

Hooksett Sewer Commission
August 5, 2013
Minutes

The meeting was called to order at 12:00 PM. Present were Chairman Sidney Baines, Commissioner Frank Kotowski, Commissioner Roger Bergeron, Superintendent Bruce Kudrick, and Bethany Hague.

APPROVE & SIGN MINUTES FROM JULY 15, 2013

Commissioner Bergeron made a motion to accept the July 15, 2013 minutes as read. Commissioner Kotowski seconded. All in favor, motion carried unanimously.

APPROVED AND SIGNED MANIFESTS

READ CORRESPONDENCE

FINANCIAL REPORT – There was no financial report.

SUPERINTENDENT’S REPORT

HYDRAULIC TAIL GATE– Supt. Kudrick asked the Board to approve \$3800 for a Thieman hydraulic tailgate. The tailgate is needed to bring buckets of rags to the landfill; they are just too heavy for even two men to lift up into the truck when full. Commissioner Kotowski made a motion to expend the monies, Commission Bergeron seconded. All in favor, motion carried unanimously.

SCHEDULED APPOINTMENTS

WALMART AGREEMENT – *Atty. Steve Buckley and Hooksett Town Administrator Dean Shankle* – Atty. Buckley came before the Board to discuss the issues regarding the agreement between the Commission and Walmart regarding repayment of monies expended were Walmart to install the pipeline across the river to Martins Ferry pump station. The NH Department of Revenue submitted their evaluation of the agreement, and believed that the issue had to be brought before the Town in a Town Meeting as the state considered it a long term debt. This was despite the fact that the Commission would never be held liable for any monies not repaid to Walmart.

Atty. Buckley believed that to satisfy the concerns of the DRA, he would re-draft the agreement; stating that the Commission would establish a Capital Reserve Fund under 149-I, and call it the Walmart Reimbursement fund. This fund would be considered a surplus. Only when Walmart finished the project and the line was accepted by the Sewer Commission would any monies be reimbursed to Walmart. The Commission already has System Development Fees that they are able to expend without any consideration from the town, and this fund would be exactly like that. The Commission’s liability would be limited to that fund only, and no public monies would be attached to it. Atty. Buckley would also put in an “escape clause” regarding the Commission stating that the Commission would not be held liable for any cause if it was not able to move forward with the project.

The Commissioners asked Atty. Buckley if he thought the State would accept it then, and Atty. Buckley replied that he was not sure that they would ever accept it as they (the state) was being overly cautious. Mr. Shankle asked if the new agreement should be run by the auditors, who believed as the state did, that the agreement incurred long term debt. Atty. Buckley said he could submit it to the auditors, and see what they say. Atty. Buckley also told the Commission that a Special Town Meeting could not be held for this issue as was believed before. Special Meetings cannot be held regarding appropriation of funds unless it is deemed a fiscal emergency by a ruling of the court. Mr. Buckley will submit his new draft to the Commissioners for their review.

DEERHEAD SPORTMANS CLUB – *Vin Messina, Treasurer* – Mr. Messina came before the board to discuss the sump pump that the club has in the basement that when used, would pump water from the basement into the sewer line in violation of Sewer Ordinances. The pump was installed in the addition to the club in case there was a problem with flooding. However, there have been few times that it has been used, and Supt. Kudrick has not detected any uptick during high rains due to that sump pump. Commissioner Bergeron made a motion to allow the sump pump to stay as is provided that there is no change of use, and any additional usage must be reported immediately to the Sewer Commission. Commissioner Kotowski seconded, all in favor, motion carried unanimously.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

NON-PUBLIC SESSION - At 12:50 PM Commissioner Bergeron motioned to go into Non-Public Session under RSA 91-A:3II (a) to discuss employee evaluations. All in favor. (Interrupted – resumed at 1:25 PM). At 2:05 PM the Commissioners came out of non public session. Based on favorable reviews, Linda O’Keefe and Supt. Kudrick will receive their 2% raises.

PUBLIC INPUT

There was no public input.

ADJOURNMENT

Commissioner Bergeron motioned to adjourn at 2:10 PM, Commissioner Kotowski seconded. All in favor, motion carried unanimously.

Respectfully submitted

Commissioner Frank Kotowski
Clerk