

**Approved**

**TOWN COUNCIL MINUTES  
Regular Meeting  
Wednesday, November 17th, 2004**

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

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

**NON-PUBLIC SESSION:**

M. Ruel moved at 6:35 pm to enter into non-public session under RSA 91-A: 3, II, (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting. Motion seconded by D. St. Pierre. **Roll call vote carried unanimously.**

M. Ruel moved to exit non-public session at 7:08 pm. Motion seconded by D. St. Pierre. **Roll call vote carried unanimously.**

The council issued a statement that the non-public minutes would not be divulged at this time.

**APPROVAL OF MINUTES:**

October 27, 2004 - G. Longfellow moved to approve the October 27, 2004 minutes. Motion seconded by D. Belanger. **Motion carried.** M. Ruel and P. Loiselle abstained, not present at the meeting.

**NOMINATIONS/APPOINTMENTS:**

G. Longfellow moved to nominate Robert Sullivan from an alternate to full, fill-in member of the Planning Board, exp. 6/2005.

G. Longfellow moved to nominate Sandy Oliver as an alternate fill-in member of the Planning Board, exp. 6/2005.

G. Longfellow moved to nominate Roger Duhaime as an alternate, fill-in member of the Solid Waste Management Advisory Board, exp. 6/2006.

P. Rueppel informed the council that there are two open positions for Heritage Commission.

**SCHEDULED APPOINTMENTS:**

Public Hearing, Fire Dept. Acceptance of Wal-Mart Foundation Grant  
Chairman Jolin opened the hearing at 7:10 pm.

Deputy Fire Chief Michael Hoisington stated that the Fire Department received a grant from the Wal-Mart Foundation in the amount of \$1,500.00. The money would be used for fire prevention education and activities in town. This grant does not require matching fund from the town.

Chairman Jolin closed the hearing at 7:12 pm.

P. Loiselle moved to accept the grant from Wal-Mart Foundation in the amount of \$1,500.00 per RSA 31:95-b. Motion seconded by G. Longfellow.

**Roll call vote:**

D. Belanger	Yes	M. Ruel	Yes
P. Loiselle	Yes	P. Rueppel	Yes
M. DiBitetto	Yes	D. St. Pierre	Yes

P. Fitanides Yes Chairman Jolin Yes **Motion carried unanimously.**  
G. Longfellow Yes

Sewer Commission – Wastewater Treatment Plant Expansion

Sid Baines, Sewer Commission Chairman stated that the Sewer Department has been working on the expansion of the wastewater treatment plant for the past five years. When the Department first approached the NHDES regarding the expansion, the NHDES advised the Sewer Department that an expansion plan along with a funding plan was a required first steps for the consideration of the DES. Recently, with the physical and financial plan in hand, the Sewer Department approached the NHDES for a permit to increase the capacity of the treatment plant from 1.1 million to 2.2 million gallons per day. The NHDES told the Department that the capacity of the plant would not be allowed to increase until such time as the BOD (bio-chemical oxygen demand) of the Merrimack River meets the State's standard. At the local level, it would mean that practically no new sewer hook-ups will be allowed or commercial industrial developments could come to a screeching halt. Chairman Baines wondered as to why the NHDES did not inform the Sewer Department about this situation until two weeks ago. The Department was not sure where to go from here.

Gregg Comstock, NHDES Water Division Supervisor, stated that his department is primarily involved with monitoring and assessing the surface waters to determine the water quality is within the state and federal standards. He added that they don't make an assessment based on one test. In general, they make sure there are at least three violations of any particular water quality criteria before they say something is impaired. Their latest assessment was done in 2004. The results have been placed on the Department's website. In the water quality assessment, the NHDES found dissolved oxygen violations in the Merrimack River. This was caused by increased nutrients discharged from well-run wastewater treatment plants.

George Berlandi, NHDES Permit Supervisor, stated that Hooksett has a permit, which they've had for several years with condition to meet water quality standards. He said one temporary solution to the problem is to make some modification to the treatment plant to increase the capacity without increasing the load. This modification would involve using filtration system, which could cost the town \$2 to \$4 million.

P. Fitanides read an article, for the record, "*NH Constitution Article 28-a, (Mandated Programs) The state shall not mandate or assign or mandate any new expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision unless such programs or responsibilities are fully funded by the state or unless such programs or responsibilities are approved for funding by a vote of the local legislative body of the political subdivision.*" He then asked if this is funded by the state. G. Berlandi said no.

D. St. Pierre asked if the state has set-up funding to clean up the river for smaller municipalities. G. Berlandi said the state has agreed to fund 20 to 30% of the cost of modification in the form of a state revolving fund loan.

Don Graves, Town Sewer Engineer said that for most part of the year having more capacity while holding the load at the same time will not be a problem. The plant is about 45 years old and in need of mechanical upgrades as it is right now without the modification NHDES is requiring. He added that there is some capacity left in it, but not a lot.

Representative Dick Marple offered his comments regarding the matter.

John White, Hooksett resident and developer stated that he has invested a lot of money on a project in Hooksett Road. He said people who had paid to be hooked-up into the system and have not used it should either use it immediately or sell it to those who are ready to be hooked-up.

A meeting between Sewer Department and NHDES would be set-up to discuss a possible solution to the problem. The council would be informed with any developments.

**OLD BUSINESS:**

10 % Retainage Release

M. Sharma stated that he received a legal opinion from the town's Legal Counsel, Bart Mayer regarding an offer he received from Arleigh Green. A copy of the letter would be sent to each councilor.

**NEW BUSINESS:**

Authorizing Release of the Final Report of Fire Department Inquiry

P. Rueppel moved to authorize the release of the final report of Fire Department inquiry and make three copies available, one copy each for the Administration Department, Fire Department and library. Motion seconded by P. Loiselle. **Motion carried unanimously.**

Solid Waste Management – Pinard Waste Removal Proposal

Diane Boyce, Solid Waste Supervisor, presented a proposal she received from Pinard Waste to lease the property next to the transfer station for \$1.00, take over the town's facility and run a 600-ton a day transfer/material recovery plant. In return, they would provide the town's trash collection and recycling for 20 years at no charge to the town.

For the record, Solid Waste Management Advisory Board does not recommend accepting the proposal.

Discussion ensued regarding the offer. There is a big concern about 600-ton a day of trash being transported on Route 3A and into the town.

D. St. Pierre moved to direct the Solid Waste Supervisor to inform Pinard that the town is not interested in the proposal at this time. Motion seconded by G. Longfellow. **Motion carried unanimously.**

Connector Road

The council authorized the Chairman to sign the Connector Road agreements at a previous meeting. Attorney Bart Mayer has reviewed the agreements and sent a letter of opinion to the Town Administrator. Provisions on the agreements were discussed. Chairman Jolin signed the agreements.

**TOWN ADMINISTRATOR'S REPORT:**

M. Sharma reported on the following:

1. The October expense report.
2. He received a letter from DRA regarding their review of the town's assessment practices. This review was done based on various factors, level and uniformity of assessment, assessing practices, exemptions, etc.. It was found that the town guidelines are based on DRA's recommendation. No improvement is needed.
3. The Manchester Water Works notified the town that there would be a rate increase effective January 1, 2005. The increase for an average house would be \$32.00 per year. Hydrant charges would also increase.
4. He presented a proposal to re-organize the Town Departments and employees. He said no one is getting laid off and the pay grade will stay the same. The only changes would be the job title and some job functions. It would be a matter of reassigning staff to a more functional position. He went through each position and explained the changes. He added that job descriptions would also be changed.

It was determined that changes to the administrative code would require a public hearing.

D. Belanger moved to approve all changes that do not affect the administrative code. Motion seconded by P. Rueppel. **Motion carried unanimously.**

**SUB-COMMITTEE REPORTS:**

Comcast Cable Committee

P. Loiselle stated that the committee attempted to get a 5-year contract from Comcast Cable but the best they could offer is an 8-year contract. The council will have to approve and sign the contract, which will have an effective date of December 16, 2004. There was a discussion as to the necessity of conducting a public hearing prior to signing the new contract. Council consensus was to have a public hearing on December 1, 2004.

District Court Lease Agreement Advisory Board

P. Fitanides (referring to an agreement signed on May 18, 2004) stated that he does not recall the council giving authority to the Acting Town Administrator, at the time, to sign a Lease Extension Agreement for one year. Chairman Jolin said he does remember the council giving authorization and the minutes could be obtained, if necessary. The council agreed with the Chairman.

Village School Re-Use Advisory Committee

Chairman Jolin informed the council that the committee has received the school re-use proposals from four architectural and engineering firms. The committee has accepted the proposal from Arenco, Inc. in the amount of \$10,900.00. The final plan is due on January 15, 2005.

**ADJOURNMENT:**

The meeting was adjourned at 9:30 pm.

Respectfully submitted,

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Evelyn F. Horn  
Administrative Assistant

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Michael J. DiBitetto  
Town Council Secretary