

## Official

### **TOWN COUNCIL MINUTES Regular Meeting Wednesday, March 22, 2006**

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

**PRESENT:** Daniel Belanger (excused), Philip Fitanides, Jason Hyde, Mike Jolin (excused), Paul Loiselle, George Longfellow, Doug St. Pierre (excused), Stuart Werksman, Chairman Michael DiBietto, David Jodoin (Town Administrator)

#### **PLEDGE OF ALLEGIANCE**

#### **APPROVAL OF MINUTES:**

March 8, 2006 – P. Loiselle moved to approve the March 8, 2006 minutes. Motion seconded by S. Werksman. **Motion carried unanimously.**

#### **NOMINATIONS/APPOINTMENTS:**

The Council discussed the upcoming open positions for the next fiscal year (2006-2007). A list will be provided at the next meeting.

#### **OLD BUSINESS:**

Town Warrant – Motions & Seconds (attached)

#### Fire Lane Ordinance Amendment

A public hearing was held at the last meeting on the proposed amendment to the Fire lane Ordinance.

G. Longfellow moved to approve the proposed Fire Lane Ordinance amendment effective immediately. Motion seconded by P. Loiselle. **Roll call vote carried unanimously.**

#### Quimby Mountain

The subject of the Town's ownership of the top of Quimby Mountain was brought up at the last meeting.

The Town Administrator presented the Council with the tax maps showing the parcel in question.

In December, 2005, the developers came to the ZBA asking for a variance on zoning requirements to split lots into non-conforming size in exchange for the top of the mountain. The variance was denied because there was no legal basis for the Town of Hooksett and the ZBA to grant a variance for the Town to own the top of the mountain, which is only accessible from the Town's side.

Conservation Commission strongly recommends conserving the land and has identified the property as a priority area for protection in the Open Space Plan.

#### Inventory Forms

Chairman M. DiBietto stated that a few residents have expressed their privacy concerns with the inventory forms, specifically with the birth date. The bottom line is that people do not want to put down their birth date. The point is to get an accurate count of residents in town and how old they are. Ages on young children are significant to have an accurate projection of number of school children.

Discussion on the matter ensued.

Council consensus was to inform the residents that there will be no penalty for the omission of birth date on the form.

#### Permanent Memorial at Public Cemeteries

It was the consensus of the Council to support the American Legion in its effort to set up permanent memorials for Veterans at each public cemetery. The Legion would pay for and maintain the monuments.

G. Longfellow asked the Council to send a letter to the Cemetery Commission supporting the American Legion's efforts and request that the Cemetery Commission designate spots for the monuments.

Council consensus was for the Chairman to draft a letter on behalf of the Council asking the Cemetery commission to consider the request.

#### **NEW BUSINESS:**

##### Election – District Councilors

Chairman M. DiBitetto consulted the Town Counsel, Bart Mayer with regards to the two Councilors being located in the same district as a result of changing the district lines. The Counsel's reply was read into the record:

***"...There is no specific provision which deals with the problem that you confront. The Charter does provide guidance, which if employed, should implement the intent of the voters.***

***Section 3.2 of the Charter provides that, "Councilors elected from districts must be legal residents of that district at the time of election. If a Councilor shall move from his said district and shall remain a resident of the Town, she/he shall remain the elected district's Councilor until the next election... The re-drawing of the district lines is analogous to a district Council moving from one district to another... The Council is the sole judge of qualification for office..."***

To sum it up, Chairman M. DiBitetto explained that neither Councilor would have to resign his position to fill the District 1 seat.

Council consensus was to adopt the Town Counsel's interpretation of the Charter.

##### Robie's Store Dock and Deck

Chairman M. DiBitetto informed the Council of Robie's Store's preliminary plans to build boat docks and a deck overlooking the Merrimack River where people can dine.

#### **TOWN ADMINISTRATOR'S REPORT:**

D. Jodoin reported on the following:

1. He asked the Council if they wish to send out Council Newsletters this year.

Council consensus was to send the newsletters out.

2. The Fire Department had sent out Request for Proposals for the Ambulance Service. RFP's are due back on Wednesday, March 29<sup>th</sup>. The Town has received two inquiries so far via e-mail.
3. There will be a workshop for all Town employees on "Back Injury Prevention" to be held at the Highway Department on Tuesday, April 4<sup>th</sup> at 1:30 pm. The Local Government

Center is recommending that all employees attend the seminar to promote back injury prevention and cut down workers comp costs.

4. The Town tax deeded a property located at Castle Drive this year. The property is 3.1 acres of land and substantially wet. The previous owners would like to purchase the property back. They are requesting to waive the 15% penalty that the statutes allow for. The Town Administrator explained previous owners take precedent over the Town if the Town has not owned the property for over 3 years.

The Council asked the Town Administrator to gather all figures and information on the parcel for the next meeting.

5. The subject of Manchester/Hooksett perambulation was brought up.

At the end of discussion last year, the City of Manchester surveyor and Don Duval, an independent surveyor found that none of the physical monuments set in the original boundary still exists today. They have established that the town line is by the right of way of what is now known as Hackett Hill Road, 25 feet from the centerline. The authority is given to Councilors/Selectmen to renew boundaries. The Town of Hooksett will have to approach the City of Manchester.

Harold Murray, 311 Hackett Hill Road: "At the last session, everybody agreed that the bounds were wrong. If you're going to move the line, instead of using the centerline, use 3 rods from the east to west to keep the frontage of Hooksett property wells."

The Town Administrator would ask the Town Counsel to write a letter to City of Manchester Board of Aldermen.

6. On November 2<sup>nd</sup>, 2005, the Council voted to eliminate reimbursement of 50% of medical co-pay for all employees. He asked the Council to re-consider the motion to exclude the Firefighters and reimburse 50% of co-pay up until the new contract was signed.

P. Loiselle moved to continue to reimburse the Firefighters 50% of medical co-pay up to the date the new contract was signed. Motion seconded by S. Werksman. **Motion carried unanimously.**

#### **SUB-COMMITTEE REPORTS:**

##### Solid Waste Management Advisory Committee

There will be a meeting on Tuesday, March 28<sup>th</sup>.

##### Heritage Commission

The Heritage Commission is having a World War II exhibit at the Public Library on Saturday, March 25<sup>th</sup> at 2 pm. Everyone is invited to attend.

#### **PUBLIC INPUT:**

H. Murray informed the Council that the American Legion donated two flags, for the Police and Fire Department. He asked for the Council to send a thank you letter.

#### **NON-PUBLIC SESSION:**

P. Loiselle moved at 8:05 pm to enter into non-public session under RSA 91-A:3, II. (d) *Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.* Seconded by S. Werksman. **Roll call vote carried unanimously.**

G. Longfellow moved to exit the non-public session at 8:14 pm. Motion seconded by P. Loiselle. **Roll call vote carried unanimously.**

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

**ADJOURNMENT:**

The meeting was adjourned at 8:15 pm.

Respectfully submitted,

Evelyn F. Horn  
Administrative Assistant

Philip Fitanides  
Town Council Secretary