

OFFICIAL
TOWN COUNCIL MINUTES
Special Meeting
Tuesday, July 6, 2004

PRESENT: M. Jolin (Chair), P. Fitanides, D. Belanger, P. Loiselle, M. Ruel (Vice-Chair), D. St. Pierre, E. Dionne (Acting Town Administrator), and M. DiBitetto (arrived at 6:36 p.m.).

Excused: G. Longfellow, P. Rueppel.

CALL TO ORDER: Chairman Jolin called the meeting to order at 6:05 pm.

CONNECTOR ROAD/UNIVERSITY HEIGHTS:

Chairman Jolin asked Mary Ruel, Vice-Chair, to lead the discussion, since he was not at the last meeting concerning this item. Healthsource management will be changing over on July 15. The Council had hoped to authorize the agreement between the Town of Hooksett and HealthSource prior to that date.

Discussion ensued concerning the language in this agreement. Item 6. A. was unclear regarding the drainage easement. Does this include the detention pond? The DOT agreement may need to be changed to see if the State will take ownership of the detention pond. Item 5 of the DOT agreement says the Town will own the right of way until the road is completed and accepted. Then it would be owned by the State of NH. Item 6 in the Healthsource agreement says the plan complies with all laws and rules and regulations... The DOT's engineers have reviewed the drawings. Everything needs to be built to their specs. Item 2 of the HealthSource agreement references the actual plan and last revision of 2/2/04. The date will need to be changed in the contract.

D. Marshall: On the HealthSource agreement, page 2, first paragraph, has the Church's easement been secured and have they been paid?

Jeff Burd from Brown Engineering replied that the check for the church is on Tony Marts' desk. D. Marshall responded that you don't have the easement until the payment is in the hands of the church.

MOTION: P. Loiselle moved to accept the HealthSource agreement as presented, with the condition that the plan revision date be clarified, and authorize the Chair to sign this agreement. Seconded by D. St. Pierre.

Doug St. Pierre asked if Item 6.A. was resolved. Liz Dionne responded no. The detention pond was built for the HealthSource building for drainage. Now that the connector road will go through their property, the road will drain into that pond. It is on HealthSource property. We are going to see if the State will take over the maintenance of the detention pond, rather than the Town. Doug was concerned that a private business landowner's property was draining into this detention pond. Mary Ruel suggested that this language be inserted into the DOT agreement.

P. Fitanides read Item 12, Exhibit B, and he questioned who would be the dispute authority. P. Loiselle responded that the Town Attorney did not have any issues with this clause.

D. Marshall suggested that DOT clarify whether this pond is integral to the drainage of the connector road. If it is, then it should be the responsibility of the State of NH. The Town could then give them an easement, if needed.

D. St. Pierre asked that the Chair not sign this agreement, until the maintenance and drainage calculations for the detention pond are clarified.

Jeff Burd advised that HealthSource would not be able to add drainage to this pond/dam if they were to develop their property any further.

M. DiBietto arrived at 6:36 p.m.

J. Burd stated that the drainage from the connector road will go into that detention basin and whoever owns the connector road will be responsible for the maintenance of the basin.

D. Belanger asked that all questions be answered before he votes to sign this contract.

There is no reference in giving an easement to the town for the pond. It only mentions the dam.

M. DiBietto suggested the endorsement of the agreement be approved, and the questions concerning the responsibility of the dam be resolved at a later date.

D. Marshall questioned if the road is not built, will the town still own the dam. D. Belanger stated that the agreement between the Town of Hooksett and Healthsource dissolves if the connector road is not built within two years.

Roll call vote:

D. Belanger N
P. Fitandes N
P. Loïselle Y
D. St. Pierre Y
M. Ruel Y
M. Jolin Y
M. DiBietto Y

Motion carried 5-in favor, 2-opposed.

DOT Agreement – The staff will insert language into the DOT agreement that the maintenance of the dam belongs to the State of NH.

M. Bourque: The Planning Board has not seen any of these agreements.

M. Jolin stated that the Town Council wanted the Planning Board to be made aware of these agreements. Mark replied there are some things included in the agreements that do not comply with the Town ordinances. Liz replied that the draft agreement was not distributed. Dick suggested, for the future, that representatives of the Town Council and Planning Board meet to iron out large differences. Liz advised that the Town Planner has been involved from the beginning. Dick Marshall said the Planning Board should have been more involved. He stated the Planning Board is not always fully informed. The Town Council can enter into any agreement they wish. The Planning Board cannot. The Planning Board is dependent upon the Town Council to reach an agreement on any thing that involve significant development to make sure there are not items that fly in the face of the Town regulations. The Planning Board would like to be involved in the 3A negotiations. M. Jolin read from the Town Council minutes. Tony Marts was asked if the Planning Board has been involved, and Tony responded they were.

D. Marshall responded that the Hooksett Planning Board has never said they would not pay impact fees, nor do they intend to. M. DiBietto asked if the applicant has ever requested that the monies be applied against future impact fees. D. Marshall responded, not to the Planning Board.

T. Marts said at the last Planning Board meeting that the developer had full intentions of paying the impact fees. Dick Marshall suggested a joint meeting with the Town Council, the Planning Board and the developer.

M. DiBitetto said there are two separate issues. A lot of work has been done with the connector road to find a way to get this road built and funded. The Planning Board's involvement has been limited because they do not have a role in funding this road. Tony Mart's and his team have moved this along. Some of the issues have not been worked out and in the final agreement, these issues are thrown into the mix, and yet to be resolved. It has been an administrative function, and they have done a great job. He asked the Town Council if they would designate the Chair or Vice-Chair to be the point person for the Town Council.

Mary Ruel asked if the Town Council would be favorable in having the Town Council reps meet with the Planning Board reps prior to signing these agreements. Mike Jolin suggested that a joint meeting be held with the Planning Board, Town Council, and Town Attorney Bart Mayer. The Town Council agreed to this meeting, and will coordinate the scheduling. Dan Belanger asked that all Councilors receive the minutes to the previous Planning Board meetings. The meeting was tentatively scheduled for July 21 at 7:00 p.m. at the Hooksett Library.

ADJOURNMENT

D. St. Pierre moved, seconded by M. Ruel to adjourn the meeting at 7:13 p.m.

Respectfully submitted,

Jo Ann Duffy

Michael J. DiBitetto
Town Council Secretary