

Approved

**TOWN COUNCIL MINUTES
Regular Meeting
Wednesday, February 23, 2005**

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

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

NON-PUBLIC SESSION:

P. Loiselle moved at 6:32 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 P. Fitanides . **Roll call vote carried unanimously.**

D. St. Pierre moved at 7:20 pm to exit non-public session. Motion seconded by M. Ruel. **Roll call vote carried unanimously.**

The council made a statement that they voted not to divulge the minutes of the non-public session.

APPROVAL OF MINUTES:

February 9, 2005 – D. St. Pierre moved to approve the February 9, 2005 minutes as amended. Motion seconded by P. Loiselle. **Motion carried unanimously.**

PUBLIC INPUT:

Bryan Williams, Supervisor of the Checklist Chair, presented a voting districts map showing the new boundaries. The new boundaries would take effect at this year's election. Districting was based on the number of population not the number of registered voters. There will be a public hearing on Friday, March 4th to discuss the new voting district boundaries. He proposed to change the voting districts based on the data from property inventories. He stated that the Town Council should consider abolishing voting districts. This will enable the Councilors to run as at-large members. Changing the voting districts will involve an amendment to the Town Charter. Discussion regarding the matter ensued. D. St. Pierre remarked that he favors maintaining the voting districts structure as stipulated in the Town Charter.

SCHEDULED APPOINTMENTS:

Public Hearing, \$3.5 million Sewer Bond

Article #4: *Shall the Town vote to rescind the \$3,500,000.00 (three million five hundred thousand dollars) bond per Warrant #4 passed on May 14, 2005 to authorize the Town Council to enter into an agreement with the State Revolving Loan Program for the purpose of construction, replacement and expansion of a portion of the Wastewater Treatment Plant and add a composting operation to the existing plant. Passage of this article is contingent upon an affirmative vote of Article #5. (Passage of this article will provide the Town more flexibility in securing the most advantageous interest rate for either bond and/or other loan opportunities.) Recommended by the Town Council 9-0.*

(Article #5: *To see if the Town will vote to raise and appropriate the sum of \$3,500,000.00 (three million five hundred thousand dollars) for the purpose of construction, replacement and expansion of a portion of the Wastewater Treatment Plant and add a composting operation and to authorize the issuance of not more than \$3,500,000.00 of bonds or notes in accordance with the provisions of the Municipal Finance Act RSA 33, and to authorize the Town Council to issue and negotiate such bonds or notes, and to determine the rate of interest thereon. This loan will be paid for by sewer system development fees and sewer ratepayers. NO MONEY IS TO BE RAISED BY TAXATION. Passage of this article is contingent upon an affirmative vote of Article #4. (3/5 ballot*

vote required) (Passage of this article will provide the Town more flexibility in securing the most advantageous interest rate for either bond and/or other loan opportunities.)) Recommended by the Town Council 9-0.

Chairman M. Jolin opened the public hearing at 7:23 pm.

No comments from the public.

Chairman M. Jolin closed the public hearing at 7:26 pm.

Public Hearing, \$1.5 million Village School Renovation Bond

Article #6: *To see if the Town will vote to raise and appropriate the sum of \$1,500,000.00 (one million five hundred thousand dollars) for the purpose of construction/renovation including architectural and engineering of the new town offices and to authorize the issuance of not more than \$1,500,000.00 of bonds or notes in accordance with the provisions of the Municipal Finance Act RSA 33, and to designate the Town Administrator as agent to issue and negotiate such bonds or notes, and to determine the rate of interest thereon. Recommended by the Town Council 9-0.*

Chairman M. Jolin opened the public hearing at 7:27 pm.

Steve Korzynowski, 329 W. River Road, commented on the wordings of the warrant article. He stated that the warrant article only talks about the \$1.5 million for the town offices and does not mention anything about the community center. He added that he understood changes cannot be made until the deliberative session but would like to simply make a comment for the record.

M. Sharma stated that the best way to include the community center without changing the wordings on the warrant is to add a note in parenthesis, which says, "**The town offices and the community center will be housed at the former Village School.**"

Chairman M. Jolin suggested changing the phrase to "**...and for future use as a community center**", to make it clear that the \$1.5 million will not be used for the community center.

Matt Comai, Village School Re-Use Committee member, handed out the revised press release for the Village School renovation.

S. Korzynowski stated that CEDCOH has been involved in the project. He handed out a "Memorandum of Understanding" between the Town Council and CEDCOH for the chairman's signature to formalize CEDCOH's involvement in the Village School renovation project.

Chairman M. Jolin stated that the memorandum was not endorsed by the Village School Re-Use Advisory Committee. It should be discussed first at the committee's next meeting on Monday, Feb. 28th.

P. Fitanides added that a "Memorandum of Understanding" is a legal document and should not be addressed unless it goes through the legal counsel. It should not be discussed in any shape or form unless it is resolved.

Becky Berk, 5 Winter Drive stated that she supports the effort to include the community center in the warrant article.

Chairman M. Jolin closed the public hearing at 7:41 pm.

Council consensus was to amend the warrant article as written below. (Text in bold will be added/inserted.)

Article #6: *To see if the Town will vote to raise and appropriate the sum of \$1,500,000.00 (one million five hundred thousand dollars) for the purpose of construction/renovation including architectural and engineering of **the former Village School** to accommodate new town offices*

and to authorize the issuance of not more than \$1,500,000.00 of bonds or notes in accordance with the provisions of the Municipal Finance Act RSA 33, and to designate the Town Administrator as agent to issue and negotiate such bonds or notes, and to determine the rate of interest thereon. **(This renovation will allow for the future development of a community center in a portion of the building.) (3/5 ballot vote required.)** Recommended by the Town Council 9-0.

Public Hearing, Town Charter Amendment

Proposed Amendment to Article 5, Section 5.4 C. – The first session of the annual meeting, which shall be for the transaction of all business other than voting by official ballot shall be held between the first and second Saturdays in ~~April~~ **March**, at a time prescribed by the Town Council. The second Tuesday in ~~May~~ **April** shall be deemed the annual meeting date for purposes of all applicable statutes pertaining to hearings, notice, petitioned articles, and warrants, including, but not limited to, RSA 31:95-d, 32:5, 32:16, 33:8-a, 39:3, 39:5.

Proposed Amendment to Article 5, Section 5.4 F. – The second session of the annual meeting, to elect officers of the Town by official ballot, to vote on questions required by law to be inserted on said official ballot, and to vote on all warrant articles from the first session on official ballot, shall be held on the second Tuesday in ~~May~~ **April**.

Proposed Amendment to Article 9, Section 9.2 B. - At the second session of the Annual Town Meeting to be held on the second Tuesday in ~~May~~ **April**, all elected town officials shall be chosen; the voters shall vote whether to raise and appropriate the total sum of money for the town budget and other warrant articles as may have been amended and placed on the official ballot by the voters at the first session of the annual or special town meeting.

These Charter amendments shall be contingent upon the passage of Article #6 to be voted on March 8, 2005 by the Hooksett School District.

(Article #6: Shall we change the date for elections and the second session from the second Tuesday in March to the second Tuesday in April, which would change the date of the first session to a date between the first and second Saturdays after the last Monday in March, inclusive?)

Chairman M. Jolin opened the public hearing at 7:50 pm.

Bryan Williams, Budget Committee Chair, stated that he supports these amendments. The Budget Committee has been pushing for the alignment of the school and the town budgets for the last couple of years.

Chairman M. Jolin closed the public hearing at 7:58 pm.

D. St. Pierre moved to place the Town Charter amendments on the ballot. Motion seconded by M. Ruel. **Voice vote carried unanimously.**

\$410,000.00 Sewer System Petition Warrant Article

Article #7: To see if the Town will vote to raise and appropriate the sum of \$410,000.00 (four hundred ten thousand dollars) for the purpose of construction and expansion of the sewer system on Deerhead Street, Bartlett Street, and Fairview Circle, and to authorize the issuance of not more than \$410,000.00 of bonds or notes in accordance with the provisions of Municipal Finance Act RSA 33, and to designate the Town Administrator as agent to issue and negotiate such bonds or notes, or to determine the rate of interest thereon. (3/5 ballot vote required) Submitted by petition.

Chairman M. Jolin opened the public hearing at 8:00 pm.

Chairman M. Jolin commented that there was no certification from the Town Clerk that signatures on the petition were verified. The Administrative Assistant said signatures were indeed verified

by the Town Clerk. The Town Clerk's initials were on the petition. Chairman M. Jolin said a certification from the Town Clerk is needed.

D. St. Pierre stated that this issue was presented to the Planning Board last year. It was determined at that time that the addition of a sewer system would not increase the tax value of homes in the area, whereas it would cost the other tax payers a significant amount of money. Residents of Deerhead & Bartlett Street areas have the option of having their own septic system.

Chairman M. Jolin closed the public hearing at 8:05 pm.

D. St. Pierre moved **not to recommend** the warrant article, provided, the signatures are verified by the Town Clerk. Motion seconded by P. Loiselle.

Roll Call

G. Longfellow	Yes	P. Loiselle	Yes		
D. St. Pierre	Yes	Chairman M. Jolin	Yes		
P. Rueppel	Yes	M. DiBitetto	Yes		
M. Ruel	Yes	P. Fitanides	Yes	8-0	<u>Motion carried unanimously.</u>

The warrant article was not recommended.

Hooksett Public Library, HVAC Bids

Marion Jacobi, Library Trustee presented the bids for the Library's HVAC. The bids came from the following:

Hansen-Fox Co., Inc.	\$114,495.00
Palmer & Sicard, Inc.	\$114,000.00
KPMB Ent., dba Central Aire	\$83,280.00

M. Jacobi recommended for the Council to accept the bid from Central Aire in the amount of \$83,280.00. She added that the Library's HVAC consultant, Integrated Engineered Systems, Inc. had interviewed Central Aire and found that they are qualified to perform the project.

M. DiBitetto moved to accept the bid from Central Aire for \$83,280.00. Motion seconded by D. St. Pierre.

Roll Call

G. Longfellow	Yes	P. Loiselle	Yes		
D. St. Pierre	Yes	Chairman M. Jolin	Yes		
P. Rueppel	Yes	M. DiBitetto	Yes		
M. Ruel	Yes	P. Fitanides	Yes	8-0	<u>Motion carried unanimously.</u>

OLD BUSINESS:

Warrant Article Changes

Diane Savoie, Finance Director informed the Council that Warrant Article #20 would have to be amended per DRA's instructions.

Council consensus was to amend the warrant to read as follows:

Article #20

To see if the Town will vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for a feasibility study land acquisition and associated costs for the southern leg of the alternate north/south highway (as proposed in the 1971 Metcalf and Eddy comprehensive plan for the Town of Hooksett and the 1989 Town Master Plan) and raise and appropriate the sum of \$50,000.00 (fifty thousand dollars) to be placed in said fund, and to name the Town Administrator Council as agent to expend.

Warrant Article #'s 12, 16 & 17

Per the Town Counsel, Bart Mayer, Warrant Article #'s 12, 16 and 17 should be amended as written below: (Add the phrase, "**a non-appropriation clause**".)

Article #12

*To see if the Town will vote to authorize the Council to enter into a five year lease/purchase agreement for the purpose of purchasing a vacuum sweeper/catch basin cleaner for the Highway Department and to raise and appropriate the sum of \$35,198 (thirty-five thousand one hundred and ninety-eight dollars) as the first year's payment. This is a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the truck is delivered and accepted. This lease agreement contains an escape clause (**a non-appropriation clause**). Recommended by the Town Council (9-0).*

Article #16

*To see if the Town will vote to authorize the Council to enter into a seven year lease/purchase agreement for the purpose of purchasing a replacement Fire Pumper (engine) and to raise and appropriate the sum of \$51,846 (fifty-one thousand eight hundred and forty-six dollars) as the first year's payment. This is a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the truck is delivered and accepted. This lease agreement contains an escape clause (**a non-appropriation clause**). (Note: this will replace engine 4) Recommended by the Town Council (9-0).*

Article #17

*To see if the Town will vote to authorize the Council to enter into a seven year lease/purchase agreement for the purpose of purchasing a replacement Fire Pumper (engine) and to raise and appropriate the sum of \$51,846 (fifty-one thousand eight hundred and forty-six dollars) as the first year's payment. This is a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the truck is delivered and accepted. This lease agreement contains an escape clause (**a non-appropriation clause**). (Note: this will replace engine 5) Recommended by the Town Council (8-1).*

D. St. Pierre moved to amend Warrant Article #'s 12, 16 and 17 as written above. Motion seconded by P. Loiselle. **Voice vote carried unanimously.**

Arc IMS Resolution

Chairman M. Jolin read the resolution for the record.

P. Loiselle moved to accept the resolution as amended (attached). (The following phrase to be added, "...**then submit to the Town Council for approval**".) Motion seconded by P. Fitanides. **Motion carried unanimously.**

Status of the Bypass 28 Industrial Park Land (Map 49 Lot 56)

M. Sharma updated the Council on the status of an offer from Mr. Richard Danais, a developer to purchase a town owned parcel. He informed the Council that all relevant documents have been handed to the Town Counsel, Bart Mayer. The Town Counsel has agreed to attend the March 23rd Town Council meeting to discuss the matter. At the last meeting, the council asked the Town Administrator to send a memo to all town department heads asking if they would be interested in the property. He suggested getting the property ownership clarified first before sending a memo.

P. Loiselle said the Town Administrator should ask the Town Counsel to itemize the cost of doing this review. Mr. Danais has offered to pay for any legal cost incurred in order to determine ownership of the property.

M. Sharma said he would ask the Counsel to keep track of the hours spent in order to bill Mr. Danais.

10% Retainage Update, Quality Drive TIF District

M. Sharma informed the Council that the Town Counsel is preparing to contact Arleigh Green in order to develop an agreement regarding the proposed fire station.

NEW BUSINESS:

Proposed Medical/Dental Insurance for Elected Officials

P. Fitanides presented a proposal for elected officials to be able to obtain medical and dental insurance offered by the town to its employees.

D. Savoie explained that Heath Trust Insurance would provide the medical coverage. Insurance coverage is contingent upon receiving premium payments on a monthly basis from the elected officials. The coverage would cease when the monthly premium payment is not received.

P. Fitanides moved to adopt the policy for any elected official to be eligible for health and dental insurance coverage offered by the town. Premiums are to be paid out of their own pockets. Motion seconded by D. St. Pierre.

M. DiBitetto moved to table the issue. Motion seconded by M. Ruel.

Roll Call

G. Longfellow	No	P. Loiselle	No		
D. St. Pierre	No	Chairman M. Jolin	Yes		
P. Rueppel	Yes	M. DiBitetto	Yes		
M. Ruel	Yes	P. Fitanides	No	4-4	<u>Motion failed.</u>

Roll Call (On the original motion to adopt the policy.)

G. Longfellow	Yes	P. Loiselle	No		
D. St. Pierre	Yes	Chairman M. Jolin	No		
P. Rueppel	Yes	M. DiBitetto	No		
M. Ruel	Yes	P. Fitanides	Yes	5-3	<u>Motion carried.</u>

M. Ruel moved to reconsider the vote. Motion seconded by P. Loiselle.

Roll Call

G. Longfellow	Yes	P. Loiselle	Yes		
D. St. Pierre	No	Chairman M. Jolin	Yes		
P. Rueppel	No	M. DiBitetto	Yes		
M. Ruel	Yes	P. Fitanides	No	5-3	<u>Motion carried.</u>

Roll Call (Re-vote on the original motion to adopt the policy.)

G. Longfellow	No	P. Loiselle	No		
D. St. Pierre	Yes	Chairman M. Jolin	No		
P. Rueppel	Yes	M. DiBitetto	No		
M. Ruel	No	P. Fitanides	Yes	3-5	<u>Motion failed.</u>

TOWN ADMINISTRATOR'S REPORT:

M. Sharma informed the Council on the following:

- 1) On March 7th, 2005, he will meet with the Charles Watson (Town Planner), Dave Campbell and SNHU to discuss SNHU's and Manchester Sand & Gravel's participation in the Connector Road project.
- 2) He presented the Town's expenditure report to date.
- 3) He asked the Council to sign the Default Budget.

NON-PUBLIC SESSION:

D. St. Pierre moved at 9:21 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 M. DiBitetto. **Roll call vote carried unanimously.**

M. Ruel moved at 9:37 pm to exit non-public session. Motion seconded by P. Loiselle. **Roll call vote carried unanimously.**

The council made a statement that they voted not to divulge the minutes of the non-public session.

ADJOURNMENT:

The meeting was adjourned at 9:40 pm.

Respectfully submitted,

Evelyn F. Horn
Administrative Assistant

Michael J. DiBitetto
Town Council Secretary