

## Official

### **TOWN COUNCIL MINUTES Regular Meeting Wednesday, May 24, 2006**

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

**PRESENT:** Daniel Belanger (arrived at 6:39 pm), Philip Fitanides, Jason Hyde, Mike Jolin, Paul Loiselle, George Longfellow, Doug St. Pierre, Stuart Werksman, Chairman Michael DiBitetto, David Jodoin (Town Administrator)

#### **PLEDGE OF ALLEGIANCE**

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

May 10, 2006 – G. Longfellow moved to approve the May 10, 2006 minutes as presented. Motion seconded by M. Jolin. **Motion carried unanimously.**

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

##### Police Commission

The Council welcomed the applicants (Mr. Michael Pischetola, Mr. Daryl Dreffs and Ms. Mary Anne Maksalla) for the position of Police Commissioner.

Mr. Michael Pischetola introduced himself to the Council and stated that he has 25 years experience in law enforcement. He started as a Patrol Officer and was a Captain at the time of his retirement. He has been a civilian for the last 6 years.

D. St. Pierre: I have a concern because you are a former cop. I would rather see you advise the committee and not sit on the commission. I think personalities and egos would clash and you may think you know more than the Police Chief.

M. Pischetola: That argument is not correct. I think the Police Commissioner's role is to give advice and assistance to the Police Chief when asked.

G. Longfellow: What do you think a good Police Department should be?

Mr. Pischetola stated that a good Police Department is one that serves its community in a very professional manner, has concerns for citizens and treats its employees in a fair and honest way. It should also hold its community to the highest level. Everyone should focus on the same objective.

D. Belanger: I've known Mike for at least 20 years. I hold him in the utmost regard as a human being. He's a nice man.

Mr. Daryl Dreffs introduced himself to the Council. Mr. Dreffs stated that he has no experience in the law enforcement but offers 20 years experience in technology working at the Southern NH University, where he had to deal with school management, professors and students. He has done a lot of hiring, interviewed candidates as well as fired personnel.

Chairman M. DiBitetto: The Police Department is a paramilitary type of organization. Do you have experience in the chain of command in a paramilitary setting?

D. Dreffs: Just in the corporate world. I have not been in the military. I've worked for a multi-million dollar organizations.

Chairman M. DiBietto: Should you be appointed, you will be brought up to speed with the chain of command.

Same question was directed to Mr. Pischetola. He replied, "The chain of command is the most important thing in any emergency services. The chain of command starts and ends with the Chief of Police."

Mary Anne Maksalla introduced herself to the Council. Ms. Maksalla is officially retired. She used to work for the Town of Hooksett as the Health Officer. She has done some work with the Labor Union, including hiring and firing. She added that it is important for the Police Department to be professional at all times. She is not happy with all the "snipping" going on. She stated that this is common with any work environment, not just Police Departments.

The Council thanked the applicants for coming to the meeting. Nominations will be made on June 14<sup>th</sup> and appointments on June 28<sup>th</sup>.

There was a brief discussion regarding the Council representative to the ZBA. The statute did not provide nor prohibit for a sixth member to be appointed from the Council.

D. Belanger speaking as the Council Representative to the ZBA for the last 2 years stated that having a Council representative provides for a better communication. It is extremely important that there is a Council representative to the ZBA.

Council consensus was to ask for a legal opinion on the matter.

**SCHEDULED APPOINTMENTS:**

Public Hearing, Kids Kaboose Donations

Chairman M. DiBietto opened the public hearing at 7:08 pm.

D. Jodoin presented a list of donations at the re-opening of the new Kids Kaboose and asked for the Council to accept the donations per RSA 31:95(b).

Chairman M. DiBietto closed the public hearing at 7:10 pm.

S. Werksman moved to accept the donations in the sum of \$5,325.00 for the Kids Kaboose per RSA 31:95(b). Motion seconded by P. Fitanides. **Roll call vote carried unanimously.**

3A Development/Connector Road Project

Tony Marts, Counsel for 3A Development, with Jeff Burd, 3A Development stated that they have submitted the documents to the Town for their review. The plans have been approved by NHDOT. The project has gone out to bid. They are expecting to receive 5 bids, which will not be opened until documentations are finalized. They have not received comments from the Town staff nor the Town Counsel.

Discussion on the matter ensued.

Chairman M. DiBietto clarified that no funding was to come from the Town. It will come from 3A Development and the State.

T. Marts stated that the total project costs \$2.2 million. 3A Development will fund half and the state will fund the other half.

M. Jolin moved to authorize the Chairman to sign all documents relating to the project subject to the Town Counsel's approval. Motion seconded by D. Belanger. **Motion carried unanimously.**

Discussion on the TIF District

Present at the meeting were, Sen. Ted Gatsas, Councilor Ray Wieczorek, Representatives David Hess, Richard Marple and James Oliver.

Chairman M. DiBitetto read the letter received from Representative Stephen L'Heureux for the record (attached).

Chairman M. DiBitetto thanked everyone for coming to the meeting. He stated that the Town would need help in the TIF District project. One of the major issues is the State's limited access roadway on Hackett Hill Road to the Palazzi property. The Town would need assistance from its State Representatives to resolve the access issue.

Rep. Richard Marple spoke of potential hazards the taxpayers may be exposed to. He wrote a letter to the editor of the Hooksett Banner suggesting to provide "claw back clause" in all contracts and agreements concerning the use of the TIF bond proceeds by Cabela's. He added that he supports the TIF District but would like to see that the taxpayers are protected.

Sen. Ted Gatsas stated that prior to Cabela's, there were conversations between Palazzi and developers to get assistance from the State to make sure that there were opportunities for Hooksett. He also stated that he has no problem talking to the State to find out what could be done.

The value of the property needed for the curb cut was appraised by the State at \$2 million. P. Loiselle asked how the State came up with that figure.

Sen. Gatsas said he cannot say how the State arrived at that figure.

P. Fitanides: Did the state offer any tax or property incentives? Has the State done any research on other states' experiences with Cabela's?

Sen. Gatsas: No. The conversation we had was long before Cabela's.

P. Fitanides: Do you know when traffic studies will begin?

Sen. Gatsas: No one has kept me informed on any conversations that the Town had with DOT regarding the TIF District.

Chairman M. DiBitetto: All we need is your help in resolving the roadway access once we have the specs together. The fact that you're here shows that you will assist the Town in any way you can.

P. Fitanides: There was a meeting with Carol Murray of DOT, David Hess, Sen. Gatsas and Steve L'Heureux on March 30<sup>th</sup>. The Governor was also involved. I would like to know what was discussed.

Sen. Gatsas: You assume I was there.

P. Fitanides: I know you were there.

Sen. Gatsas: I can tell you that I was not in that meeting. Let me just clarify, I was not in any meeting on March 30<sup>th</sup>. Now, if this is an interrogation, let me know so I could direct the question...

Chairman M. DiBitetto: It does appear that way, let's move on to the next question.

M. Jolin: If the State gets payment, does it get transferred directly to the Federal government?

Sen. Gatsas: The funds coming in to do the highway are federal dollars. Those funds must be returned to the federal government.

R. Marple: Can you put a bottom line on what you want from the Senator, Councilor and the State Representatives.

P. Loiselle: One of the issues we need help in resolving is the curb cut. It was appraised at \$2 million. Who came up with that number and can it be reduced? Other State owned properties in the area is another issue. What is the State planning on doing with those properties?

R. Marple: That will go to the highest bidder. The Town can buy it and sell it to Cabela's.

M. Jolin: We budgeted \$2 million for that access and we're trying to save money for the taxpayers. We would like to know how they arrived at that figure. We want to make sure we are paying a fair price.

Chairman M. DiBitetto: Is it feasible for the Town of Hooksett to acquire the Hackett Hill roadway and the abutting properties from DOT?

D. Hess: If you want to bid on it.

P. Fitanides: How much property do you think will be taken by eminent domain or right of easement?

R. Marple: The Town cannot use eminent domain on a State owned property. It has to go to the highest bidder.

D. St. Pierre clarified that there are no plans to take any property by eminent domain.

J. Oliver: How are you going to get 5 lanes into one lane?

Chairman M. DiBitetto: The planning is just under way now. The reason we're here is to ask for your assistance in resolving some issues with the State. As the process goes forward we hope to rely on everyone's assistance.

D. St. Pierre: The voters approved the bond amount. It needs to be fine-tuned. The bottom line is, all these could be futile if we don't reach an agreement.

D. Hess: Route 3A has 4 rods, which is 64 feet right of way. You can't put 5 lanes in 64 feet. You'll have to take properties by eminent domain.

**OLD BUSINESS:**  
**Elderly Exemptions**

P. Loiselle moved to set the elderly asset limit to \$250,000.00 not including primary residence. Motion seconded by P. Fitanides.

D. Jodoin explained that currently there is no limit for assets. When the limit is set, the primary residence will be exempt from the asset limit. Any other asset such as, rental properties, vehicles, investments, jewelry, etc. will be added.

D. Belanger: If you are worth more than \$250,000.00, not including your residence, you will not get the elderly tax exemption on your primary dwelling.

The motion was ruled out of order, as the Council has not received information on the matter. The Board of Assessors will be asked to make a recommendation.

**NEW BUSINESS:**

Street Names Approval

M. Jolin moved to approve the names, *Pearl Drive* and *Quimby Mountain Road*. Motion seconded by S. Werksman. **Motion carried unanimously.**

Bonneville Realty Corp. Escrow Funds Release

D. Jodoin informed the Council that Dale Hemeon, Highway Department Manager inspected the landscaping at the Bonneville Realty Corporation site. He recommended the release of funds being held in an escrow account in the amount \$7,559.98 as of April 2006.

P. Loiselle moved to release the funds in the amount of \$7,559.98 as of April 2006. Motion seconded by D. St. Pierre. **Motion carried unanimously.**

Hooksett Ambulance Discussion

D. Jodoin read the letter received from Tri-Town Ambulance into the record. (attached)

D. St. Pierre stated that when he first suggested using the impact fees to start an ambulance service, he did not expect that the Town would try to get funding for the paramedics this year. His goal was to get the ambulance in place, train the staff and work with Tri-Town in transition. It will take about 6 months for the Town to receive the ambulance when ordered.

Discussion on the matter ensued.

J. Hyde questioned justifying purchasing an ambulance after the citizens voted against the warrant article.

M. Jolin explained that this proposal is in response to a letter just received from Tri-Town Ambulance after the election, stating that they intend to cut down services.

D. Jodoin stated that most people don't understand that Tri-Town is only available Monday thru Friday, from 9 to 5, when most people are not even in their homes. It's the nights and weekends that need to be addressed. When Tri-Town only has one ambulance staffed, which must cover 3 towns.

Council consensus was to add the matter to the next agenda for discussion and public input.

D. Jodoin added for the record that Tri-Town's letter was drafted that day of the election. They had to obtain approval from all board members before it could be released to the towns.

(M. Jolin left the meeting.)

Personnel Plan Amendment Proposal

D. Jodoin presented the proposed personnel plan amendment to FMLA (Family and Medical Leave Act) policy. The Town Counsel has approved the policy changes.

D. Belanger moved to approve the personnel plan amendment to FMLA policy. Motion seconded by P. Loiselle. **Motion carried unanimously.**

Growth Management Ordinance

Chairman M. DiBitetto informed the Council that the Planning Board has voted to have a public hearing on the Growth Management Ordinance (GMO). The Town Planner had indicated that a study would have to be conducted. The study would cost about \$10,000.00.

D. St. Pierre stated that the Town has not even established if it needs a GMO. The voters passed what was presented to them in a petition, which was ruled unconstitutional by the court. The Town should spend the money to do a sound study to come up with a GMO that would stand the test of the court.

D. Belanger moved to provide funding for up to \$15,000.00 to do a study for the GMO. Motion seconded by P. Loiselle.

J. Hyde reminded the Council that at the last meeting there was a consensus to let the voters decide if they want to spend the money to do the study.

Chairman M. DiBitetto explained that since last meeting, the Planning Board voted to move forward with the GMO revision. The Council needs to authorize the money to make sure it is done with the proper study.

**Roll call vote to fund the study for up to \$15,000.00:**

D. Belanger	Yes	G. Longfellow	Yes		
P. Fitanides	Yes	D. St. Pierre	Yes		
J. Hyde	No	S. Werksman	Yes		
P. Loiselle	Yes	Chairman M. DiBitetto	Yes	7-1	<b><u>Motion carried.</u></b>

**TOWN ADMINISTRATOR'S REPORT:**

D. Jodoin reported on the following:

1. He asked the Council to sign the MS-2 form, which is the budget based on the voters' approval of warrant articles and the default budget.
2. On the agenda for the next meeting will be encumbrances, year-end budget and FEMA figures from the flood, if available at that time.
3. The Town sent out RFP's for auditing services for the next two fiscal years. The Town has been with the same auditors (Plodzick & Sanderson) for the last five years. The Town Charter provides a 7-year time span with the same auditor. This will also be on the next agenda.
4. He asked the Council to accept the release deed from Boston & Maine Corporation for the piece of property at the Court House.

P. Loiselle moved to accept the release deed. Motion seconded by P. Fitanides. **Roll call vote carried unanimously.**

D. St. Pierre commended the Town employees, Red Cross and citizens with how they dealt with the flood.

J. Hyde also thanked everyone including Harold Murray, Emergency Management Deputy Director. Mr. Murray knew someone from PSNH, who alerted them of what was to happen with the river below the Franklin Dam. He added that the Town needs to have information on the dam for future emergencies.

**SUB-COMMITTEE REPORTS:**

**Solid Waste Management Advisory Committee**

The waste oil tank is completed. The committee received three bids for the recycling area enclosure and overhang for the roof. It will be presented to the Council at the next meeting. The funds will be coming out of the Special Revenue Account.

**PUBLIC INPUT:**

Patricia Rueppel, 1465 Hooksett Road, asked if there will be a public hearing on the elderly tax exemption.

The Council will decide if there will be a public hearing. Notice will be published, if necessary.

David Ross, 56 Sherwood Drive, commented on an article in the newspaper about the Town of Weare's successful GMO. The Town should consider coming up with an interim GMO.

Harold Murray, 311 Hackett Hill Road: There was a study committee for Cabela's. I was told they were sworn to secrecy. Is that committee still active?

Chairman M. DiBitetto explained that there was a study task force put together by the Town Administrator. That was not done in secret.

Mr. Murray thanked everyone's cooperation and support during the flood.

D. Ross: On the emergency action plan, it's up to the PSNH dam operator to communicate any potential dangers. If the dam operator failed to alert everyone downstream, then PSNH has some explaining to do.

H. Murray explained that there is an emergency plan in place run by PSNH. It is tested yearly including Dube's pond and all the dams along the river. The problem is that during emergency, a lot of calls go through dispatch, which caused delays in relaying messages.

Chairman M. DiBitetto stated that four years ago, the Town had an emergency plan that was 8 years outdated. The Town had updated the emergency and hazard materials plans since then. This Town is probably one the best communities in emergency management preparedness.

D. Jodoin added that the State gave the Town an "A" rating for the handling of the flood emergency.

**ADJOURNMENT:**

The meeting was adjourned at 9:30 pm.

Respectfully submitted,

Evelyn F. Horn  
Administrative Assistant

Philip Fitanides  
Town Council Secretary