

Official

TOWN COUNCIL MINUTES Regular Meeting Wednesday, May 10, 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, Paul Loiselle, George Longfellow, Doug St. Pierre, Stuart Werksman, Chairman Michael DiBietto, David Jodoin (Town Administrator)

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

April 26, 2006 – P. Loiselle moved to approve the April 26, 2006 minutes as presented. Motion seconded by M. Jolin. **Motion carried unanimously.**

AGENDA OVERVIEW:

The public hearing on the Kids Kaboose donations is postponed until May 24th, 2006.

PUBLIC INPUT:

Al Dionne, Emergency Management Director provided some information on the avian influenza (bird flu). He reminded everyone that the movie, which aired Tuesday night, was not based on facts and intended for entertainment only. He stated that the Town of Hooksett has a mutual agreement with the City of Manchester in the unlikely event of a pandemic. The State of New Hampshire is divided into hazard regions. Each region has a base community. Hooksett's base community is the City of Manchester. Any questions should be directed to the Office of Emergency Management.

Michael Sorel, 154 Cross Road commented on an e-mail sent by Ed Eckman, Cabela's Site Evaluation Manager, which read, "...our Counsel has been in contact with the bond Counsel for Hooksett and is forwarding documentation that will show how we have crafted bond documents in the past for his consideration on how they would best be crafted for Hooksett." He stated that this is not the way to do business. The Council should let Cabela's know that the Town's bond counsel will take care of the details and will consult with their counsel only if needed. He asked if the Town has hired a bond counsel at this time.

Chairman M. DiBietto stated Mr. Sorel might be reading more into the e-mail. He read the e-mail and perceived it to be a simple post election "thank you" courtesy note.

Chairman M. DiBietto welcomed the newly elected District 1 Councilor Patricia Rueppel. The Council also congratulated Mr. James L. Gorton for being elected Councilor at Large and Mr. David P. Ross for being elected District 4 Councilor.

NOMINATIONS/APPOINTMENTS:

G. Longfellow stated it was brought to his attention that the letters sent to incumbent board members may be a little abrupt. The Town Administrator will review the form letter and make necessary changes.

D. St. Pierre announced his intentions to resign his post on the Building Board of Appeals.

On ZBA, it was brought to Councilor Longfellow's attention that the charter does not state the Council representative should be a voting member. The Council would look into the matter.

SCHEDULED APPOINTMENTS:

Pop Warner Football Jamboree

Earlier in the year, a meeting was held to discuss preliminary plans on the upcoming 2006 Hurricane Kickoff Classic Football jamboree.

Sal Cristofaro, Jason Patch and Dan Cronan of Hooksett Pop Warner and Bill Gahara of HYAA were introduced to the Council.

J. Patch stated that this year's event would be held over two days. The organization has addressed parking concerns. Last year, the Village School, playground and Donati Field parking lots were used. This year, they are planning on using the upper Donati Field parking lot only. Parking will be limited to organization officials, head coaches and referees. Badges will be issued for parking.

Dale Hemeon, Parks & Recreation Director stated that the organization has placed better arrangements this year. He does not believe Police detail would be needed to handle traffic and parking. He emphasized that HYAA holds the annual event for fundraising purposes. Every year, the organization raises enough funds to pay for the Town's football program, which saves the Town \$150,000.00 - \$200,000.00. No one in the organization gets paid.

Discussion on the matter ensued. Police and Fire detail requirements were discussed.

Chairman M. DiBitetto stated that the Council has confidence in the Town's staff. They will decide whatever they require for the event. HYAA was notified to budget detail costs and they will be required to pay if details are needed.

D. Hemeon suggested not arranging Police detail in advance. The organization would handle the traffic on its own and will get the Police if it gets out of hand. HYAA will then pay for the detail.

Council consensus was for the Town Administrator to report back once the revised plan is finalized.

OLD BUSINESS:

Speed Limits/Street Signs

D. Jodoin informed the Council that Southern NH Planning Commission is still working on the cost of the study proposal. He received a quote of \$12,000.00 from Dufresne/Henry, now known as Stantec. He is hoping that the quote from SNHPC would be less or even at no cost, as it may be included in the Town's annual contract.

D. St. Pierre informed the Council that the Town parks hours have not been set. The Council will have to set the parks policy, which would include hours of operation, restrictions and other directives. The Town Counsel will have to review the proposed parks policy.

Update on Growth Management Ordinance

D. Jodoin received a letter from the Town counsel explaining that the court declared the Growth Management Ordinance invalid. It would cost the Town \$5,000.00 - \$10,000.00 to appeal the decision. The case has cost the Town over \$10,000.00 in legal expenses so far. The Planning Board is in the process of reviewing and revising the ordinance.

D. St. Pierre suggested placing on a warrant the funds needed for a study to refine the ordinance. He added that voters wanted a Growth Management Ordinance, they should pay for it.

Chairman M. DiBietto stated that the court decision gave the Town directions on how the ordinance should be crafted. The Town should follow those directions or it will be exposed to possible future liabilities.

Both Councilors Hyde and Jolin stated that they agreed with Councilor St. Pierre that funds needed to come up with a well-crafted ordinance should be placed on a warrant. The voters should decide if they want it.

Chester Turnpike

At the last meeting, the Town Administrator was authorized to secure Chester Turnpike and block off the area to keep it from getting littered.

G. Longfellow stated that he is against blocking off anything from the public. He suggested for the Town to start imposing fines for littering. At this time, the Town does not have an ordinance against littering.

Stephen Agrafiotis, Police Chief stated that there is a state law against littering but the Town could put an ordinance in place and double the fine.

An ordinance would be drafted.

NEW BUSINESS:

Citizen of the Year Proclamation

Chairman M. DiBietto announced that this year's citizen of the year is Mr. Leo Belisle. He read the proclamation into the record. (attached)

G. Longfellow moved to pass the proclamation. Motion seconded by S. Werksman. **Motion carried unanimously.**

TOWN ADMINISTRATOR'S REPORT:

D. Jodoin reported on the following:

1. The Fire Department received a grant for 32 portable radios under the Homeland Security Act.
2. The Memorial Day parade will be held on Sunday, May 28th.
3. There will be a public hearing on June 8th, 6:30 pm at the Hooksett Sewer Department to discuss a facility permit application to operate a bio-solid compost facility.
4. RFP's have been sent out for auditing services for fiscal years ending in 2006 and 2007.
5. People are hunting turkeys at the Highway and Solid Waste Department facilities. Fish and Game has been contacted and they suggested that the area be posted. They also suggested holding a public hearing and including all other Town properties to be posted. The Town Administrator will put together a list and present it to the Council.

SUB-COMMITTEE REPORTS:

Perambulation

The City of Manchester will be presenting a draft of where the boundary should be and where the line will run down at Hackett Hill. There are still some issues on where the line is along the Merrimack River.

Chairman M. DiBietto stated that Hooksett needs a 50 ft right of way in order to do any road widening. Manchester needs to relocate the corners and come back to the Council with a proposal. They are hoping to present a proposal within a month.

PUBLIC INPUT:

M. Sorel stated that with regards to the Growth Management Ordinance, the Town has had the data needed to support a legitimate ordinance. He is pleased the Town is moving ahead with a

new ordinance but disappointed that the old ordinance was not embraced and revised. At the last workshop, the Planning Board Chairman directed the Town Planner to send a copy of the draft ordinance to all the developers that are working in Hooksett for their input. He questions this process.

David Ross, 56 Sherwood Drive stated that Town's Planning Board Chair instructing the Town Planner to get input from developers to develop a growth management ordinance has a bad appearance.

Chairman M. DiBietto stated that he couldn't speak for the Planning Board Chairman. He quoted from the court decision:

"An orderly and good faith growth control ordinance must in turn rest on what constitutes a reasonable rate of increase of municipal services for a particular town. Clearly, what is reasonable is a complex issue for which there can be no rigid test. However, it seems clear that the test of reasonableness should include considerations of the cost of extending municipal services, the capacity of the town's existing citizenry to adjust to the higher tax burden necessarily associated with an extension of municipal services, the probable use of dwellings (e.g., recreational use as distinguished from primary homes), the availability and suitability of undeveloped land in neighboring towns and the overall growth of the region in which the town is located.

Hence, we hold that that "specific and statistical basis" evidence of growth patterns describes but one kind of evidence bearing on the ultimate issue of the reasonableness of a growth control ordinance. Scientific and statistical evidence of growth projections cannot function as the sole guide as to what constitute a reasonable growth limitation established by a particular town."

Chairman M. DiBietto explained that growth management ordinances are specific to issues of a particular Town. The mandate is to do it right. An ordinance that will not put the Town on an endless cycle of litigation has to be crafted.

NON-PUBLIC SESSION:

D. St. Pierre moved at 8:50 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 S. Werksman. **Roll call vote carried unanimously.**

M. Jolin moved at 9:14 pm to exit non-public session. Motion seconded by D. St. Pierre. **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 9:15 pm.

Respectfully submitted,

Evelyn F. Horn
Administrative Assistant

Philip Fitanides
Town Council Secretary