

OFFICIAL

**TOWN COUNCIL MINUTES
Regular Meeting
Wednesday, June 23, 2004**

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

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

APPROVAL OF MINUTES:

June 9, 2004 – G. Longfellow moved to approve the June 9, 2004 minutes. Motion seconded by P. Loiselle. **Motion carried.** M. Ruel, D. Belanger and P. Rueppel abstained because they were excused from the meeting.

June 16, 2004 – P. Loiselle moved to approve the June 16, 2004 minutes as amended. Motion seconded by G. Longfellow. **Motion carried.** M. Ruel abstained because she was excused from the meeting.

AGENDA OVERVIEW:

Chairman DiBietto stated that the purchase of Arc IMS and 2003-04 Budget Recap listed on the agenda would not be discussed.

PUBLIC INPUT:

Harold Murray, 311 Hackett Hill Road addressed his council representative directly about the Manchester/Hooksett boundary. Chairman DiBietto stated that the matter is on the agenda and it is scheduled to be addressed at 7:30 pm.

NOMINATIONS/APPOINTMENTS:

G. Longfellow moved to nominate Ron Savoie as an alternate fill-in member of the Zoning Board of Adjustment, exp. 6/2006.

D. Belanger moved to waive the waiting period between nomination and appointment. Motion seconded by D. St. Pierre. **Roll call vote carried unanimously.**

G. Longfellow moved to appoint Ron Savoie as an alternate fill-in member of the Zoning Board of Adjustment, exp. 6/2006. Motion seconded by P. Loiselle. **Motion carried unanimously.**

P. Rueppel moved to nominate M. Jolin for Chairman of the Hooksett Town Council.

M. Jolin moved to nominate M. Ruel for Vice-Chairman of the Hooksett Town Council.

Chairman DiBietto moved to nominate M. DiBietto for Secretary/Clerk of the Hooksett Town Council.

P. Rueppel moved to appoint all three. Motion seconded by P. Loiselle. **Motion carried unanimously.**

Council Committee Assignments

P. Rueppel would stay on the Board of Assessors and asked to be assigned to the Police Commission.

M. Ruel was assigned to the Board of Assessors to replace M. Jolin.

M. Ruel was assigned to the Heritage Commission.

D. St. Pierre would stay on the Planning Board and asked to be assigned to the Sewer Commission.

P. Fitanides was assigned to the Conservation Commission.

M. DiBitto was assigned to the Budget Committee.

District Court Lease Sub-Committee

Chairman DiBitto addressed the need to establish a Sub-Committee for the District Court Lease. The committee would be made up of at least one Councilor, the Town Administrator and two private citizens, preferably an appraiser and a commercial real estate broker. The purpose of the committee is to assist the Town Administrator and advise the Town Council relative to renewal of District Court Lease. E. Dionne volunteered to be in the sub-committee.

M. Ruel moved to create the District Court Lease Sub-Committee. Motion seconded by G. Longfellow. **Motion carried unanimously.**

Village School Re-Use Sub-Committee

Chairman DiBitto also addressed the need to establish the Village School Re-Use Sub-Committee and stated that it should have five members with at least one Councilor and the Town Administrator as members. M. Jolin suggested assigning the matter to the Facilities Sub-Committee rather than creating another sub-committee. He added that currently, the committee does not have a Chairman. D. St Pierre agreed to chair the committee. Council consensus was for Facilities Sub-Committee to reconvene.

SCHEDULED APPOINTMENTS:

Connector Road

Tony Marts, Attorney for 3A Development, Inc, developer of the SNHU North Campus presented an outline of the three agreements for the council's approval. The first agreement is between the Town Council and NHDOT which authorizes the project to be built. He explained that they have \$1.73 million budget for the project and that DOT has agreed to fund \$900,000.00 of that amount, \$800,000.00 is coming from the state and the rest will come from 3A Development, Inc.. The town will not be responsible for funding the state's portion if the state does not pay. The second agreement is between the Town and Healthsource Properties. He added that it is the same agreement signed in 1996 which required the Town to come up with funding within two years. The Town never did come up with the funding. He explained that the agreement is the same as the original agreement but at no cost to the Town. However, Healthsource is asking for two things, first, they are asking for changes in curb cuts, lane and signalization as it affects their property. These changes will be funded by 3A Development. The second request is for the Town to take over registration and maintenance of the detention pond. The third agreement is between the Town and 3A Development. Under the agreement, 3A Development will act as the Town's agent in obtaining the approvals and hiring the contractor for the road to be built. A bond in the amount of \$1.73 million will be posted to cover the Town and DOT. In the event, construction is not completed, DOT or the Town would be able to draw to complete the project. Under the agreement, Healthsource is the "Owner" and the Town of Hooksett is the "Applicant". Since Healthsource is undertaking this project without any cost to the Town, they are asking the Town Council for two things, first, to confirm on the agreement that their budget would not be charged subdivision fees and any other fees relating to the subdivision only. Second, they are asking for credit for any potential impact fees that relates to the road construction.

P. Loiselle asked for clarifications with regards to their request not to be charged impact fees relative to the roadway. T. Marts stated that his client is asking not to be charged Offsite Improvement Fees.

P. Rueppel addressed a three-part question to T. Marts. First, "Is the Planning Board fully aware of what is being presented to the Council?" T. Marts answered, "Yes, they are." Second, "Are they aware of the conditions stipulated?" T. Marts answered, "These conditions have always been a part of our presentation." Third, "Do they approve of these conditions?" T. Marts answered, "They have approved the amended Master Plan and the Sub-Division Plan with conditions that the agreement with the Town be signed prior to building Unit No. 84 on the basis that Units #1-83 do not have traffic impact."

D. St. Pierre, for the record, read a portion of Zoning Ordinance Article 29, Impact Fee Ordinance, E. Waivers, paragraph 2, **"Council for its review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of impact fee assessment. All costs incurred by the Town for the review of such proposal, including consultant and Counsel fees, shall be paid by the fee payer."**

T. Marts explained that his client is requesting a credit towards impact fees for up to the amount of what they are spending. D. St. Pierre made clarifications that they are asking for credit on the amount of what they are spending, only and that they would be required to pay fees in excess of that amount. Raymond Guay, Planning Board Chairman stated that the board approved of the plan. He added that he is comfortable with the agreement and that he recommends for the Council to approve. The Council asked for a letter from the Planning Board stating their approval of the plan.

Council consensus was to meet with the Town Counsel, Bart Mayer to review the agreements being presented.

Hooksett/Manchester Perambulation Update

Don Duval, Duval Survey, Inc.: "We've had several meetings with the Town Council... the problem was from 1845 to current perambulations, no two are alike, none of the points seem to match. The original Town Charter in 1822 had no courses or bearings, it only refers to Poor's Farm, then, Spider Road to the river. Meaning that the edge of Poor Road, which is now called Hackett Hill Road, in part would be the town line. In 1853 when this portion of Manchester was incorporated, in part their Charter read, "by Hooksett" no courses no bearings. Martin Micchio, the surveyor from Manchester and myself have come to understand that the town line is by the right of way of what is now known as Hackett Hill Road. We had to make two assumptions. We were unable to find the width of Hackett Hill Road, we are making the assumption, and Manchester concurs with us, that it is a three-rod road."

Chairman DiBitetto: "All the way down to the river?"

D. Duval: "That's the first assumption we had to make. The second assumption is that Hackett Hill Road/Poor Road is where it was in 1822. I believe Harold Murray remembers it as the dirt road when he was younger. It's substantially the same place, so we could go back to the 1930's. In one of the seminars on town lines, it says, the authority is given to Councilors/Selectmen to renew boundaries, to settle by agreement the true line between the towns and the power to establish and settle disputed lines basically goes to the courts. To settle and establish is not a power to alter. I think both towns are not disputing nor altering but agreeing that the line is the edge of the right of way in Hackett Hill Road. My idea is to take my interpretation and let the Town Council review it and see if the Council agrees with my interpretation. The worst-case scenario is that you would have to go to legislation most likely have to have a town vote, for both towns that you agree to the line as situated on this plan. I believe the procedure is to go to the legislation and have them ratify it."

M. Ruel: "Was that the statute?"

D. Duval: "This is out of the town lines book. It's out of the court case, Correll v. Whittier."

Chairman DiBitetto: "One the things we asked is to pick up as many monuments that are out there and show them on the plan. There are some rings of stones in the woods that were identified by some abutters and as well as Councilors as being possibly significant. And they are significantly off the line. The question is that whether they are significant."

D. Duval: "We have them noted and I have the distance based off the center line. The original Town Charter in 1822 did not call for anything. In 1824, had the same description but at that time they called for the black oak at that area. Then it turned to white oak and kept referring to that white oak."

Chairman DiBitetto: "You now also try to fit in a curve or a reverse curve to reflect the way the road runs."

D. Duval: "If there's an agreement between the town that this is the proper procedure to follow, I would suggest that we draw up these plans, annotate and put on notes, what our assumptions were and that everybody agrees to it. Then we would pick out various spots where we'd want permanent monuments placed. I don't think we have to put it on every bend in the curve, you'd probably end up with 50 or 60 of them. Pick spots where it won't get developed"

D. Belanger: "To go back to my first and main concern, looking at this plan of Woodland Pond, many of these house lots are in Hooksett?"

D. Duval: "I don't think the house lots are in Hooksett. I have been working with M. Micchio from Manchester on this. This plan will be presented to both towns to agree on. The City of Manchester has given their Highway Department the power to sign off."

Harold Murray, 311 Hackett Hill Road: "If you took that overlay and put it on the Federal Government's overlay, you'll see that these bounds do line up with this bound line. If you took the overlay that you have and put it on there you'll find that two of those years you had the bounds coming across the houses, which I told you they did 15 years ago when they built them and they still do."

D. Duval: "The first perambulation had no courses. How it came from no courses to courses... I've taken various things, I've tried taking the angle between the town line that goes up to Goffstown and the first course, lay that angle, comparing those angles, there was about 6 to 7° difference. I don't know how they came up with the courses and distances in 1845."

Chairman DiBitetto: "Do we actually have a three-rod road anywhere? We don't really have a consistent two-rod layout or a three-rod layout."

D. Duval: "To be consistent with a three-rod, this (referring to the map) would have to be 25 feet off center line."

Chairman DiBitetto: "I think surveyors have used this line and people laying out their property based on the combination of physical monumentations. The roadway being the most prominent. You've made a series of marks now that reflect where the road is more than the other way around."

D. Duval: "I don't know what it is but most planning boards now want to see a three-rod road. That seems to be the standard."

M. Ruel: "When did the process of road layout plan start? Was there some kind of documentation and where would that be?"

D. Duval: "If it was laid out, it will be in the state archives, we haven't found it. You can go up there and look at the records."

Council consensus was to meet with the town's legal counsel, Bart Mayer and consult with him regarding the matter.

OLD BUSINESS:

Town Report

M. Ruel presented some ideas for the town's annual report front and back cover and dedication page. Much discussion followed with a number of Councilors not agreeing with the subject and theme of the cover presented. Council consensus was for M. Ruel to change the cover and present another idea to the council by next meeting.

NEW BUSINESS:

Police Commission Appointment Procedures

Chairman DiBietto stated that the Police Commission had brought it up last year and again this year for the council to vote to adopt. The procedure calls for any applicant to include, with their application a copy of their criminal background record.

D. St. Pierre moved to adopt the procedure. Motion seconded by P. Loiselle. **Motion carried.**

Dale Road Speed Limit

Chairman DiBietto stated that the Police Commission has received some complaints from residents about a 15 mph speed limit not being enforced on Dale Road. He added that the commission asks the Council to properly post a sign on that road. The matter was referred to the Highway Department and will be discussed at the next meeting.

TOWN ADMINISTRATOR'S REPORT:

"Children Playing" Signs at Lafond Avenue

E. Dionne, Acting Town Administrator presented a request to put up two "Children Playing" signs at Lafond Avenue which requires the council's approval.

D. Belanger moved to put up two "Children Playing" signs on Lafond Avenue. Motion seconded by P. Rueppel. **Motion carried.**

Boston Post Cane Award

E. Dionne stated that Boston Post Cane award currently has no holder. She added that the Administrative Assistant has done some research and came up with a potential recipient. Her name is Arshalous Zatarian of 37 Farmer Road who was born on December 18, 1902.

P. Rueppel moved to give the award to Arshalous Zatarian. Motion seconded by D. St. Pierre. **Motion carried unanimously.**

SUB-COMMITTEE REPORTS:

Employee Sub-Committee

M. Ruel presented a recommendation from the sub-committee for the Council to read through. She added that the committee recommends the cafeteria plan and will ask a representative from Health Trust to attend the next council meeting to present the plan to the Council and to answer any questions.

ADJOURNMENT:

The meeting was adjourned at 9:20 pm.

Respectfully submitted,

Evelyn F. Horn
Administrative Assistant

Mary A. Ruel
Town Council Secretary