

Official

**TOWN COUNCIL MINUTES
Regular Meeting
Wednesday, June 8, 2005**

PRESENT: D. Belanger (excused), M. DiBietto, P. Fitanides, P. Loiselle, G. Longfellow, M. Ruel, P. Rueppel (excused), D. St. Pierre, Chairman M. Jolin (arrived at 6:45 pm), M. Sharma (Town Administrator)

CALL TO ORDER: Vice- Chair M. Ruel called the meeting to order at 6:30 pm.

NON-PUBLIC SESSION:

D. St. Pierre moved at 6:33 pm to enter into non-public session under RSA 91-A:3,II.(e) "Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled." Motion seconded by P. Loiselle. **Roll call vote carried unanimously.**

D. St. Pierre moved at 6:41 pm to exit non-public session. Motion seconded by P. Loiselle. **Motion carried unanimously.**

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

APPROVAL OF MINUTES:

May 25, 2005 – P. Loiselle moved to approve the May 25, 2005 minutes. Motion seconded by G. Longfellow. **Motion carried.** M. Ruel abstained, not present for the entire the meeting.

PUBLIC INPUT:

June Larkins, President of the Amoskeag Rowing Club asked to be allowed to speak during the discussion on the boat ramp. M. Ruel said she would be given five minutes to speak at the beginning of the discussion.

Chairman M. Jolin arrived at 6:45 pm.

NOMINATIONS/APPOINTMENTS:

Nominations for 2005-2006 Board Membership

No additional nominees at this time.

Solid Waste Management Advisory Committee

M. Sharma addressed a question raised at the last meeting whether two Councilors could be members of the Solid Waste Advisory Committee. M. Sharma stated that in 1986, the Solid Waste Committee was created through Warrant Article #30. At that time, the idea was to have a 7-member committee including one Selectman. There were provisions for two alternates. In 1993, it was renamed as the Solid Waste Management Advisory Committee with a slight change in the committee's charge. The size of the committee remained unchanged.

G. Longfellow, the Councilor member of the committee is presently a non-voting member. It was determined that the Councilor member should be a voting member. The Council would send a letter to the committee to this effect.

There were discussions on what the committee's actual charge is and whether or not the committee should be disbanded. This matter would be discussed at the first meeting in July.

Police Commission

P. Fitanides said he was under the impression that there is a requirement for a motor vehicle record verification for the Police Commissioner applicants.

Chief S. Agrafiotis explained that on 9/8/04, the Council voted to adopt a 7-step process for appointing a Police Commissioner. Step 2 is the Motor Vehicle records verification.

P. Fitanides also mentioned that one of the applicants has not been a resident of Hooksett for at least 5 years. One of the requirements for Police Commissioner is a minimum of 5-years residency. The Town Administrator was asked to verify the applicant's residency and to inform him of this requirement.

Appointment of Council Representatives

Delayed until the first meeting in July.

SCHEDULED APPOINTMENTS:

Fire Department, Purchase of a new Rescue Vehicle

Fire Chief Michael Williams asked for the Council's approval to expend Fire Department impact fees to purchase a new rescue vehicle. He stated that the Town Counsel, Bart Mayer is of the opinion that this is a legitimate purchase using impact fees. The impact fees account has a balance of \$170,895.97 as of 5/31/05. He added that they are looking into using one of the older vehicles' chassis or as a trade-in toward the new vehicle to reduce the cost. He asked for the Council's approval to work on the vehicle's specifications and place it out to competitive bids.

D. St. Pierre: On a scale of 1-100%, where does this vehicle put you in what you need for equipment to keep up with the growth of the Town of Hooksett.

Chief Williams: It's definitely going to get us up to 75-80% range of where we need to be. This vehicle request was in this year's CIP. It was taken out when the two engines (#4 & 5) were recommended for replacement. There is still a need to replace tanker #3 and Engine #1, which will be included in the future CIP request. The purchase of these vehicles would bring our fleet of apparatus up to date.

Council consensus was to move forward with the bids.

OLD BUSINESS:

Impact Fee Study

At a previous meeting, the Council decided to hire a consultant (Bruce Mayberry) for a sliding scale safety impact fee schedule. M. Sharma informed the council that Bruce Mayberry has been contacted. He will send a contract and will be meeting with the Fire and Police Departments beginning June 22nd. The cost of this task will not exceed \$3,000.00.

Status on the Agreement with Arleigh Green

Nothing to report.

NEW BUSINESS:

Acceptance of \$25.00 Donation to the Heritage Commission, per RSA 674:44-b(h)

Tabled until next meeting, name of the donor is needed.

Budget Encumbrances

Diane Savoie, Finance Director, presented the budget encumbrances for the year. The total amount to be encumbered is \$387,106.00. Of this amount, \$179,472.00 is being requested from this year's operation budget.

M. DiBitetto moved to encumber \$387,106.00 as recommended by the Finance Director. Motion seconded by D. St. Pierre. **Roll call vote carried unanimously.**

Boat Ramp Parking Issues

M. Sharma brought up the dispute over the ownership of the land west of the boat ramp between the road and the river. The Hebert family claims they own a good portion of the land. The town has not received any documentation to support their claim. He added that the Amoskeag Rowing Club's intense use of the boat ramp continue to create some problems with parking. He asked the Council to address the problem to prevent future altercations over the matter.

J. Larkins stated that the Club was given permission by the town to use the ramp and the parking area 19 or 20 years ago. Until a week ago, the Club did not know it was not owned by the town. The Hebert's told members of the Club that they owned the ramp. She addressed the Council's comments as noted on 5/11/05 Town Council minutes:

“There is a concern that the Rowing Club is prohibiting Mr. Hebert from using his own land... M. DiBitetto commented that the Rowing Club has taken exclusive use of the property.”

J. Larkins explained that they were never told Mr. Hebert owned the land; therefore, they couldn't have prevented him from using it. On Mr. DiBitetto's comments, she explained that on occasion this may have happened, unintentionally, but they never intended to monopolize the area and keep anyone from using it.

D. St. Pierre stated he had gone to the boat ramp and was unable to use the ramp. He added that that the club's presence had become a nuisance and a burden to the Town. He would like to see them evicted from the town.

Discussion on the matter ensued.

M. DiBitetto moved to notify the Police and Fire Departments that the Town asserts its ownership of the property and the ramp to be kept open to the public at all times. Motion seconded by P. Loiselle.

Ed Hebert, 28 Merrimack Street stated that they always knew they owned the property. They never closed it from anyone and do not intend to do so in the future. They have been paying taxes on about ± 2 acres of land. He added that the Amoskeag Rowing Club's almost exclusive use of the ramp has resulted in some altercation recently, which prompted him to research the deed and put up a fence around his property.

Council consensus was to have the Amoskeag Rowing Club develop an agreement for the Council to review within 60 days. Meanwhile, no event, except for summer classes, is to be scheduled at the boat ramp until an agreement is drawn and approved by the Council.

Roll Call (on the motion to notify the Police and Fire Departments):

M. DiBitetto	Yes	M. Ruel	No		
P. Fitanides	Yes	D. St. Pierre	Yes		
P. Loiselle	Yes	Chairman M. Jolin	Yes	6-1	<u>Motion carried.</u>
G. Longfellow	Yes				

G. Longfellow moved to seek legal opinion from the Town Counsel regarding the controversy surrounding the ownership of the land adjacent to the Amoskeag Rowing Club. Motion seconded by M. Ruel. **Roll call vote carried unanimously.**

Chairman M. Jolin asked the Rowing Club to send their current insurance certificate to the Town for its records.

TOWN ADMINISTRATOR'S REPORT:

M. Sharma reported on the following:

1. He asked the Council to sign the Report of Appropriations Actually Voted (MS-2).

2. He asked for three Councilors to sign a form appointing Michelle T. Bonsteel as the Town of Hooksett's Health Code Officer.

P. Loiselle moved to appoint Michelle T. Bonsteel as the Town of Hooksett's Health Code Officer and to authorize the Town Council Chairman, Vice-Chair and Secretary to sign the form. Motion seconded by M. DiBitetto.

3. He received a memo from Dale Hemeon, Highway Manager recommending that a sign "Children at Play" be placed on Barberry Street as requested by a resident. M. Sharma said that truckers are allegedly, using Barberry Street as an alternate road to avoid traffic. He recommended for the Council to consider a "No Thru Trucks" sign instead of "Children at Play". The Police Department would then be asked to enforce the sign.

Council consensus was to advise the residents that the signage committee is being reactivated and that their request will be considered at the appropriate time.

4. He asked for the Council's approval to release the East Point Park bond as recommended by the Highway Manager. This item is not on the agenda. Chairman M. Jolin asked for the item to be placed on the next agenda. The Council would act on the matter at the next meeting.
5. At the last meeting, Councilor Fitanides was inquiring about deed restrictions on the Town Hall property. According to the deed dated 1832, if the building is not being used as a Town Hall or a meeting place, the property reverts back to the original owner.
6. Kathie Northrup, Heritage Commission Chair requested to put the Head Chapel in the State Historic Registry.

P. Loiselle moved to put the Head Chapel in the State Historic Registry. Motion seconded by G. Longfellow. **Motion carried with D. St. Pierre opposed.**

7. The Fire Deputy Chief found some safety code violation in the dispatch center. There is no other way out of the building in case of fire. The Fire Department is requesting to replace one of the windows with a door. Chairman M. Jolin said there is a code compliant corridor that leads to two separate stairways, therefore, it is not a building code violation. Fire Deputy Chief Dean Jore said it may not be a building code violation but it is a safety code violation.

The Town Administrator was asked to provide the Council with a copy of the safety code section to be obtained from the Fire Department.

SUB-COMMITTEE REPORTS:

D. St. Pierre informed the Council that the Planning Board held a second public hearing on the master plan and are now on a second 30-day public input period.

PUBLIC INPUT:

At a previous meeting, the Council asked Harold Murray, Emergency Management Deputy Director/Fire Warden to review a draft proposal from the Town Counsel to Arleigh Green with regards to a piece of land intended for a Fire Station. H. Murray said that the proposal refers to a piece of land at a future development, which is not proper. It should be tied to the development already in place.

Before the meeting was adjourned, a plaque was presented to Councilor Mary Ruel for her service to the Town Council and the Town of Hooksett. They extended their wishes for success in her future endeavors.

ADJOURNMENT:

The meeting was adjourned at 9:15 pm.

Respectfully submitted,

Evelyn F. Horn
Administrative Assistant

Michael J. DiBitetto
Town Council Secretary