

Approved

**TOWN COUNCIL MINUTES
Regular Meeting
Wednesday, August 11, 2004**

CALL TO ORDER

Chairman, M. Jolin, called the meeting to order at 6:38 p.m.

ATTENDANCE

Chairman, M. Jolin, Vice-Chair, M. Ruel, D. Belanger, P. Loiselle, G. Longfellow, D. St. Pierre, P. Fitanides, P. Rueppel, Town Administrator, Moni Sharma, and Assistant Administrator, E. Dionne.
Excused: M. DiBitetto

NON-PUBLIC SESSION

APPROVAL OF MINUTES

July 28, 2004

P. Loiselle motioned to approve the minutes of July 28, 2004. Seconded by G. Longfellow Voted unanimously in the affirmative. M. Jolin abstained.

August 4, 2004

G. Longfellow motioned to approve the minutes of August 4, 2004. Seconded by P. Loiselle Voted unanimously in the affirmative. P. Rueppel abstained.

PUBLIC INPUT

Dawn Stanhope, President of CEDCOH reported to the Council that they are working on a proposal for the reuse of the Village School as a Community Center. She requested that the Facilities Committee reconvene so that they can begin planning and pursue funding.

D. St. Pierre, "If we need more than ½ of the building for municipal needs, you could work with the remainder?"

D. Stanhope, "We are looking at who is coming and what they would need."

P. Fitanides, "Where and how much are you looking at for revenue,"

D. Stanhope, "We are looking at a budget including funding CEDCOH. The cost will be based on space and usage. We are looking at a combination of state, local, and federal funding.

P. Fitanides, "I would like to see the breakdown for 15 years."

P. Rueppel, "The only thing I ask is, if the town needs more room for municipality, that we can take it."

SCHEDULED APPOINTMENTS

Stacey Plourde, Water Fluoridation

S. Plourde, Life long resident of Hooksett and Dental Hygienist.

S. Plourde presented information on the benefits of fluoridated water.

Diane Boyce, Purchase of Truck

Merrill Johnson, Heavy Equipment Committee presented the recommendation of the committee. The committee reviewed bids from Peterbilt, Freightline and Kenworth. Kenworth was chosen based on price and quality.

D. St. Pierre, "What did you base your decision on?"

M. Johnson, "Talking to people. They all have the same major components. Some small things are better, seals, etc. That was the committee's decision.

P. Loiselle, "Do we have a track record with Kenworth?"

M. Johnson, "Not as a town, but Plourde, Devito, and others have had success."

P. Fitanides "Is that per spec. Why did you get a 4 shifter, rather than an automatic?"
M. Johnson, "The shifter is better."
G. Longfellow, "Where can we fund this?"
D. Savoie, "You can take the \$85,000 from the special revenue fund and the remainder out of the operating budget."

P. Loiselle motioned to authorize the Solid Waste Department to expend \$86,806 and the overage to be taken from the Solid Waste Operating Budget. Seconded by P. Fitanides.

M. Ruel, "Does D. Boyce support this?"
D. Boyce, "Yes"

Roll call vote:

D. Belanger	Y	G. Longfellow	Y	
P. Fitanides	Y	M. Ruel	Y	
M. Jolin	N	P. Rueppel	Y	
P. Loiselle	Y	D. St. Pierre	N	Motion carries 6 – 2

Tony Marts, Connector Road/University Heights

T. Marts, Attorney for 3A Development Company presented the agreement for the Connector Road. The Council has a copy of draft of that agreement.
Negotiating a contract, T. Marts requested discussing this in Non-Public session.
The Council denied the request.

T. Marts stated that he is in agreement with the draft, and is aware that the Planning Board is recommending a \$250,000 credit.

The \$600,000 issue of a credit requested is a reduction from the original request by the developer.

D. St. Pierre, "We were aware of the \$600,000 contribution, the credit issue was the new issue from the developer. The PB thought the developer was putting this up to support his business."

T. Marts, stated that they are actually funding \$1,103,000 with a net of \$930,000 after reimbursement.

M. Jolin, "All changes were made per B. Mayer and we are only discussing the dollar amount?"

T. Marts, "That is correct, the only discussion is the \$600,000 which is what we came up with."

D. St. Pierre, "The developer will pay all impact fees currently in place."

The Planning Board's concern is with allowing a credit for an impact fee that doesn't yet exist. This goes back into the face of the Council waiving impact fees for the Library. We don't want to give things that don't exist yet. You are setting precedents when you waive something that doesn't exist."

T. Marts, "We are willing to build you your connector road, but we don't want to get assessed again by the town down the road. If the board would agree to accept the \$600,000, we would like to add the following statement, In the event that any litigation is commenced by either party relating to the terms, conditions or application of this Section 5 and the Town prevails in such litigation, then 3A shall be responsible for paying and reimbursing to the Town all of the Town's costs and expenses relating to said litigation, including reasonable attorneys fees.

The Council stated their concern with completion of the road by the developer.

D. St. Pierre "They can only build 83 homes without building the road. Also, there's a bond to build the road, and if they leave, the road will still get built."

T. Marts, "It is now something we will build and bond rather than the town build with our help."

P. Fitanides, "What happens if the company bails out, is bought out, or leaves?"

D. St. Pierre, "On page 4, 2 questions are addressed.

What if the developer leaves after the 83 houses? Does the agreement transfer to the new owner? B. Mayer stated that it does not, however, nothing can be built by this owner or another owner without the Connector Road. Also, if these people built only 83 homes, it would be a poor investment by the Developer."

P. Fitanides, "Has the road on Phase II been approved that was too narrow?"

D. St. Pierre, "Alumni Drive has been taken out of the plan. It could be moved or readdressed."

P. Loiselle, "Motion to accept the agreement of July 28, 2004 with the addition of verbiage presented tonight on the condition it is reviewed by our attorney, B. Mayer and T. Marts agrees to any changes proposed by B. Mayer and authorize the Chair to sign. Seconded by G. Longfellow.

Roll call vote:

D. Belanger	Y	G. Longfellow	Y	
P. Fitanides	Y	M. Ruel	N	
M. Jolin	Y	P. Rueppel	Y	
P. Loiselle	Y	D. St. Pierre	Y	<i>Motion carries 7 - 1</i>

OLD BUSINESS

TIF 10% Retainage Release

The Council discussed the issue of the TIF district relating to the responsibility of Arleigh Green and Koeffler.

P. Loiselle, "The TIF district original agreement between the planning board and Koeffler, Item 3 was dedication of land for the fire station. I recommend that the Town Administrator have a meeting with Arleigh Green and Koeffler and look into the records of the land that was provided to the town. 80 or 90% of the land was wetland and it is not good land. He was receptive to offering another piece of land. His attorney said there was no other piece of land and that was all we will get"

C. Watson, "In meeting with A. Packard and A. Green, it was stated that it is unacceptable, and A. Green stated he will keep his end of the bargain and he offered the land on 3A."

P. Loiselle, "It isn't his land. He proposed a piece of land that was owned by the state. Everyone was enthusiastic but I don't think we can legally broker land. \$453,000 was stated for the land, but now archeologically, it could be a problem because they found arrowheads on it. His attorney said 'no way, take a hike'."

P. Rueppel motioned to withhold the money. Seconded by D. Belanger.

St. Pierre, "I agree with Paul. We don't have suitable land from the property owner. The property owner wants us to broker land, of which he will give us a small portion. The Land owner needs to fulfill their obligation."

P. Loiselle, "The retainage release is with Koeffler."

M. Jolin, "We should retain the money, until this is resolved."

D. Belanger, "The issue is, are we going to discharge this money."

Frank Doherty, with Koeffler, "I agree with what I'm hearing. We support the deal. Arleigh Green is responsible and not Koeffler. Arleigh Green had no responsibility for the roadway, Koeffler did. I agree we need the Fire Station. Green is responsible for that not those that built the road. B. Mayer is in agreement. Linking these is not right."

P. Loiselle, "You partnered with Arleigh Green. The town didn't partner with Arleigh Green."

F. Doherty, "You are ignoring B. Mayer's opinion."

P. Loiselle, "Would you be in agreement with a meeting with Arleigh Green and the Town Administrator."

M. Jolin, "I don't remember an opinion by our attorney that we can't link these."

C. Watson, "The facts that I want to point out is, I have reviewed the minutes of the PB meeting and there is no indication that I have found that Koeffler was entering into an agreement with PB for Arleigh Green. When the PB approved these boxes, they were responsible for sewer, 15,000 dollars, and the fire station. Gordon Leedy presented. I don't remember Arleigh Green at any of these meetings."

F. Doherty, "I don't know how you can logically link the constructor of the road with the land. We had an agreement to build the road and we did that."

D. St. Pierre, "I was chair of PB at the time and I never remember Gordon Leedy representing Arleigh Green, but rather with Koeffler."

***P. Rueppel withdrew the motion. D. Belanger withdrew second.
D. Belanger motion to table until a meeting is held with the town's attorney. Seconded by
P. Loiselle***

Roll call vote:

D. Belanger	Y	G. Longfellow	Y	
P. Fitanides	Y	M. Ruel	Y	
M. Jolin	Y	P. Rueppel	Y	
P. Loiselle	Y	D. St. Pierre	Y	<i>Motion carried unanimously.</i>

Comcast Cable Contract

***D. Belanger motion to give the committee authority to negotiate a 5-year contract.
Seconded by G. Longfellow***

P. Fitanides, "Is there some type of percentage returned to town?"
P. Loiselle, "Yes, it is about 3% quarterly."
P. Loiselle, "We looked into access TV. We put it in a warrant article and it was voted down."
M. Jolin, "If we sign that agreement now, can it be changed within the next 5 years?"
P. Loiselle, "Yes."

Roll call vote:

D. Belanger	Y	G. Longfellow	Y	
P. Fitanides	Y	M. Ruel	Y	
M. Jolin	N	P. Rueppel	Y	
P. Loiselle	Y	D. St. Pierre	N	<i>Motion carries 6-2</i>

Employee Criminal Record

***P. Fitanides motioned to remove it from the table.
Motion fails without a second. Issue dies.***

Disabled Veterans Tax Exemptions

Pending until after the Board of Assessors meet on Sept. 2nd, 2004

NEW BUSINESS

Hiring New Assessor

Deferred per M. Jolin until the new Town Administrator can look into the issue.

Town Vehicle Use

E. Dionne provided policy for vehicle use when not on town business as requested by the Council.

It is a department by department policy.

***D. Belanger motioned to table. Seconded by P. Loiselle.
Voted unanimously in the affirmative.***

Board of Assessors Meeting

At the board of assessors meeting last night, we lost \$70,000 on the Wiegler case. The laws are unclear. The Council should contact our state senators to clean this up so that it is interpreted by everyone the same way.

Reference: the current use law.

M. Sharma will invite all Town Legislators and State Representatives to meeting to explain our position.

TOWN ADMINISTRATOR'S REPORT

M. Sharma, Town Administrator reported that he has met with 3 departments (Finance Director, Tax Collector, and Building). They are looking at updating software and adding these features in the Tax Office.

M. Jolin mentioned the Attorney General told the town our election location was not in compliance. On follow-up, they referenced the wrong school (Memorial).

E. Dionne stated that the issue has been addressed with the Superintendent and it was primarily signage.

M. Sharma, stated that the Fire Chief made him aware of a situation at the Memorial School. They are planning to hold a meeting at Memorial on Thursday, but do not yet have a CO. The state fire marshal will be visiting the school today.

The meeting has been changed to the Cawley School.

SUB-COMMITTEE REPORTS

Need to review the list of subcommittees at the next meeting.

Employee Health Insurance Benefits

M. Ruel distributed options for insurance. She would like some input at the next meeting. There was a suggestion that the town pay 90% and no change on the dental. Currently, the town pays 96%.

D. Belanger, "On a broker's letter of record, having insight into the insurance industry. I have never heard of a brokers letter for a proposal."

The broker takes over the account and gets commission while negotiating the agreement.

You research other ones on your own time. He wants to be the broker of record and get paid.

You're taking Health Trust out of the picture."

This will be discussed further at the next meeting.

Perambulation Update

H. Murray will meet with M. Sharma. There has been no meeting on this since the last dialogue.

M. DiBitetto left information for the Council, which should be shared with H. Murray.

G. Longfellow, "Isn't this the board's responsibility and not the administrator."

M. Sharma, "You will walk the lines. Everything will be brought to you."

H. Murray researched the deeds, and they indicate that the boundaries are beyond the road.

H. Murray distributed copies of the land."

Facilities – Schedule Meeting

A meeting was scheduled for Monday, August 30, at 4:00 p.m. to discuss the Village School issue. The attendees shall be M. Jolin, P. Rueppel, K. Andrews and Town Administrator.

D. St. Pierre mentioned Code issues which he will address with Ken Andrews, the Code Enforcement Officer. (Buffy's and China Dragon lot)

ADJOURNMENT

P. Loiselle motioned to adjourn. Seconded by G. Longfellow

Respectfully submitted,

Lee Ann Moynihan

Mike Jolin
Town Council Chairman