

OFFICIAL

TOWN COUNCIL MINUTES Regular Meeting Wednesday, May 26, 2004

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

CALL TO ORDER: Chairman DiBitetto called the meeting to order at 6:30 pm.

NON-PUBLIC SESSION:

D. St. Pierre moved to enter non-public session at 6:31 pm under RSA 91-A:3 II (i). Motion seconded by P. Loiselle. **Roll call vote carried unanimously.**

D. St. Pierre moved to exit non-public session at 6:50 pm. Motion seconded by G. Longfellow. **Roll call vote carried with D. Belanger opposed.**

The Council voted not to divulge minutes of the non-public session.

APPROVAL OF MINUTES:

April 7, 2004 – G. Longfellow moved to approve the April 7, 2004 minutes. Motion seconded by P. Loiselle. **Motion carried with one abstention.** M. Jolin abstained because he was excused from the meeting.

May 7, 2004 – G. Longfellow moved to approve the May 7, 2004 minutes as amended. Motion seconded by P. Fitanides. **Motion carried.**

May 12, 2004 – G. Longfellow moved to approve the May 12, 2004 minutes as amended. Motion seconded by D. St. Pierre. **Motion carried.**

May 15, 2004 – D. Belanger moved to approve the May 15, 2004 minutes as amended. Motion seconded by Chairman DiBitetto. **Motion carried.**

AGENDA OVERVIEW:

The Public Hearing to accept a donation to the Heritage Commission will be held at the June 9th meeting.

PUBLIC INPUT:

Harold Murray, 311 Hackett Hill Road, stated that a few years ago he presented a problem with the Manchester/Hooksett boundary to the Board of Selectmen and that nothing was done at that time. He added that he again presented the problem to the Town Council two years ago and nothing was done about it. This was supposed to be addressed tonight, but was not added in the agenda. He added that this issue needs to be addressed.

David Paquette, 154 Merrimack Street, stated that the Cable TV Sub-Committee had asked the Town Administrator to write a letter to the Aldermen of the City of Manchester regarding the access TV Channels and asked if the letter had been sent. He also asked about the status of Comcast cable TV contract. He commented that the picnic area at the Court House needs to be cleaned. Speaking as the President of Historical Society, he mentioned that the Historical Society building is in need of repair. He asked the Town Council to endorse Old Home Day to be held on August 21st. He also asked if there will be a formal notification of the election results.

In response to Mr. Paquette, P. Loiselle stated that the Cable TV Sub-Committee just received the latest copy of the agreement proposal from Comcast and that the committee is in the process of reviewing it.

NOMINATIONS/APPOINTMENTS:

D. Belanger moved to nominate Doug St. Pierre as a full member of Building Board of Appeals, exp. 6/2009.

D. St. Pierre moved to nominate Yervant Nahikian as a fill-in full member of Building Board of Appeals, exp. 6/2006.

P. Rueppel moved to nominate Timothy Johnson as a full member of Conservation Commission, exp. 6/2007.

P. Rueppel moved to nominate Marcel LaBonville as a full member of Conservation Commission, exp. 6/2007.

M. Ruel moved to nominate James Walter as a full member of Heritage Commission, exp. 6/2007.

G. Longfellow moved to nominate John Brock as a full member of Parks & Recreation Advisory Board, exp. 6/2007.

D. St. Pierre moved to nominate Raymond Guay as a full member of Planning Board, exp. 6/2007.

M. Jolin moved to nominate Stephanie Ann Johnson as a full member of Planning Board, exp. 6/2007.

P. Rueppel moved to nominate Martin Cannata as a full member of Planning Board, exp. 6/2007.

D. Belanger moved to nominate Dave Gagnon as a full member of Police Commission, exp. 6/2007.

M. Jolin moved to nominate Michael R. Stark as a full member of Police Commission, exp. 6/2007.

P. Loiselle moved to nominate Stephanie Ann Johnson as a full member of Police Commission, exp. 6/2007.

D. St. Pierre moved to nominate Marion Jacobi as a full member of Solid Waste Management Advisory Board, exp. 6/2007.

G. Longfellow moved to nominate Merrill Johnson from an alternate fill-in member to a full member of Solid Waste Management Advisory Board, exp. 6/2006.

D. Belanger moved to nominate Richard Johnson as a full member of Zoning Board of Adjustment, exp. 6/2007.

D. Belanger moved to nominate Lawrence Abruzzesa as an alternate member of Zoning Board of Adjustment, exp. 6/2007.

TOWN ADMINISTRATOR'S REPORT:

Elizabeth Dionne, Acting Town Administrator asked the Council to approve a reclassification of Assistant Superintendent position at Solid Waste Department to be changed to Foreman with the same pay grade. Motion seconded by D. St. Pierre. **Roll call vote carried unanimously.**

E. Dionne also asked the Council to authorize the Fire Department to over-expend its budget. Fire Chief Williams explained that funds are needed to pay for sick time buyback and contractual needs in June. In addition, he stated that new employees need new gears and baseline physical examinations have to be performed.

M. Jolin moved to authorize the Fire Department to over-expend its budget by up to \$8,500.00 for the purpose of paying the sick time buyback and vacation accrual for the current fiscal year. Motion seconded by P. Loiselle.

Roll call vote:

D. Belanger	Yes	G. Longfellow	Yes	
P. Loiselle	Yes	M. Ruel	Yes	
Chairman DiBitetto	Yes	P. Rueppel	No	
P. Fitanides	Yes	D. St. Pierre	Yes	<u>Motion carried.</u>
M. Jolin	Yes			

E. Dionne stated that the Union Sub-Committee should be reactivated. D. St. Pierre, M. Ruel and M. Jolin volunteered to serve in the sub-committee. E. Dionne will convene the sub-committee.

E. Dionne addressed the subject of the Annual Town Report. Council members were asked to forward suggestions to the Administrative Assistant by the first week of July.

SUB-COMMITTEE REPORTS:

Planning Board - D. St. Pierre stated that the Planning Board had another master plan workshop and asked all developers for a 7-10 days notice on reading materials prior to the meeting to give Planning Board members enough time to review them.

Employee Wages - M. Ruel reported that Health Trust presented a cafeteria health plan to the Employee Wages Sub-Committee and had some discussions on the matter. She added that by next meeting, the sub-committee should have a formulated plan to present a recommendation to the council.

TIF - D. St. Pierre reported receiving an e-mail from one of the TIF Committee members asking when the TIF Committee would meet and added that the committee needs to meet. P. Loiselle would look into the matter.

Sewer Commission - P. Rueppel stated that sewer plant is near full capacity.

Zoning Board of Adjustment - D. Belanger reported that ZBA needs members.

Cable TV - P. Loiselle reported that the committee received the new contract from Comcast. He added that a meeting is set for next week to finalize agreement and that it looks like it will be a 10-year contract.

Facilities - Chairman DiBitetto stated that the committee would have to start looking into the Village School being the new town facility. He asked for the Facilities Committee and the Re-Use Committee to have a walk-through of the school and decide a course of action. D. St. Pierre suggested including the Building Board of Appeals in the walk-through. E. Dionne was asked to make arrangements.

Attorney Search - P. Loiselle reported that the committee went through 5 applications but have not interviewed the current firm. He added that the current firm will be scheduled for an interview and that council decision on the matter should follow.

Perambulation - Chairman DiBitetto stated that there was a meeting on the perambulation with Manchester representatives and Duval Survey, Inc. on May 7th. He added that Duval Survey, Inc. and the Manchester surveyor agreed to collaborate and try to come up with a description consistent with the article of incorporation and present a draft to the council by June 9th.

Village Water Precinct Commission - D. St. Pierre reported he has to meet with the Village Water Precinct to address a complaint he received from a resident claiming that Water Precinct had ripped up her driveway and have not fixed it yet.

SCHEDULED APPOINTMENTS:

Emergency Management, Bids for Med-Bed ATV, Gator 4X4

Al Dionne, Emergency Management Director submitted the revised bids for Med-Bed ATV, Gator 4X4. Bids came from 146 Supply Center for \$14,549.00, Chad Little for \$13,832.71 and T&T Power Equipment for \$13,998.00. (For the record, M. Jolin asked for all bids to be noted on the minutes.)

D. Belanger moved to purchase the Gator 4X4 package from Chad Little in the amount of \$13,832.71 under RSA 31:95B. Motion seconded by G. Longfellow. **Roll call vote carried unanimously.**

D. Belanger moved to accept a bid from Owen’s Marine for an 8 x 14 ft. aluminum trailer in the amount of \$6,625.00 under RSA 31:95B. Motion seconded by P. Loiselle. **Roll call vote carried unanimously.**

Other bids for the trailer came from Hooksett Kawasaki for \$5,024.00 (steel), Trailer Outlet for \$5,375.00 (steel) and Rep Auto and Trailers for \$8,559.00 (aluminum).

H. Murray stated that eight or nine months ago he turned in a grant check in the amount of \$20,500.00 to purchase a generator. The generator has been installed at Memorial School and he asked that the money be forwarded to the School Board to cover the cost of the generator. Chairman DiBitetto asked Diane Savoie, Finance Director to look into the matter and suggest the proper motion to be taken.

Release of \$7,500.00 Escrow Account for Temporary Model Site of Brook Ridge

D. Belanger moved to release the Escrow Account in the amount of \$7,500.00 with any outstanding permits to be revoked by the Building Department. Motion seconded by G. Longfellow.

Roll call vote:

D. Belanger	Yes	G. Longfellow	Yes	
P. Loiselle	Yes	M. Ruel	Yes	
Chairman DiBitetto	No	P. Rueppel	Yes	
P. Fitanides	Yes	D. St. Pierre	Yes	<u>Motion carried.</u>
M. Jolin	Yes			

Diesel Exhaust System Quotes

M. Jolin moved to remove from table. Motion seconded by D. Belanger. **Motion carried.**

Fire Chief Michael Williams presented the revised bids for Diesel Exhaust System. Bids came from Air Cleaning Specialists for \$72,885.00, Air Cleaning Systems, Inc. for \$76,385.00 and Clean Air Company for \$77,585.00.

M. Jolin moved to accept the bid from Air Cleaning Specialists, DBA, James W. McCormick, Clean Aire Technology in the amount \$72,885.00 for both Fire Stations with 2 simple drops under RSA 31:95B. Motion seconded by P. Fitanides. **Roll call vote carried unanimously.**

Review Encumbrances for Next Year

Diane Savoie, Finance Director, presented a review of encumbrances and stated that the council should take action prior to June 30th.

P. Loiselle moved to encumber the list as submitted for \$3,943,887.00. Motion seconded by G. Longfellow. **Roll call vote carried unanimously.**

OLD BUSINESS:

Councilor Tax Withholding

The matter was tabled from last town council meeting. D. St. Pierre moved to remove from table. Motion seconded by P. Rueppel. **Motion carried.**

Chairman DiBitetto discussed the applicability of cited statutes and laws to the tax withholding discussion vis-à-vis elected officials.

The first citation is: **NH 100-A:1** NH Retirement Systems 100-A:1 Definitions – *“The Following words and phrases as used in this chapter, unless a different meaning is clearly required by the context, shall have the following meanings:”* Clearly, elected officials are not entitled to participate in the State Retirement system. This statute is not applicable.

The second citation is: **NH 282-A:9** Unemployment Compensation. “Surely, no-one argues that the elected officials are entitled to unemployment compensation when turned out.”

The third citation is: **US Code Title 29** Age Discrimination in Employment; Section 630 Definitions. The opening line states, *“For the purposes of this chapter...”*. The definitions under this section relate specifically to the law prohibiting Age Discrimination in the workplace. Again, this section has no applicability to the matter of tax withholding.

Finally, comes the article specific to the subject matter, **Title 26** Internal Revenue Service, **Subtitle C** Employment Taxes, **Chapter 24** Collection of Income Tax at the Source on Wages, **Section 3401** Definitions, 3401(c) Employee, *“For the purposes of this chapter, the term “employee” includes an officer, employee, or elected officials of the United States, a State, or any political subdivision thereof...”*. This article, which speaks directly to the subject, is unambiguous.

D. St. Pierre moved that the Town Council direct administration to treat elected town officials as employees for the purpose of withholding taxes only. Motion seconded by P. Loiselle.

Roll call vote:

D. Belanger	Yes	G. Longfellow	No	
P. Loiselle	Yes	M. Ruel	No	
Chairman DiBitetto	Yes	P. Rueppel	Yes	
P. Fitanides	Abstain	D. St. Pierre	Yes	<u>Motion carried.</u>
M. Jolin	Yes			

NEW BUSINESS:

Sewer Commission, Composting Operation - Chairman DiBitetto stated that the Sewer Commission had found a new site for the composting facility, which is agreeable to the Commission and CACO (Citizens Against Composting Odor). He added that the sewer commission asked to be authorized to act as the council’s agent in matters relating to the preparation and administration of the Sewer Bond approved on May 14, 2002.

G. Longfellow moved to appoint the Sewer Commission as agent to represent the Town in matters relating to the preparation and administration of the Sewer Bond approved on May 14, 2002. Motion seconded by P. Rueppel. **Roll call vote carried unanimously.**

P. Rueppel expressed concerns about the growth of unregistered cars piling up on a number of Hooksett locations. Discussions about the matter followed. It was decided that D. St. Pierre and Police Chief Stephen Agrafiotis, along with the Town Prosecutor would survey the town and work on putting signs up.

PUBLIC INPUT:

With regards to Emergency Management's ATV purchase, D. Paquette commented that the town should be using local vendors who usually sponsor kids' sporting events for town purchases. D. St. Pierre stated that all bids are done at same level and the council is obligated to accept the most reasonable bid for the taxpayers.

DISCUSSION/WORKSHOP:

ADJOURNMENT:

The meeting was adjourned at 9:30 pm.

Respectfully submitted,

Evelyn F. Horn
Administrative Assistant

Michael J. DiBitetto
Town Council Chairman