

OFFICIAL

**TOWN COUNCIL MINUTES
Regular Meeting
Wednesday, March 24, 2004**

CALL TO ORDER:

M. DiBietto called the meeting to order at 6:30 p.m.

ROLL CALL:

D. Belanger	G. Longfellow
P. Fitanides	M. Ruel
M. Jolin	P. Loiselle
M. DiBietto	A. Packard (Town Administrator)
D. St. Pierre (excused)	P. Rueppel (excused)

APPROVAL OF MINUTES:

March 4, 2004

***G. Longfellow motioned to approve. Seconded by M. Jolin
Vote: Unanimously approved with 2 abstentions.***

March 10, 2004

***P. Loiselle motioned to approve. Seconded by G. Longfellow
Vote: Unanimously in favor as amended.***

AGENDA OVERVIEW:

The agenda was posted with no variation.

PUBLIC INPUT:

No public input was received

NOMINATIONS/APPOINTMENTS:

Charter Review Commission

***P. Loiselle motioned to postpone indefinitely. G. Longfellow seconded
Vote unanimously in favor***

SCHEDULED APPOINTMENTS:

Manchester Water Works

Manchester Water Works requested an extension on Hackett Hill Road.

R. Hebert stated that the Hooksett Village Water precinct put a bid in for the Belisle property on Hackett Hill Road but lost the bid on the last day. Discussions are being held to resolve the issue.

R. Hebert has no problem with the extension of Manchester Water Works.

M. Ruel motion to reconsider the franchise by Manchester Water Works, Seconded by P. Loiselle.

Vote: Unanimously in the affirmative.

Vote on reconsideration;

To change the boundaries of the said precinct by including the following properties: Map 28, Lot 19-1, 19-2 and Lots 20-28.

Vote: Unanimously in the affirmative.

***D. Belanger motion to authorize the chair to sign the extension. G. Longfellow seconded.
Voted: Unanimously in the affirmative.***

Village Water Precinct extension for Manchester Sand & Gravel

R. Hebert petitioned to extend the precinct across the highway into Manchester Sand & Gravel. D. Campbell explained the history of the land and the location requests for each precinct. There is an agreement to fund the Villages wells and back up wells with a million gallon tank. In the 1930/40 Mr. Rice removed the land from the precinct and MSG would like it placed back in the precinct.

M. Ruel, "Is water capacity a problem?"

R. Hebert, "No we have worked with MSG and the College and we have the back up wells and a new source well which will be enough for that whole area by itself. We can get 700 gals a minute by itself. Reference: Tax Map lot 2, 3 & 6. (Green area on the map)

R. Hebert, The tank will be 800 ft away from any development. The tank and land will revert to the town and the precinct will be responsible for the entire system. Central had two wells on MSG property, but they are no longer in operation because the State said they were no longer viable due to their proximity to the road.

G. Longfellow motioned to grant the extension for Tax Map 2, Lot 18 & 32; Tax Map 3, Lots 1,2,3,4,5,6,7,8,9,9-1,10,11,17,18,19,20,21,22,23,24,25,27,28,29,31; Tax Map 6, Lots 7,12,13,14,22 as listed on petition. P. Loiselle seconded the motion.

Roll call vote:

D. Belanger	Y	G. Longfellow	Y
P. Fitanides	Y	M. Ruel	Y
M. Jolin	Y	M. DiBitetto	Y
P. Loiselle	Y		

Vote: Unanimously in the affirmative

Connector Road, North Campus (University Heights) Development

Tony Marts, Attorney for SNU North Campus and J. Byrd (Project Engineer):

"This is an update for the Council on our progress with the town staff and Department of Transportation to build the Rte. 3 connector road from Rte. 3, College Park and Cigna. This will involve the Congregational Church easement. We reached an agreement with the Church to purchase that easement. In 1996, the town acquired an easement from Cigna to provide a right of way for the connector road. It provided for 2 years to get funding to build the road and 2 years to build the road. That has lapsed. We have been working for the past three years with SNU on the development of their north campus parcel. Per the zoning ordinance, we were required to develop a master plan for the University. The PB approved this in Sept of 2002. It is a mixed-use development and has a positive fiscal impact statement. The internal road, the sewer, and water requirements have been discussed. We entered into a three party agreement with Hooksett Village to increase their capacity at Pinnacle Pond. That is a 2.5 million dollar investment with MSG. Sewer is an issue. We are talking about the access issues tonight. We have spent the past 12 months working with DOT to resurrect the connector road project. We propose an 80 ft right of way for this construction. The client has acquired easements from the Congregational Church. That easement becomes part of the State or Towns property. The developer will build it, when it is accepted, it will be turned over to the town and then the town will turn it over to the State. In August, at a meeting with DOT, we reached an agreement to get to this point. It is now time for DOT to tell us how much funding DOT will provide. It will become a two party agreement. Our goal is to build this as quickly as we can. There will be a light at Rte. 3 and reconstruction at Main/Merrimack Streets intersection.

P. Loiselle, "I don't see a solution to the Main Street/Rte 3 to prevent south bound traffic."

C. Watson, "The solution to the intersection lies with the State, They own Rte 3 and Main St. They would do a reconfiguration so that it would be impossible to make a left turn on Main St.

P. Fitanides, "Who are the engineers?"

T. Marts, "J. Byrd on the University project, and TF Moran will do the road work."

P. Fitanides, "Have these plans been through the Attorney General's Office?"

T. Marts, "No, because it is done as a town project. Cigna actually owns all this land and we have acquired the easement and will get sign-off on the Church. There are no other properties impacted."

G. Longfellow, "With 148 single family homes and 204 apartments, have you done the study on the people using this road?"

T. Marts, "How much traffic will we generate was addressed. We funded an extensive traffic study for the PB that looked at the impact of Heads Pond and 300 units at Granite Hills as well as Stabile. It was a Town wide assessment. We are looking at the long-term impact of this development. We are also looking at the Commercial ability to access Rte 3A and the interstate. We look at completion of the connector road after phase I"

T. Marts stated that if they get approval from the PB, assuming they get funding, the project would be ready to go on April 5th.

NEW BUSINESS:

Planning Dept Head, re: SNHPC Hooksett Hazard Mitigation Plan

New Hooksett Hazard mitigation plan, presented by Charles Watson. This plan was approved last year and this is an update to the plan.

C. Watson, "This was produced by NH Planning Commission. All the funding was received through State and Federal agencies. FEMA is in for 3.5 to 7 million. Most is earmarked for terrorism preparedness. It will be updated annually through 2007. All funding is dependent on the town adopting the document. There is a place for the Councilors' signatures. It is recommended by myself, Al Dionne and H. Murray."

P. Loiselle motioned to approve the revision to the Hazard Mitigation Plan, adopt the resolution as presented to be sent to the Hazard Mitigation Plan and authorize the Chair to sign.

P. Fitanides questioned the plan and the associated cost.

C. Watson, "It does not cost the town anything directly. There are certain recommendations that if the Town ignores, may affect the FEMA or mitigation money in the future. Many of these things are commonplace. (keep the culverts clean). They want to prevent emergencies associated with neglect.

P. Fitanides, "On the Federal funds, do you have a guarantee that they will fund 100%."

C. Watson, "The plan involves no money. The plan does not apply for any money. The plan is in effect so that FEMA can say for every community, they are aware of all potential hazards. FEMA can say this town is aware of all potential hazards and can respond.

The approval of this makes it easier to get grant money."

D. Belanger, "If we don't sign this, we don't get anything. If there is a disaster, they mitigate it. It's a win, win situation."

M. Jolin, "The resolution says the public hearing was held to approve the mitigation plan. This was not posted as a public hearing."

C. Watson, "SN Planning stated that this is a public meeting and that those involved are reasonably aware and this is acceptable to FEMA."

M. Jolin, "I'm uncomfortable with the wording Public Hearing."

M. Jolin, "I would like the wording changed to Public Meeting."

M. Jolin motion to strike 'Hearing' and replace it with 'Meeting'. Seconded by G. Longfellow.

Vote: Unanimously in the affirmative.

M. Ruel asked if there was a copy available to the public in the Town Hall.

C. Watson, "Yes, and there will be one at the library as well."

M. Jolin motion to adopt the Resolution approving the Hooksett Hazardous Mitigation Plan as Amended and authorized the chair to sign.

Vote all in favor with one opposed (P. Fitanides)

M. Jolin asked that the resolution be attached to the minutes.

Town Council review of warrant article for town meeting.

The Council assigned motions and seconds for each article to be presented at the Town Deliberative Session. It was decided that the Department Heads would address the issues and give a brief overview and be available to answer questions. The process by Council will be they will move and second and defer to Department head. The Council agreed to defer Article #4 to Budget Committee since it is considered the Budget Committee's budget.

See attached warrant article assignments.

Finance Director report on TIF revenues.

D. Savoie presented the report on the TIF district.

All the money collected from taxes for the TIF district goes into a TIF district fund. After debt there will be \$132,000, which she would like to take out before the tax rate is set in October. Next year, DRA has changed the way we report this value. It will go directly to the tax rate. Only the valuation needed to pay for the bond can be set aside. The valuation of the TIF district is not used to calculate the State School portion. There is disagreement at DRA with this process. The change for next year will result in most of the value at exit 10 becoming part of our tax basis. You will still have the TIF district. Whatever pertains to the payment of the bond will be set aside and the remaining value would be applied to the tax bill. The valuation number goes into the big pool.

P. Loiselle motioned to transfer the \$132,000 from the TIF district fund to the General Fund with the revenue to be used to offset taxes.

G. Longfellow seconded.

M. Ruel, "It would have been logical to leave it as it is today, in a fund, and the Council could choose to leave an amount in the fund if we didn't have the money to pay the fund. That made sense to me. The way DRA is proposing doesn't make sense. There is no cushion."

M. DiBitetto, "The TIF district stretches as needed to pay the bond."

D. Savoie, "I asked S. Piper what the valuation was on April 1st of last year. Last year there were no boxes. I think that this year we will be ok, because we have the boxes at Exit 10."

Roll call vote:

D. Belanger	Y	G. Longfellow	Y
P. Fitanides	Y	M. Ruel	Y
M. Jolin	Y	M. DiBitetto	Y
P. Loiselle	Y		

Vote: Unanimously in the affirmative

Finance Director report on Councilor pay, re: Withholding taxes

A. Packard, "Should the Councilors have tax taken from their pay?"

Per the Internal Revenue Service and the auditors, the Councilors are employees and therefore should have taxes taken out of their pay. "

M. DiBitetto, "It is the decision of the governing body to decide if they want to risk changing this procedure."

D. Belanger, "Why wouldn't we withhold?"

P. Fitanides stated he would not be coerced into signing an I-9 Form or a W-4 as no one has the right to make him sign any forms.

D. Belanger stated he did not want to waste his time discussing this.

M. DiBitetto stated that it is imposing on the hired staff and we need to take a position on this tonight.

D. Belanger motion that we continue to withhold all applicable taxes.

G. Longfellow seconded the motion.

State Representative Richard Marple reported the 1991 U.S. Supreme Court decision, Gregory v. Ashcroft, which ratified the constitutionality of Title 29 Labor, 29 USC 630(f) which specifically

exempts all elected officials from any withholding tax or other diminishment of their compensation as Elected Officials are not employees.

M. Jolin motioned to table. M. Ruel seconded.

Vote: All in favor with one opposed

TOWN ADMINISTRATOR'S REPORT:

Street Names Approval

A. Packard, Town Administrator presented the proposed street names of the Brook Ridge development. (See Attached form)

M. Jolin motioned to approve the road names for Brook Ridge Road Development as presented. Seconded by D. Belanger.

All in favor with one opposed.

Highway Heaters

A. Packard presented the bids received for a Waste Oil Fire Heaters for the Highway Department, which needs to be replaced. The cost is \$14,900.

D. Savoie stated that she anticipated having available funds in the Building repair line by the end of the year.

P. Fitanides, "Why is there a \$5000 difference between the bids?"

A. Packard stated that is because only the selected company uses recycled oil.

P. Loiselle motioned to authorize the Administrator to expend \$14,900 for Airo Waste Oil Heaters when and if funds are available. G. Longfellow seconded the motion.

Vote: Unanimously in the affirmative.

Stop Sign on Campbell Hill

The issue of traffic speed on Campbell Hill should be placed on the agenda for the next meeting.

SUB-COMMITTEE REPORTS:

To be listed as first item of business at the next Council meeting.

ADJOURNMENT:

M. DiBitetto declared the meeting adjourned at 9:30.

Respectfully submitted,

Lee Ann B. Moynihan

Mary Ruel
Town Council Secretary