

Approved

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

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

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

ATTORNEY-CLIENT PRIVILEGED MEETING

The meeting was recessed at 6:35 pm for an attorney-client privileged meeting with the Town Legal Counsel Bart Mayer.

The meeting resumed at 7:40 pm.

APPROVAL OF MINUTES:

March 9, 2005 - G. Longfellow moved to approve the March 9, 2005 minutes as amended. Motion seconded by D. St. Pierre. **Motion carried.** P. Loiselle and P. Rueppel abstained. They were not present at the meeting.

PUBLIC INPUT:

Public Library/Mt. St. Mary's Apartments

Mary Farwell, Library Trustees Chair, stated that she attended the public hearing for the transfer of Mt. St. Mary's Apartments property. She brought up some issues, which arose from the public hearing namely, title search for reconciling the difference between easements as described in various deeds and the open space in front of Mt. St. Mary's Apartments. She added that the Library Trustees would like to be involved in trying to define "open space" and have it noted on the deed to preserve the land in pristine condition.

D. St. Pierre explained that "open space" is an ordinance and to alter an ordinance would require going through the amendment process in the Planning Board and ultimately at the Town Meeting. This would involve holding a public hearing. He added that for the purposes of this deed, a definition of "open space" could possibly be added.

M. DiBitetto stated that adding a definition on the deed does not change the zoning ordinance's definition of "open space". The additional verbiage is to specify restrictions on the use of the property out front.

M. Sharma added that the property will be deeded separately to remain an open space.

Chairman M. Jolin stated that the matter should be dealt with at the Planning Board level not at the Council.

M. Farwell stated that the matter needed to be brought to the Council's attention. There are many different easements being referenced on different deeds. She requested for the Council to do a title search in a timely manner before the 3A development project starts.

Chairman M. Jolin directed the Town Administrator to look into the cost of doing a title search.

Public TV Channels 22 and 23

David Paquette, 154 Merrimack Street stated that they have collected 75 signatures for an informal petition to ask the Council to send a request to the City of Manchester to allow the Town of Hooksett access to Government and Public TV channels 22 and 23, respectively.

M. DiBitetto moved to send a request to the City of Manchester to allow the Town of Hooksett access to Government and Public TV channels 22 and 23. Motion seconded by D. St. Pierre. **Roll call vote carried unanimously.**

SCHEDULED APPOINTMENTS:

Heritage Commission, Historic Markers

The Heritage Commission was asked by the Council to look into placing historic markers in town. Kathie Northrup, Heritage Commission Chair presented their findings and proposals for the historic markers. She said there are 90 historic sites in town. Heritage Commission and the Council would decide which ones to mark first. She added that the Commission preferred the cast aluminum markers from a Texas vendor for durability and cost. The markers are priced by the square inch and would cost approximately \$1,600.00 each. Manchester Sand & Gravel has pledged to purchase two signs for their property. She asked for the Council's approval to move forward with the project with the knowledge that funding is not available at this time.

P. Loiselle moved to authorize the Heritage Commission to move forward with the project and prepare the markers' wordings and design to be presented to the council for approval. Motion seconded by P. Rueppel. **Motion carried unanimously.**

Emergency Management, Pelmac Industries Project

Al Dionne, Emergency Management Director stated that four doors were overlooked when the Council authorized the project (see 1/12/05 minutes). One door for the Fire Station 1 exterior entrance and three doors for the Central Station. He asked for authorization to spend additional grant money for the exterior doors.

M. Ruel moved to authorize the expenditure of additional \$9,708.00 from the Homeland Security Grant already accepted in accordance with RSA 31:95-b. Motion seconded by D. St. Pierre. **Roll call vote carried unanimously.**

OLD BUSINESS:

10% Retainage Update – Quality Drive TIF District

M. Ruel moved to release the 10% retainage, not including the interest held against Koffler/GID, LLC. Motion seconded by D. St. Pierre.

Roll Call

G. Longfellow	Yes	P. Loiselle	No		
D. Belanger	Yes	P. Fitanides	No		
D. St. Pierre	Yes	M. DiBitetto	Yes		
M. Ruel	Yes	Chairman M. Jolin	Yes	6-3	<u>Motion carried.</u>
P. Rueppel	No				

Warrant Articles – Motions & Seconds
(attached)

NEW BUSINESS:

Revision of the Town Administrative Code Section 5.4, Payment of Monies

Diane Savoie, Finance Director stated that the Treasurer has indicated that the administrative code has to be updated to accommodate the current payment procedures. She would like to revise the administrative code to allow for ACH wire transfer transactions in the future. She asked for a motion to have a public hearing on the revision of the administrative code.

P. Loiselle moved to have a public hearing on the revision of Administrative Code Section 5.4. Motion seconded by M. Ruel. **Motion carried unanimously.**

Bond Reduction – Amy Dufresne Subdivision

G. Longfellow moved to reduce the bond from \$244,000.00 to \$61,500.00. Motion seconded by D. Belanger. **Motion carried unanimously.**

Charter Schools

P. Fitanides stated that some of his constituents have expressed interest in charter schools. He provided some information on S. Holland Associates of Concord. He said that the charter school could use one of the rooms at the former Village School.

Council consensus was to discuss the matter at a later date.

Councilors/Town Employees

D. St. Pierre brought up an incident involving one of the councilors issuing a direct order to one of the town employees. He added that this councilor does not have any right to order a paid employee of the Town. He stated that in May, 2004, the Council carried a motion to direct the Town Administration to treat elected town officials as employees for the purpose of withholding taxes only.

M. DiBitetto and Chairman M. Jolin reiterated that the councilors need to be cognizant of the fact that they are not selectmen nor administrators and that councilors are not here to direct employees.

P. Fitanides admitted that he is the councilor involved in this incident. He added that the e-mail he sent to the Finance Director was not meant to be a direct order. He said that he should have sent it in the form of a request. He apologized to the Finance Director within a day or two after sending the e-mail.

M. DiBitetto commended Councilor Fitanides for acknowledging the incident.

Hooksett Redistricting

M. DiBitetto brought up the subject of Hooksett redistricting. The Supervisors of the checklist have decided to postpone redistricting plans until July. A population count is needed to do the redistricting. They are currently working on redistricting using the US Census population. The redistricting map currently being proposed will affect some of the councilors. Their neighborhood is being split. He asked for the Council to authorize some method of Hooksett population count.

M. DiBitetto moved to endorse a census to be done by the town. Motion seconded by G. Longfellow. **Roll call vote carried unanimously.**

TOWN ADMINISTRATOR'S REPORT:

M. Sharma reported on the following:

1. The town's legal counsel met with the Planning Board regarding the Mt. St. Mary's Apartments transfer of title. He assured the Council that the Planning Board is on top of all the issues previously discussed.
2. The town has been working on obtaining some funds for the widening of Route 3 from Martin's Ferry Road to Benton Road. He informed the Council that \$4 million has been earmarked by USDOT for this project. After a "recession take" of 0.8%, the State would receive \$3.96 million on behalf of the Town of Hooksett. It may take about 2 to 3 years to complete the project.
3. He asked for the Council's approval to print 1,000 copies of the Annual Town Report this year instead of the usual 1,500 copies. He suggested using color photographs instead of black and white. The Council was also asked to start thinking about what they would prefer for the cover.

Council consensus was to print 1,000 copies and use color photographs for this year's Annual Town Report.

4. He received a letter from Bruce Kudrick, Hooksett Sewer Superintendent regarding the Domestic Septage Agreement with the City of Concord. The original agreement dated July 1, 2003 was not countersigned by the City of Concord and is therefore invalid. He

explained the reason why the City of Concord has not signed the agreement. M. Ruel would speak to DES to request that the City of Concord be asked to sign the agreement.

5. The town's legal counsel would represent the town and not the Sewer Commission on the "Cynthia Sullivan" case. This matter was discussed in detail during a prior non-public session.

PUBLIC INPUT:

Dawn Stanhope, CEDCOH Chair asked about the status of the Memorandum of Understanding with the town regarding the former Village School. The Council informed her that the matter was discussed with the legal counsel and would be addressed soon.

Becky Berk, 5 Winter Drive, expressed concerns regarding the \$1.5 million warrant article for the renovation of the former Village School. She said that she hasn't heard or seen any publicity urging voters to pass the warrant article.

M. Sharma informed her that plans are in the works to make phone calls to the voters. P. Rueppel added that she has a list of voters and that they are looking for at least 28 volunteers to make phone calls.

B. Berk said that in their school campaign, they found the phone bank to be the least effective.

P. Rueppel respectfully disagreed stating that she has been involved with the Republican Party for many years and found that phone calls were very effective.

NON-PUBLIC SESSION:

D. St. Pierre moved at 9:25 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. Rueppel. **Roll call vote carried unanimously.**

D. St. Pierre moved at 9:41 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 9:42 pm.

Respectfully submitted,

Evelyn F. Horn
Administrative Assistant

Michael J. DiBitetto
Town Council Secretary