requests an open meeting. D. St. Pierre seconded the motion. Roll call vote carried unanimously.

M. Jolin motioned at 7:08pm to exit nonpublic session. P. Loiselle seconded the motion. Roll call vote carried unanimously.

The Council made the following statement: "Jackie Marsh was appointed to the position of Deputy Town Clerk/Tax Collector and approved by the Council."

OLD BUSINESS:

Street name Acceptance

K. Andrews, Code Enforcement Officer, stated "Street names, by statute fall on the governing body. M. Farrell, C. Watson and I have worked on a plan. I am the 911 liaison. All of these names have been run by 911 and they are currently being used. The step that was missed was getting the Council's approval. I want to make sure that the Assessing Office, 911 and all agencies get this approved by the Council."

M. Ruel stated "The Street name descriptor, the road, lane, way, is it consistent. There should be a descriptor to what each means. There should be some consistency with the name so that we know what type of a road it is."

K. Andrews, "A prior council decided that no proper names should be used for streets. Beyond that, there is no other policy. Could we approve these streets now and later implement any new policies for naming. The planning board will accept and approve a subdivision plan with street names. This will get street name approval before the plan goes to Concord."

H. Murray, "Is it possible to get a Department sign-off prior to approval?"

K. Andrews, "Yes"

P. Fitanides, "Is this state wide?"

K. Andrews, "These are submitted to enhanced 911 in Concord. If they are dispatching through mutual aid, they will use this list."

H. Murray, "When a mutual aid comes to town, we supply a Hooksett piece."

M. Ruel, "For Hills Road, the descriptor appears it is Hills Rd in Hooksett which runs into Hills Road in Auburn. Is this OK?"

K. Andrews, "The Street numbers are set up so that you know what town you are in. It is researched closely with 911."

M. Ruel, "#6, Beacon Hill has no road?"

K. Andrews, "It 's Ok."

P. Loisel moved to approve the street name list as presented. Seconded by P. Rueppel. Motion carried.

Highway Department - Bond Reduction for Misty Meadows:

D. Belanger moved to accept the bond reduction for \$51,211.60 for Misty Meadows. Seconded by P. Loisel. Roll call vote carried unanimously.

Elderly Exemption:

P. Rueppel motioned to increase elderly exemption from 50K to 75K, 70K to 105K, and 90K to 135K. Seconded by G. Longfellow.

D. St. Pierre would like the total amount of what would be exempt from the tax base or the impact of implementing this.

P. Loisel, "Last time it quickly came to 16 million. We are currently exempting 16 million. In order to get that number, we need to sit down with Assessing. At the current exemption, we would be at 20 million."

D. St Pierre, "I also feel that that number should be made public."

P. Loisel, "I could bring those numbers to the next meeting."

P. Fitanides, "If it is a drastic increase in what the elderly will get, does it need to go on a warrant article?"

G. Longfellow, "This is why we need to put money in the overlay. This year, it would come out of the overlay."

P. Fitanides, "Provided we vote and implement this.... veterans wives are also available to this mix."

M. DiBietto, "This addresses only elderly and not veterans exemptions."

M. Jolin moved to table. D. St. Pierre seconded the motion. Motion carried.

D. St. Pierre, "I would like to know how many people would be effected by this."

Chairman DiBietto, "I would like a comparison of the pre-reval and post-reval and the filing dates."

G. Longfellow "The number we approved last year was on the old evaluation. We need to know how those properties are affected."

NEW BUSINESS:

Code Violations:

D. St. Pierre, "We had a misunderstanding with a company on Rte 3 where the practice burn was done. The town planner told him variance things. The site has been graded. The Planning Board informed the owner that he was to do no further work.

We need the ordinance violation to have more teeth. I could work with code enforcement to tighten up the ordinance and levy a fine structure."

M. Ruel, "Was the advice given by Town Planner consistent with the code enforcement officer?"

D. St. Pierre, "He was told he could fill in the hole, and get a timber tax, and landscaping."

P. Fitanides, "I understand you can work your land with out any permit."

D. St. Pierre, "You can't do excavating or cap it off with nit pack."

P. Fitanides, "He needs a permit for asphalt but not Nit-Pac."

D. St. Pierre, "Yes he does. He was in violation of the town ordinance. I would like the Council's support to work with code enforcement."

M. DiBitetto, "Are you looking to establish a fine system?"

D. St. Pierre, "We will work with the state and county prosecutor."

P. Fitanides, "You can't single anyone out!"

D. St. Pierre, "We are not singling anyone out. I saw a weakness in a scenario and it triggered a weakness in the system."

M. DiBitetto, "You're looking at the concept of looking at the mechanism."

P. Fitanides, "We need to check this out before the Council approves this."

M. DiBitetto, "You will come back to Council before any action is taken."

M. Ruel, "This is not case specific. This is an opportunity to establish a system to correct a problem."

P. Fitanides, "He can do it without council approval?"

The Council consensus was to give D. St. Pierre the latitude to do this.

Year to Date Budget:

P. Loiselle stated we are looking at shortfall of a little less than \$100,000. This must be review and scheduled for our next meeting. The largest issue is the Fire Department. Also potential over expenditures are in Administration, Assessing due to abatements, and Fire due to the overtime line (must be clarified). The overtime line as presented in the budget is 80% to cover vacation and sick time. Solid waste will be over by \$5000. I can probably reduce the budget by \$60,000. We will discuss this at the next meeting.

M. DiBitetto, "Will we have an actionable report for the next meeting?"

P. Loiselle, "There are many unexpected items and there is no fat in the budget."

M. DiBitetto, "We will have a recommendation for next meeting?"

P. Loiselle, "We will do our best but we may not be able to find all the money needed."

TOWN ADMINISTRATOR'S REPORT:

P. Loiselle reported on the following.

Exit 10, The Koffler Group, Chuck Irving: A "letter of credit" was in place, as the town's assurance if development did not take place, in order to cover the bond. The taxes are bringing in \$300,000 currently without the new stores like Bed Bath and Beyond. We are looking at 1.2 million in the future. The request is to dispense with this letter in exchange for \$175,000 to be given to the town. The landowner, Arleigh Greene should be providing the Town with 2 acres of land. Koeffler is assisting us in negotiating this. Legal counsel B. Mayer is assisting in this matter as well.

D. St. Pierre is in opposition to this deal. "The Planning Board asked the code enforcement and planner to hold up CO.s. They have to landscape and pave Kimball Drive. There also was land that was to be

given to the Town. The Developer should be pressuring Arleigh Greene. We need this land for a fire station. This town should hold these people to the agreement.”

P. Loiselle, “This deal is conditional, that all promises and agreements be met. I don’t want anyone to act on this tonight. I want to know if you are receptive to the \$175,000 offer?”

M. DiBitetto, “We are mixing 3 issues in this discussion. There is a bond in place (a letter of credit specifically put up for the purpose of guaranteeing the TIF bond is paid annual). If the site improvements don’t cover TIF payments, the developer will pay the difference to cover the bond. We have exceeded that with development and the letter is no longer serving any purpose. They will split the profit with the town 50/50. That is a separate issue from the fire station site. The Koeffler Group did pay \$15,000 to cover plans for the station.”

D. Belanger, “Do we have performance bonds in place to guarantee the rest of the work, on Kimball Drive

Dale Hemeon, Highway Department Manager, “BJ’s first came to the Planning Board for approval, then later came for gas pumps. If they get approval for gas pumps, they will pave Kimball and bring water. This is an agreement with BJ’s not Koeffler.”

M. Jolin, “At what point does the letter of credit become released if we don’t sign off on this deal?”

P. Loiselle, “This has no prepayment provision.”

M. Jolin, “Can we use that money for anything else?”

M. DiBitetto, “Once the funds are captive, the governing body can vote to reallocate to transfer to the general fund (once we reach the annual payment amount.)

M. Jolin, “This letter of credit has only been in existence for less than a year because it wasn’t posted until they started to draw down the bond money. It is about 6 months old.”

M. Jolin, “We haven’t collected enough taxes to pay off the bond. What if the economy dies and the stores pull out. I won’t approve this until we have the entire bond payment.”

No action was taken on the TIF bond

Exit 11 property owned by Mr. Palazzi - There is a meeting with Carol Murray from DOT, Town Planner Charles Watson, State Representative David Hess. The right of way was given to Mr. Palazzi as long as he owns the property. Once he sells the property, the entrance is gone. We will propose that it will become a class 5 road. Currently, it is not a public road.

SUBCOMMITTEE REPORTS:

M. Jolin moved to postpone reports. Seconded by P. Loiselle.
Motion carried.

NON-PUBLIC:

G. Longfellow moved at 8:33pm to enter into nonpublic at 8:33 pm under RSA 91-A II (b). Seconded by D. St. Pierre. Roll call vote carried unanimously.

D. St. Pierre moved at 9:35pm to exit nonpublic session at 9:35 pm. P. Rueppel seconded the motion.
Roll call vote carried unanimously.

The Council issued the following statement: “A contract will be offered to Arthur Packard and the Council currently has a verbal agreement. No other information is divulged.”

ADJOURNMENT:

The meeting was adjourned at 9:35 pm.

Respectfully submitted,

Lee Ann B. Moynihan

Mary Ruel
Town Council Secretary