

**TOWN COUNCIL AGENDA  
Regular Meeting  
Wednesday, July 09, 2014**

**1. 6:30 PM - CALL TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGIANCE**

**SPECIAL ITEMS**

- a. Town Council Reorganization
- b. Youth Achiever of the Month

**4. APPROVAL OF MINUTES**

- a. Public: 06/25/2014
- b. Non-public: 06/25/2014

**5. AGENDA OVERVIEW**

**6. CONSENT AGENDA**

Donation to Fun in Sun program from the Cawley Middle School Builders Club: \$150.

Donation to Fire Department from Health Trust: \$ 100.

Reimbursement from Allenstown Police Grant to Hooksett Police: \$ 666.

**7. TOWN ADMINISTRATOR'S REPORT**

**8. PUBLIC INPUT: 15 Minutes**

**9. NOMINATIONS AND APPOINTMENTS**

- a. Nominated: Donald Pare – ZBA full member reappointment
- b. Nominated: Chris Pearson – ZBA full member reappointment
- c. Nominated: Robert Worrell – Recycling & Transfer AC full member reappointment
- d. Nominated: Michael Young – Parks & Rec AB full member reappointment
- e. Nominated: David Elliott – Parks & Rec AB full member reappointment

**10. SCHEDULED APPOINTMENTS**

- a. Richard Marple

**11. 15 MINUTE RECESS**

**12. OLD BUSINESS**

- a. 14 – 052 Discussion of District Court Lease

**13. NEW BUSINESS**

- a. 14 – 055 Town Reports
- b. 14 – 056 Street Name Approval

**14. SUB-COMMITTEE REPORTS**

**15. PUBLIC INPUT**

## 16. NON-PUBLIC SESSION

**NH RSA 91-A:3 II (a)** The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her,

**NH RSA 91-A:3 II (c)** Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself.

## 17. ADJOURNMENT

### Public Input

1. Two 15-minute Public Input sessions will be allowed during each Council Meeting. Time will be divided equally among those wishing to speak, however, no person will be allowed to speak for more than 5 minutes.
2. No person may address the council more than twice on any issue in any meeting. Comments must be addressed to the Chair and must not be personal or derogatory about any other person.
3. Any questions must be directly related to the topic being discussed and must be addressed to the Chair only, who after consultation with Council and Town Administrator, will determine if the question can be answered at that time. Questions cannot be directed to an individual Councilor and must not be personal in nature. Issues raised during Public Input, which cannot be resolved or answered at that time, or which require additional discussion or research, will be noted by the Town Administrator who will be responsible for researching and responding to the comment directly during normal work hours or by bringing to the Council for discussion at a subsequent meeting. The Chair reserves the right to end questioning if the questions depart from clarification to deliberation.
4. Council members may request a comment be added to New Business at a subsequent meeting.
5. No one may speak during Public Input except the person acknowledged by the Chair. Direct questions or comments from the audience are not permitted during Public Input.

**TOWN COUNCIL MEETING MINUTES**  
**Wednesday, June 25, 2014**

**CALL TO ORDER**

Chair Sullivan called the meeting to order at 6:33 pm.

**ROLL CALL – ATTENDANCE**

Nancy Comai (via telephone until 8:20 pm), Robert Duhaime, Donald Winterton, David Ross, James Levesque, Todd Lizotte, Chairman James Sullivan, Susan Orr, Adam Jennings, Dr. Dean E. Shankle, Jr. (Town Administrator)

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

a. Public: June 11, 2014

*T. Lizotte motioned to accept the public minutes of June 11, 2014, with edits. Seconded by J. Levesque. Vote unanimously in favor. Adam Jennings and Susan Orr abstained.*

b. Non-public: June 11, 2014

*J. Levesque motioned to accept the non-public minutes of June 11, 2014. Seconded by T. Lizotte. Vote unanimously in favor. N. Comai, S. Orr and A. Jennings abstained.*

**AGENDA OVERVIEW**

Chair Sullivan provided an overview of tonight's agenda.

a. Youth Achiever of the Month

*Postponed until next meeting.*

**TOWN ADMINISTRATOR'S REPORT**

- Attended the Municipal Managers of New Hampshire Annual Conference. This years workshop was "Public Relations Boot Camp: Learning Key Concepts and and Techniques of Public Relations."
- Family Feud was a success.
- The volunteer appreciation dinner is this coming Saturday night.
- Some employees have received certificates for attending trainings and for public works: Jason Picot, Robert Hebert, Matthew Gordon, and Leo Lessard. The tax collector Kim Blichmann started a Level 1, Stepping Up to Leadership class.
- You gave Leo the ability to release bonds of under \$5,000 for driveways. There was a bond that he thought was a driveway bond but was a landscaping bond and it was too late to put it on the agenda. It was a cash bond, John Mullikin of J K Mullikin and Sons Homes. The lots were 1282 and 1284 Smyth Rd. and the total was \$5,000. He looked at it, it has been done and he is hoping that you will vote to release those.

*T. Lizotte motioned to release the two cash bonds totaling \$5000, placed into effect by J K Mullikin and Sons, for lots at 1282 and 1284 Smyth Rd. Seconded by Adam Jennings. Vote unanimously in favor.*

- I got a letter from the Hooksett Permanent Firefighters IAFF to formally express their desire to start the negotiating process between the Town of Hooksett and Local 3264 in accordance with Article 29 of the collective bargaining agreement. The Article states the negotiating of the contract should begin on or before July 15, 2014. At this meeting, or at the latest, your meeting on July 9, we need to know who the negotiating committee for the union contracts are going to be.

J. Sullivan: Who was the last negotiating team?

N. Comai: I would like to be part of that.

D. Shankle: Nancy Comai and and Vincent Lembo.

J. Sullivan: At our first meeting in July we will appoint, and at that point the committee should schedule negotiations with the firefighters. Councilor Comai, we will wait until the first meeting in July.

N. Comai: Very good, thank you.

- Susan Labonville has worked for the town for 17 years and she is retiring as of Friday.
- There was some concern about the sewer plant and responding to alarms. I got a letter in the mail from Bruce Kudrick, the Superintendent of the Sewer Commission regarding safety procedures for responding to alarms at the treatment plant and pump stations which read as follows:

**"This is the current policy in place:**

*When the alarm company (Centra-Larm Monitoring or the S.C.A.D.A. system calls the main on-call person, he is to acknowledge the alarm. The main on-call person is to respond to that alarm and call the backup on-call person to let them know there's an alarm and what the alarm is. The main on-call will also call Hooksett Dispatch (603-624-1230) upon arrival at the alarm location and provide them with their location and phone number. After 30 minutes the employee will need to call dispatch again to check in. If dispatch hasn't heard from the employee, a police officer will respond to check on him. After everything is all set, the employee will let Hooksett Dispatch know that they're finished.*

*If the IFAS tank alarm goes off, both the main and back-up on call person must respond. For all other alarms the main on-call person will check the alarm and, if needed, call the backup person."*

*NOTE: Two employees must be present before entering an area that requires personal protective equipment or before entering the chemical building."*

D. Ross: I think that is only half of what were looking for. The question asked was if there is a procedure should both of those people not be available. Is there any kind of manual? Should both of those people not be there, and there is a catastrophic type of failure about to occur there, I think that the fire department or some other emergency personnel should be able to do something about it.

D. Shankle: I think there would need to be somebody that is certified by the state to touch anything. In order to deal with any sewerage treatment plant, there are specific certifications they need. That is why they moved this up to where there are two people and they are going to keep up with dispatch to make sure everybody knows what is going on.

D. Ross: Are there only two people that can deal with this? If someone is not available, then what?

D. Shankle: The presumption is that there are always two people on-call.

D. Ross: Is there any backup beyond the two that are on-call, should one not be available.

J. Sullivan: Could we ask the Superintendent if those two on-call people are not available what would happen after that?

D. Shankle: I will ask.

J. Sullivan: You mentioned the police officers will do a check?

D. Shankle: Right. The idea is that that are going to let Hooksett dispatch know if somebody is headed there and if they don't hear from them within 30 minutes they are going to check to make sure something has not happened to them and everything is being handled.

J. Sullivan: They will do an on-site visit?

D. Shankle: Right.

S. Orr: If my memory serves me correctly we asked about a manual and he said there was one and that he would provide it to us. We want to see the manual, if there is one. I don't remember if he said it was a statement, but I remember him saying there was manual.

T. Lizotte: I think it was a standard operating procedure.

J. Sullivan: We have two questions. What is the back-up for the two and what is the status of the manual.

T. Lizotte: Mr. Kudrick also indicated the issue with the time duration for him to get there. I think there were redundant back-ups and we talked about the emergency management being a function of that.

T. Lizotte: On the retirees, do we have a protocol or recognition in place?

D. Shankle: The fire department is doing something for them.

J. Sullivan: Perhaps as a Councilor or Administrator, we should do something more official. Maybe a letter of thanks. Susan has been here for 17 years. I think Council can draft a thank you note or certificate and send it to her. Perhaps we should look into what past practices may have been, if any.

T. Lizotte: I think we should put a procedure in place so it is repeated.

D. Shankle: Since I have been here they have done it through the departments and I think that has been the practice in the past as well.

J. Sullivan: I think it would be nice if we recognized them properly, beyond what the individual departments do.

- The Fun In The Sun program starts next week. Over the last couple of years we have built it up so there was between 50 and 60 kids per week. This year we are between 80 and 95. We developed a wait list and looked into how to get more counselors. It is not a matter of space. It is a matter of counselors and if that last few people go through the process and check out okay, we will be fine.

T. Lizotte: A few parents have approached me because some of the kids that went through that program were kind of groomed to be CIT's and I don't think we can do that because of issues with child labor laws? Is that the case?

D. Shankle: We can do it, they just didn't start quick enough. The way we had been doing it was not correct, so we started looking into it, but then we had a lot of kids coming so we started to focus on the other matters. I think the CIT's will be back next year.

J. Sullivan: After public input, could we move up "New Business, Garden Club Projects, update?" There are members of the Garden Club here and one of them needs to leave.

#### **PUBLIC INPUT: 15 Minutes**

Marc Miville (42 Main Street, Hooksett): I would like to bring up a couple observations, comments, and a request. First, I want to discuss the Community Building Initiative that we have been talking about for the last 6 months leading into the citizen survey that was conducted last year and funded for \$13,000. I know Katie, the project coordinator, is working on that survey to try to resolve anything that she can. What we heard from the last meeting was extraordinary, so good job on that. I would like to know if the Council is going to address anything from the citizen survey? It was an extensive 55-60 page survey, but we have not heard from Council. My suggestion to the Council would be to put one of the aspects of the survey on

each meetings agenda so that you can talk about what the survey results were and see how you can perhaps resolve that. Secondly, there is the Community Profile Committee that has been established and has had 2 meetings. I am now a member of that and was, by default, nominated as it's Chairman. The Community Profile event will be occurring on November 7 and 8, Friday night and Saturday. It is a public forum where the citizenry joins together and comes up with ideas, prospective ways to improve the town, and issues that can be resolved, long term. There was a suggestion to recruit someone from the Town Council as a Town Council Representative to the Community Profile Committee to assist and share your interest and commitment to this community building initiative. Those community inputs would be provided for consideration to the master plan. I would ask if someone from the Council would be willing to consider being on the Community Profile Committee as a member and liason to the Council, or as a Co-chairperson. That would show the Committee that you are intimately involved in this community building initiative.

S. Orr: Marc, have you worked out a schedule of when you are meeting?

M. Miville: The next meeting is scheduled for September 4. I volunteered to be the Chairman after that meeting and I think we should have a meeting before that. Part of the committees discussions at the last meeting was to do something that would highlight for the public what we are doing in November and the ideal thing would be to do that at Old Home Day. If our next meeting is September 4 and Old Home Day is September 20 that doesn't give us a lot of time to organize something for the Old Home Day event. The last time they did this was in 2001. They are going to do this one more time because the master plan is almost completed and they want to add more things to it. The idea was to get through the summer when everyone is busy and meet in September, but I can let Town Council know if we are going to meet before then.

T. Lizotte: I believe we were still waiting for the compilation of that information. We had gotten general pieces of it but we were also getting through the election and reorganization because we were talking about the master plan being our next goal for the incoming Town Council and setting our goals. I think we are on track for what we had set out to look at.

J. Sullivan: We did have the initial survey summary and I think it would make sense for the Council to get an update on that survey and go from there.

D. Shankle: We could do that. I think in terms of delving into it, though, that is one of the things the committee could do. There is a lot of detail, that is why I am giving you the summary. If the Committee could look at that when they start to meet, which is one of the things Katie had in mind, then you folks could decide what should come back to the Council and the best format to do that.

T. Lizotte: I am looking at it from the aspect of the community and what they put on that for feedback, but also, I thought it was tying into the performance feedback to try to mesh the two, so we would have a better idea of perception on both sides; how the town works and how the public feels about how the town works.

J. Sullivan: For next years Council we should see how we want to move on to the next aspect of the results of the survey, and consider seeing if a Councilor would like to serve on that Profile Committee. That could be a sub-committee that the Council adds if we deem do.

T. Lizotte: Weren't we talking about a retreat when we get into the next session?

D. Shankle: July 30 is our workshop.

J. Sullivan: It looks like the Council wants to continue looking at the survey results and the Profile Committee. We can make sure that is on July agenda.

## **NEW BUSINESS**

D. Shankle: There were three issues. The DPW budget was overspent and Leo was trying not to overspend any more. As far as watering the flowers on the bridge, I gave you hard copies today of the email I got from Tina Paquette and the Hooksett Garden Club regarding the meeting we had. Leo, Phil and I understand there was an indication in the past that there was an agreement between the town and the Garden Club. It is not clear who made that deal but they considered it a deal. I asked them if they would relieve us of our responsibility. Due to changes in law it is going to take four people two hours a day for the entire summer; one full time equivalent that is going to be spent every day watering the flowers on the bridge. I said it was up to them and they decided it was necessary to do. I asked Leo what wouldn't be done and they are going to cut back what they do at Pinnacle Park, Main Street and Riverside St., Main St. and Rt. 3A, Merrimack St. and Main St., the Village Fire, Old Town Hall, it is going to cause a delay in field preparation for Fall sports, and sod replacement is not going to be done that they were planning on doing. I told them we would do it and they felt there was a deal, so we will keep that deal this year. I will be sending the Garden Club a letter saying that any verbal agreements we had in the past are null and void and, moving forward, we need to have a memorandum of understanding of responsibilities. I think that is fair to the town because the town tax payers are spending a lot of money and when you talk about 4 people, 1 full time equivalent, that is 1 out of 6 people.

J. Levesque: Can we ask the fire department if that is something they could do? They don't water everyday. I thought it was twice a week.

D. Shankle: According to Phil, they were doing it every day.

J. Sullivan: Mrs. Paquette and Mrs. Sorel may be able to interject some comments. Mr. Levesque had a question on how many times they are being watered.

D. Shankle: He was doing it every day on overtime. That is the only reason they had time to do it. I told them that was no longer happening.

J. Sullivan: Is there a guideline on how many days plants can go without watering?

R. Duhaime: It might change from year to year and depends on what types of plants they are. Last year we got irrigation in Veterans Park. There is a meter that the town put in and that is getting water through the Parks Department now. The Old Town Hall has an irrigation system on it. I would think that either one of those irrigation systems could easily add a zone and water the bridge. I had no idea it was taking that many guys that long to water.

J. Sullivan: 2015 will not happen due to the bridge construction, so we will talk about future plans because this year we will take care of that, correct Dr. Shankle?

D. Shankle: Yes.

Tina Paquette (Co-Chair, Hooksett Garden Club): As the Acting Chair for the Bridge Committee, I am presenting to you an update on the window boxes to be put on the Memorial Bridge. In this past week alone, I have had several people ask where the flowers were. The community is in appreciation of beautifying the town with these flowers. Each year the Garden Club spends approximately \$800 on soil, plant soil, and soil amendments. In recent weeks, I have met with a garden expert and, upon his recommendations, we made new amendments to our soil so that plants will retain more water than in past years. I met with a professional plant grower and was recommended some drought tolerant plants. I also consulted with two town garden club members. They are master gardeners and are very knowledgeable in horticulture. With our new planting process, we will have more drought tolerant plants and a different way of putting the soil together so it holds moisture for a longer period of time. The boxes will be ready for installation Monday, June 30. It is understood that watering will be done by the town. They will probably only need to be watered 3 days a week, not 5, as we were notified from Public Works was done in the past. I know, in the past, they were not watered 5 days a week. We were taking some of them home to nurse them back to life. We would be pleased to provide the types or names of the flowers we are using to plant this year. On June 11, I presented Dr. Shankle with a two page plan for a watering system for the bridge flowers. They consisted of measurements of the bridge and measurements from the hydrants to

the bridge. We are waiting for water pressure measurements from those fire hydrants and once I receive that from the Town Water Works, I will forward that to the Town Administrator and Town Council. We are pleased to be able to work with the town to help beautify our town assets and thank Dr. Shankle, Town Council, Leo Lessard, and Phil Arnone for their cooperation and efforts in this endeavor. The Hooksett Garden Club's efforts as a joint venture partner with the Town of Hooksett for flowers on the Memorial Bridge will continue to be proactive in any way possible, or needed, in cooperation with the Town of Hooksett. I agree with the Neighborhood Heritage Districts words on it's web page that "one of Hooksett's core assets is the river – as well as it's bridges."

J. Sullivan: We will continue to water. It looks like a minimum of 3 days would be ideal.

J. Levesque: As far as asking the fire department, has anyone considered that? They have a tanker, hoses, flashing lights and safety signs. It might be something that would be easy for them. This year they can put the flowers up because it was agreed upon, everybody likes them, and they look nice in the town. Next year they can't go up because of the construction, but maybe next year we can regroup and devise a watering system. Mr. Duhaime suggested it can come off the one down by Veteran's Park. Maybe that would be an answer.

J. Sullivan: Dr. Shankle, you have two questions, from Mr. Levesque. The possibility of the fire department and regarding the 2016 year.

D. Shankle: I don't know how the fire department would do that, but I will talk to them.

J. Sullivan: What about plans for 2016? We have taken care of this year and 2015 will be a wash.

D. Shankle: I think we need to put together a memorandum of understanding of who will be responsible for what. Once you put a system in it will take maintenance. I think we should take it one step at a time.

R. Duhaime: I am familiar with the bridge and irrigation and an irrigation system would be a lot cheaper than the amount of labor we have been spending. If this were to get implemented, designed and installed the better off we would be, but in the meantime lets get it watered.

Michael Sorel (54 Cross Rd., Hooksett): A friend of mine who has been in the landscaping business for 35 years said to me that it is a simple thing to water those flowers on the bridge and it won't cost any money. I asked him to define "simple" and "not cost much money." He drew out measurements of the bridge and of the distance from the hydrants to the bridge. We provided that data. I then went to the meeting with Dr. Shankle on the June 11. My discouragement at that meeting was people in our government were not looking at how we can do this. This is something we have had a difficulty with. We have personnel issues and overtime issues, but lets see if there is a possible way we can keep this project going. The position taken by the Director of Public Works was we never had to water, we don't have to water, and we don't want to water. That was discouraging. My memory was that the town had been watering for 3 years since the Garden Club put the flowers on the bridge and it was my understanding this was done under the authority and direction of the Hooksett Town Council when the then Administrator brought it to the Town Council. I am not here to have a debate or disagreement with anyone, I just want to report to you my impression and feeling about where I stand as a citizen. There are ways to do it. I think it depends on if you want to do it and can we do it.

J. Sullivan: We are planning on taking care of it and are trying to come up with a way to solve it in future years. I am not sure what happened in the past as far as miscommunications, intent, or changes and requirements by the state. That may have been the key that changed the plan.

D. Shankle: Mr. Sorel, that was not true what you said. Leo Lessard is the one that agreed to try this for a couple of years without coming to me, or the Council. Leo has done a tremendous amount of work for this town and I am not going to let someone say he is in the way of moving ahead with projects. He has done work for the library and the garden club, and he does it all willingly. Due to the change of laws and the Department of Labor, we went from 2 people doing this to 4 and it is going to cost the town a tremendous amount of money. We sat down with the garden club to see if they would be reasonable and wait so we could work on a system in 2 years, and they said no, we want it done now.



J. Sullivan: This Council and past Council's have tried carefully not to get into a give and take. This Council and Administration wants to get things done because we are trying to build community and we have been talking about community building for the past 3 years.

M. Sorel: I disagree with the statement made that what I said previously was not true. We have two different opinions and two different memories. It is my memory that this project was begun under a previous Department of Public Works director then the existing director took it over when he came on board.

J. Sullivan: I don't recall but we can double check because we want to solve the issue.

M. Sorel: My position is not to be argumentative. We want to contribute and we have always contributed to the town, but my comments were challenged and I deserve a fair response.

J. Sullivan: I thank you for that.

S. Orr: Regardless of how this came about, we have a proposal that can resolve the situation for a fairly low cost and we have our DPW director who has said they would be willing to continue to do the watering this year. This body has a mandate about keeping taxes low, and we have a department and Council that is trying to do that, so if we can find a good compromise, and a low cost solution, that will not incur a lot of overtime staffing hours for the department, can we move forward with that? Can we fix it now so it is not going on down the road?

D. Shankle: There are two problems with fixing it this year. It would probably take another month, especially if we were going to hire someone to do it, unless someone wants to volunteer. We talked about that and the garden club felt that was too long to wait. Anything we put up now will have to come down next year when they work on the bridge. That is why we said we would do this in 2016 and asked them to hold off this year and next year. That is how we left the meeting and I thought that is what was going to happen.

J. Sullivan: We solved the problem for 2014 by continuing to water. 2015 is the preparation period. Whether volunteer or not, we have a possible plan to start anew with the new bridge in 2016. I think that covers the issue now and we are planning for the future.

D. Shankle: I think this is a good idea going forward, but I don't think we should commit to it until we see what it will cost and what they are going to do with the bridge. I said we would work then on it at the time, but I hope the Council won't say no matter what happens that is what we are going to do. We need to see what happens. We don't control the water pressure. There are things we don't know the answers to until we look at it.

S. Orr: For clarification, I think I hear you say the DPW has agreed to do the watering for this year but it will incur a cost and that will affect the budget. Then we will have a year of respite due to bridge construction and that will give a years time to figure out a good irrigation solution. By then we will know better the results the construction did to existing systems that are there. Am I correct?

J. Sullivan: That does sound correct.

D. Winterton: One of the positive things I hear is we are trying to work out how to meld a public/private partnership. I also hear how many people miss the flowers. In terms of a public/private partnership, I know the fire department is very good at standing out with a boot to do fundraising. It seems that this community is excited and desires the flowers on the bridge. We all agree we have problem this year and I thank the Town Administrator and the DPW for working with you on what seems to be an agreeable solution. I think if we had a bucket at each end of the bridge that said, "let's help water the flowers," we could do it privately. I thank you for the flowers, your input, and your passion. I also thank the Town Administrator and the department heads who understand that their budgets are gone and are trying to do as much as they can with the limited budgets we get them. I hope this compromise that has been worked out for this year is satisfactory. I know this Council will address this and we will see what 2016 brings.

D. Ross: I think there needs to be an actual plan as to how much water they need, how often they need to be watered, and what it will take to do it. Granted these labor laws are concerned with public employees. Private employees don't have to go under the same regulations as a public employee does. There might be a private answer to this. For example, if it costs 3 x to do it with public money and half an x to do it with private money, maybe the town would be better off to hire someone. Between now and then I think the key is to come up with a plan as to whether manual or automatic watering is the answer, and how it will get paid for and maintained. Let's get together and figure out how to get it done at the least amount of cost to the taxpayers. This is where we have an overlap as to what would be a town versus a non-profit matter. We might have a private entity that can deal with this in a efficient manner and maybe get some notoriety. I think there are ways so let's come up with some ideas.

T. Lizotte: Maybe not this particular item, but from a policy position, one of the things we don't arm our Town Administrator and staff with is a policy for when you are faced with budget shortages and overspent things such as maintaining roads, safety, and general operations. Working smart is the way it should be done. I give credit to Dr. Shankle and Katie in regard to performance issues. We are finding out what things cost and we need to look at how we can cut that cost. We also need to think about taking on new things and the tax implication. As a policy board, we need to develop a policy that gives our department heads the ability to shed power when they need to due to budget concerns.

J. Sullivan: We appreciate everyone who volunteers in the town and we need to work together.

R. Duhaime: We are trying to find a solution and balance this out. You have town individuals volunteering their time to sell our town. They are cleaning up entrances and trying to make it look good. They are putting the frosting on the cake and now we are going to get into budget cuts and issues. I want to encourage this and want it to grow. As far as policies, I agree. This is a small problem and should have been dealt with. We volunteer our time sitting on this Board and getting into these discussions. Sometimes, I lack patience dealing with my town staff because I know what I want done, or what I think needs to be done, but that is my own agenda, not the town's agenda. That is where policy comes into play and I think that is something we need to start working on.

D. Shankle: I would like to apologize to Mr. Sorel. I didn't mean to say you were lying. That was not my intention. We saw that differently, but I think it is important that Leo does not take the hit for this, because this was not on him at all.

M. Sorel: Accepted and I did not mean to imply or suggest that. If I did I withdraw my comments.

Doris Sorel (Immediate Past President, Hooksett Garden Club): Thank you for listening to us. We have a great passion for the bridge and our flowers. You are all invited to come to my house on Friday at 4:30 we are going to have the members of the garden club there to put the flowers in the pots. We are going to put them in the pots in a different way so they won't require as much water. It will cost us more money but that is fine. We have had a lot of people asking for the flowers, it is an embellishment for the town, and we should be proud of it.

J. Sullivan: If it is all right with everyone, could we move Old Business, 14-046 Scarpetti Edgewater Drive Proposal up on the agenda due to people being in the audience regarding that matter.

### **OLD BUSINESS**

#### 14 – 046 Scarpetti Edgewater Drive Proposal

D. Shankle: As you can see from the staff report, you asked me to determine whether or not the Council had the authority to discontinue the road, all or in part. You can and you have to notify Bow. The Council asked Mr. Scarpetti to come up with some other plans or thoughts. He called today and asked if that could be put on the agenda for the 2<sup>nd</sup> meeting in July. We don't have to do anything until then.

R. Duhaime: The Town Administrator got a letter from the attorney saying that we should notify Bow. That is even before we make that decision. There will be a public hearing and the abutters will be notified.

Joe Slemp (Abutter at Edgewater Drive): I have not been notified yet on this and I am here again.

J. Sullivan: Dr. Shankle, can you please tell Mr. Slemp why he has not been notified .

D. Shankle: Nothing official has been happening. Mr. Scarpetti had preliminary discussions with the Planning Board and the Conservation Commission. As you can see from the letter, although our attorney tells us we should have a public hearing, there is no requirement if you discontinue a road. If it goes to the Planning Board, with a real plan, he will be notified then. If the Town Council decides to have a hearing and notify abutters, you can do that, but that is up to the Council.

J. Sullivan: It was not the intent to keep you out of the loop, but at this point, there was no need to invite you. If the Council has a hearing, we would advise the abutters and if it gets to the Planning Board stage they have to follow their protocol on notifying abutters.

D. Winterton: As the Town Council person on the Planning Board, if you are an abutter you will be notified by certified mail of any public hearing if there is a site plan. I appreciate you being here because I am certain you have a point of view that is going to be beneficial to me when it comes to the Planning Board for a decision. You will be heard and will receive a certified letter when there is a public hearing.

D. Shankle: Mr. Scarpetti is going to come in on July 23, but you would not be notified of that either because that won't be the official public hearing. We don't know what he is going to present, but we are letting you know now that he will be here then.

J. Slemp: Dr. Shankle, I told you we would be at this meeting. Our whole road is at this meeting to tell you our opinions on this.

D. Shankle: It is on the agenda. You know Mr. Scarpetti wants the road discontinued. If they want to comment on the road without the details that is fine.

D. Ross: They have been presenting preliminary wish list plans. They brought it to the Conservation Commission and here a couple of times. It is all preliminary and I understand your concerns being a property owner and that has been my concern as well. We have to make sure everything is above board and legitimate. If you have not seen what he is proposing, I would encourage you to be at the next meeting. No one will be in the dark in regard to this. There will be more than one notification going to you directly, but in two weeks he will be here with his plan and you can offer your comments.

T. Lizotte: I am inclined to provide a small segment of time on the order of public input, for each of them to voice their concern.

J. Sullivan: I think that would be smart but there may be some comments or questions that you might want to directly ask Mr. Scarpetti. What are your thoughts?

J. Slemp: We were going to speak tonight. I have already dealt with Ken and him putting his dream house on this property. It was supposed to be a Christmas tree farm. All of a sudden they are developers and they own half of Hooksett. They have already put 4 more residential homes on the street on Ken's land after my house. Now we have Paul's land which is supposed to be "our dream house" again, 6 acres in the woods, the same way the other one was 7 acres on the public road. Now it is going on again; development. Seeing if he can get the road from the town so it can make it better for them for development. The town told me 10 years ago when that land was for sale there would be one house on Ken's land. The town told me there would be one house on Paul's land.

J. Sullivan: I am not disagreeing, but the Council has authority and that is why they came in on the road issue and the transfer of land. The question you brought up would be better suited for the Planning Board.

J. Slemp: I will be at the Planning Board as well. The town needs to look at what they are doing on that road and what it will cost the town. A couple of Councilors told me "we are going to get tax money" and "we are going to fix Edgewater Dr." I have been there almost 20 years and they haven't fixed Edgewater

Dr. The Scarpetti's already put up 3 out of 4 new houses. Now are going to have another development in the woods after my house which won't fix Edgewater Dr. and won't do any good for the residents on Edgewater Dr. There will be more kids and people speeding by. We have a commercial canoe rental already which drives a lot of traffic. We have no way to get two cars through that road now. What about fire trucks and ambulances getting down that road into the woods.

J. Sullivan: We want your opinion and we want you to come back.

N. Comai: I thank you for giving these gentlemen the opportunity to speak and would like to hear from each one of them.

Bruce Gelinas (58 Edgewater Drive): Has the condo development been approved by the town?

J. Sullivan: According to our Planning Board representative it has not.

B. Gelinas: Prior to purchasing my land on Edgewater, I came to the town and asked what the future was going to be. I was told by a town employee that Mr. Scarpetti pleaded to have a single family home put down there and that was approved due to the shape of the land. It is a concern and Mr. Slemp voiced a lot of what I had on my mind also.

J. Sullivan: Thank you. Please come back when a proposal has been made.

J. Slemp: I will come back to the next meeting.

J. Sullivan: We have a meeting on the July 23 and will entertain questions.

J. Levesque: Mr. Slemp, you and I spoke on the telephone about a month ago and I explained to you these were meetings to give proposals of their ideas and that is why you were not notified. I gave you the mailing address and where to find the minutes. I am sorry you have to come to all of these meetings, but this is how to stay on top of things. Check the agendas and if there is something that pertains to your area, come. I am sure you will be notified if there is any type of a proposal that has to be voted upon. Right now, there is just exchanging of ideas and opinions. You are more than welcome to come and watch that and I told you to come to the meetings.

D. Winterton: I would make a suggestion that you confirm with the community development department that you are listed as abutters, not knowing the layout of where the houses are in reference to the land. The last think I would want is have a meeting happen and not have you notified. Even if you are not a direct abutter you can still talk.

D. Shankle: I would also ask that you double check because there is a strip of land there that the town owns and then there is the town owned road so you may not be an abutter. The town owns some of the land that runs on the riverside of the road. You may abut the town's land and not his.

J. Sullivan: We want to make sure you are all notified. Thank you all for coming in.

### **NOMINATIONS AND APPOINTMENTS**

J. Sullivan: Of the list of nominated people is there anyone here that has been nominated or would like to be nominated. There are two people, Ivan Gult and Muamer Durakovic. Ivan we have you nominated for the Economic Development Committee. Is there any an additional information you can provide as to why you chose Economic Development?

I. Gult: I have no additional information unless you have questions.

J. Sullivan: Any reason why you wanted Economic Development?

I. Gult: Yes, to help out. I also applied for the Heritage Committee.

R. Duhaime: You just want to get involved with the town and give back to your community? Do you live in town?

I. Gult: Yes.

J. Sullivan: Thank you for coming in. The plan is to appoint tonight and once you are appointed you can see Donna.

D. Winterton: Mr. Chairman, I was asked at the last Planning Board meeting to reiterate that Mr. Kotowski wanted to be reappointed and he wants to return to the Planning Board.

J. Sullivan: Mr. Durakovic please come up. Do you have any information other than what you have provided for us?

M. Durakovic: I have attended all of the meetings for the Planning Board and I would like to continue to support the town. For Economic Development, I have a Master's Degree in International Business so I feel as if I could help.

D. Winterton: I would support his reappointment. He has been at every Planning Board meeting and his input has been valuable. I welcome his volunteerism.

R. Duhaime: It sounds like you are qualified. Are you planning on staying in town? Do you like Hooksett?

M. Durakovic: I own a condo and I plan to.

J. Sullivan: You were nominated for both positions so you will need to go to Donna and they will help you with what you need to do. Thank you for coming in.

a. Nominated: Steve Couture: Conservation Commission (reappointment)

**D. Ross motioned to appoint Steve Couture to Conservation Commission. Seconded by T. Lizotte. Vote unanimously in favor.**

b. Nominated: Muamer Durakovic: Planning Board – alternate until 2016; ED Advisory (n)

**T. Lizotte motioned to appoint Muamer Durakovic to the Planning Board as an alternate until 2016 and Economic Development Committee. Seconded by R. Duhaime. Vote unanimously in favor.**

c. Nominated: Ivan Gult: (ED) Advisory (new)

**R. Duhaime motioned to appoint Ivan Gult to Economic Development Committee. Seconded by D. Winterton. Vote unanimously in favor.**

d. Nominated: Frank Kotowski: Planning Board (reappointment); ED Advisory (new)

**J. Levesque motioned to appoint Frank Kotowski to the Planning Board and the Economic Development Advisory Committee. Seconded by T. Lizotte. Vote unanimously in favor.**

e. Nominated: Sean McDonald: Recycling Advisory (reappointment)

**J. Levesque motioned to appoint Sean McDonald to the Recycling Advisory Committee. Seconded by R. Duhaime. Vote unanimously in favor.**

f. Nominated: Michael J. Simoneau: Zoning Board (reappointment)

**J. Levesque motioned to appoint Michael J. Simoneau to the Zoning Board. Seconded by A. Jennings. Vote unanimously in favor.**

g. Nominated: Tom Walsh: Planning Board (reappointment)

**D. Winterton motioned to appoint Tom Walsh to the Planning Board. Seconded by T. Lizotte. Vote unanimously in favor.**

h. Nominated: JoCarol (Gau) Woodburn: Conservation Com from alternate to full

**R. Duhaime motioned to appoint JoCarol (Gau) Woodburn to the Conservation Commission from alternate to full member. Seconded by A. Jennings. Vote unanimously in favor.**

i. Donald Pare – ZBA full member reappointment

**A. Jennings motioned to nominate Donald Pare to ZBA.**

j. Chris Pearson – ZBA full member reappointment

J. Levesque: I received an email from Chris Pearson stating that he would like to serve again but he is on business so could not be at the meeting.

**J. Levesque motioned to nominate Chris Pearson to ZBA.**

**k. Robert Worrell – Recycling & Transfer AC full member reappointment**

**J. Levesque motioned to nominate Robert Worrell to Recycling and Transfer AC.**

J. Sullivan: The last three individuals were nominated and will be appointed at our next meeting, according to rules. Ivan and Mo, thank you for coming in and good luck.

**A. Jennings motioned to nominate David Elliott as a full member to Parks and Recreation and Michael Young as a full member to Parks and Recreation.**

J. Sullivan: Those individuals have been nominated and will be voted to appointment at our next meeting.

## **5 MINUTE RECESS**

### **SCHEDULED APPOINTMENTS**

a. 14 – 051 Public Hearing on Ambulance Collection Policy and Billing Rates

J. Sullivan: On behalf of the Council, I declare the public meeting open. Is there any public input on this?

*No public input*

D. Winterton: Do we want to have an automatic accelerator annual increase or is it more responsible for the Council to decide? Is it Council's decision to raise the fees? We are establishing the rate at medicare fees + 30% which will adjust annually with the current medicare fee schedule.

Mike Hoisington: I would say that would be a Council call or it could automatically adjust as the medicare rates adjust annually.

J. Sullivan: We have an option. You can say it would require review and approval each year or that the Council won't have to deal with that anymore.

A. Jennings: I like what Councilor Winterton is saying, that we need to have oversight with the Town Council. We ran into an issue because the fees have not been adjusted because they were set. As long as we put in there that it is going to be reviewed each year versus no Town Council oversight.

T. Lizotte: I would agree except it is the government's reimbursement. Where it is medicare rates, if the government says they will give us less, I am certain the fire department or Town Administrator will come to us and say we need to increase the percentage added to it. I don't have a problem keeping pace with what the government is willing to give us with regard to funds.

D. Ross: I don't see anything that talks about reimbursement. These are the rates we charge people for transport. How they get paid for it is not what is going on here. I don't like any automatic increase in anything to do with government expenditures or taxation. It is a bad thing to do and is non-representative. I think it should come back to us at any time they want to increase these rates.

D. Shankle: I understand why you might not want that to happen. All you need to do is take out that one sentence. Everything else works.

J. Sullivan: Would someone like to offer that removal or are we comfortable the way it is written?

T. Lizotte: It says: "the current Medicare fee schedule." Is there a specific schedule that is laid out for the next five years?

M. Hoisington: I believe it is done annually and it is not a set forecast.

***D. Ross motioned to change the wording of the Town Of Hooksett N.H. Ambulance Service Collection Policy/Ambulance Billing Rates as follows: Replace "The ambulance billing rates have been established to represent current Medicare Fees + 30% which will adjust annually with the current medicare fee schedule" with "The ambulance billing rates have been established to represent current Medicare Fees + 30% and may be adjusted with the consent of the Town Council."***

D. Winterton: Why don't we put in that annually the fire department will come back with a suggestion of fees. I have a problem with who's responsibility it is, or was, for the last seven years. These fees would not have been changed unless we requested the Chief come in and explain the ambulance budget to us. Who's responsibility is it to maintain the fee schedule to the Town of Hooksett that comes in as revenue. These are not fees like a building permit. These are reimbursable fees. My calculations are, that over the last five years, our inability to stay competitive with the fees of surrounding towns have cost the Town of Hooksett a quarter of a million dollars.

J. Sullivan: Councilor Winterton, that situation won't happen again.

D. Winterton: I would suggest we take that wording out and say "annually the chief or his representative will come before this Board and explain if the fees are doing what we want." We could raise that Medicare + 30 to Medicare + 80 and some insurance companies will pay that. That is revenue to the town. If a resident of Hooksett cannot afford to pay that, we can go into non-public and waive the fees for that person. I wonder if we had a person who is employed by the Town of Hooksett and is in a car accident in Manhattan and gets taken to a hospital there and gets billed \$6,000 for the ambulance ride, how much would the insurance that we are providing for our employees pay. I bet it is a lot more than Medicare + 30%. If we are going to provide that kind of benefit for our employees, we should provide that kind of benefit for our citizens and taxpayers. I think we are out a quarter of a million dollars because someone didn't do their job and that bothers me.

J. Sullivan: Based on Councilor Winterton's input, would anyone like to adjust the amendment? I have a suggested one, "which will be reviewed and approved annually by the Town Council based on the current Medicare fee schedule." If that is what Councilor Winterton wants, that will require it to be reviewed and our practice would be to invite the fire department to come in annually.

D. Ross: I don't think the Medicare fee schedule is relevant other than as a comparison. The concept of the ambulance service was to be a benefit for our town and it was to be a self-sufficient enterprise. It was probably supposed to show a little bit of gain and there is a specific account where that money stays. I don't believe the town has had to put any money into that account for this service we are able to offer our citizens. So what if we are charging less than others do. We brought it in here as a benefit to our citizens. If we have entrusted the operation to run, it has been running for seven years, it hasn't cost the town any extra money, has been self-sufficient, and they have been providing an excellent service, I don't see the need to base it on anything other than what they determine they need to charge for fees. Coming to us when then need an increase is fine too as an issue might come up such as higher gas prices. I don't think any increase should incur automatically. They should come before the Council.

S. Orr: We are the overseers of the money in this town, and it is valid to say to come back once a year and let us know what the fees are. I would hope we would never do Medicare + 80%. In my opinion, when medical providers overcharge for the services they provide that is what drives up our insurance rates. I think we are providing a service and we should do it in a fair way that we are not losing money but are able to support the program and maybe make a little profit just like any business would do. I think by them coming back once a year we are doing our due diligence to keep up on what is going on.

***D. Ross motioned to amend his previous motion to replace the wording of the Town Of Hooksett N.H., Ambulance Service Collection Policy/Ambulance Billing Rates as follows: "The Town of Hooksett/Hooksett Fire-Rescue Department intends to charge for all transported users or responsible parties that receive emergency ambulance services. The ambulance billing rates have been established to represent current Medicare Fees + 30%. These rates may be adjusted with the annual review and consent of the Town Council." Secoded by R. Duhaime.***

S. Orr: I think we should put a time frame in there and have them come back once a year. We do that with other budget items and departments.

D. Shankle: The way I read what you are saying, it still doesn't require it to come back to the Council every year which seems like what you are trying to do. The word "may" is confusing.

S. Orr: They are saying the adjustment may happen but the annual review will happen.

J. Sullivan: My understanding is it will be reviewed annually by the Council.

S. Orr: I am just thinking of it in terms of years down the road if there is a whole new Council. Is that the understanding they are going to have?

D. Winterton: That goes back to my original point of who's responsibility in the last seven years has it been to review these rates?

S. Orr: We understand what we are saying, but I want to make sure the way we word it is understood by someone who is not sitting at this table or listening at home.

T. Lizotte: I think "may" is the issue.

**Roll Call**

S. Orr – No

A. Jennings – No

R. Duhaime – Yes

D. Winterton - No

D. Ross – Yes

J. Levesque - Yes

T. Lizotte – Yes

J. Sullivan – No

**Vote 4 in favor and 4 opposed. Amended motion fails.**

***S. Orr motioned to amend the previous motion to replace the wording of the Town Of Hooksett N.H., Ambulance Service Collection Policy/Ambulance Billing Rates as follows: "The Town of Hooksett/Hooksett Fire-Rescue Department intends to charge for all transported users or responsible parties that receive emergency ambulance services. The ambulance billing rates have been established to represent current Medicare Fees + 30%. These rates may be adjusted following the annual review and consent of the Town Council." Seconded by D. Winterton.***

**Roll Call**

T. Lizotte – Yes

S. Orr – Yes

A. Jennings – Yes

R. Duhaime – Yes

D. Winterton - Yes

D. Ross – Yes

J. Levesque - Yes

J. Sullivan – Yes

**Vote unanimously in favor.**

T. Lizotte: I would like to see it stated that the fire department has to initiate bringing it forward. This goes back to policy and I think it should say "they will come forward" so it will be reviewed by Town Council. If someone would like to offer language you can.

D. Ross: After we pass this motion, we can make a new motion instigating a policy that the ambulance fee schedule and budget will be reviewed annually by the town. Separate motion, new policy.



J. Sullivan: I want to make sure the individuals that are here now understand what is being stated as well as people in the future. Mr. Hoisington, based on what we did, what would you do annually with this policy?

M. Hoisington. Annually we will be back for review. A few years ago when the town did a budget cut, before it went to town meeting, one of Council's directives was no fees town wide were to be increased, so at that point we did not come back looking for fee increases. That was approximately four or five years ago. We will be back annually based on what is happening now.

D. Shankle: The Council looks at the fees every year because you look at revenues every year. They haven't asked because they haven't needed the money. This all goes into one fund and they haven't needed it because they have been paying their bills. We tried to keep the cost to the people down as much as we could.

J. Sullivan: On behalf of the Council, I declare the public hearing closed.

***S. Orr motioned to adopt the ambulance fee policy as amended. Seconded by D. Winterton.***

**Roll Call**

J. Levesque - Yes

T. Lizotte – No

S. Orr – Yes

A. Jennings – Yes

R. Duhaime – Yes

D. Winterton - Yes

D. Ross – Yes

J. Sullivan – Yes

***Vote 7 in favor and 1 opposed.***

**OLD BUSINESS**

a. 14 – 033 Discussion and possible approval of changes to Alarm Ordinance

***J. Levesque motioned to approve Alarm Ordinance #00-27. Seconded by T. Lizotte. Vote unanimously in favor.***

b. 14 – 034 Discussion and possible approval of Pawn Shop Ordinance

***S. Orr motioned to approve Ordinance #2014-1 Pawnbrokers and Secondhand Dealers, as presented. Seconded by T. Lizotte. Vote unanimously in favor.***

c. 14 – 048 Finance Director re end of year issues (encumbrances, pay plan)

D. Shankle: The encumbrances that remain are the Human Resources software for \$11,900, Community Development software for \$7,475, and the equipment for the new police vehicle at \$8,437.

***D. Ross motioned that we encumber \$27,812 of the FY 2013-2014 budget under RSA 32:7(i). Seconded by J. Levesque.***

R. Duhaime: I see the road paving got dropped off and the new police vehicle except for the lettering?

D. Shankle: Correct. The road paving and the police vehicle will be done before June 30 so we don't need to encumber funds.

T. Lizotte: I think the Human Resources software and Community Development software is going to add great efficiencies. These are the types of investments that will keep our manpower down but increase the quality of our services. I am in favor of those two as well as the equipment for the police vehicle.

R. Duhaime: In the fiscal impact statement it states in the month of June the town always spends \$1.4 million. Is it saying that is average for each year in that sentence? Is this because we have to end the budget year, because that is not the average every month?

D. Ross: That would make sense because there are a lot of things going on in the month of June.

**Roll Call**

D. Ross: Yes

J. Levesque: Yes

T. Lizotte: Yes

S. Orr: Yes

A. Jennings: Yes

R. Duhaime: Yes

D. Winterton: Yes

J. Sullivan: Yes

***Vote unanimously in favor.***

T. Lizotte: I hope the Town Council considers reducing the tax rate when that time comes.

J. Sullivan: Can we make sure we put that on the agenda?

T. Lizotte: Our Chief Finance Officer, Christine, indicated that date at the last meeting.

R. Duhaime: You mentioned you wanted to get a higher percentage? Are you saying we are closer to the number we are supposed to be at so we don't have to keep adding to that fund?

T. Lizotte: We should evaluate it against that, but I would hope this year the money will be there to offset some taxes.

J. Sullivan: We will make sure that agenda item is scheduled at the appropriate time.

e. 14 – 052 Discussion of District Court Lease

J. Sullivan: We had a discussion on that and held off on approval of the lease until we got clarification.

D. Shankle: The concern was that we would be responsible for the new system and we received an email from Tammy Nelson of the Dept. of Administrative Services, Bureau of Court Facilities. It reads:

*"In follow up to our conversation, in regards to the burglar alarm panel and monitoring system in the Hooksett Circuit Court, the Tenant (DAS, Bureau of Court Facilities) is responsible for the maintenance, repairs, and the monitoring fees associated with such system.*

*This email pertains to the lease agreement set to commence September 1, 2014."*

D. Ross: The concern is it specifies security system, not fire alarm system. In the lease agreement it says we are responsible for the fire alarm and burglar alarm system. The town is only paying for the fire alarm monitoring.

J. Sullivan: It says burglar alarm and monitoring system. What is covered under monitoring system?

D. Ross: Burglar alarm. They are not monitoring the fire alarm system. The burglar alarm is a monitoring system. They went in unbeknownst to anybody and removed the equipment the town put in and put in different equipment.

J. Sullivan: Dr. Shankle, if we are not sure it covers the fire alarm panel, would it be appropriate for the Council to make a motion to grant that, subject to the fact that the fire alarm system and panel is the responsibility of the tenant?

D. Shankle: If you want an answer before you make a decision table it and I will ask again.

***D. Winterton motioned to table Agenda No. 14-052, Discussion of District Court Lease, until further information is received. Seconded by S. Orr. Vote 7 in favor R. Duhaime opposed.***

### **NEW BUSINESS**

a. 14 – 053 Police Chief contract issue

D. Ross: The police chief's contract does not include increases. One of the things we are trying to do with the Police Department is to integrate them more tightly into the personnel system of the rest of the town. This is a step towards suggesting the police chief gets the same 2% raise that the other employees get.

***D. Ross motioned that we award the Chief of Police a 2% raise in accordance with the 2% that was offered to the other non-union employees of the Town of Hooksett beginning July 1, 2014. Seconded by T. Lizotte.***

### **Roll Call**

D. Winterton: Yes

D. Ross: Yes

J. Levesque: Yes

T. Lizotte: Yes

S. Orr: Yes

A. Jennings: Yes

R. Duhaime: Yes

J. Sullivan: Yes

***Vote unanimously in favor.***

### **SUB-COMMITTEE REPORTS**

A. Jennings: Parks and Recreation met last week. We had a discussion about what to do with Petersbrook once Manchester Sand and Gravel leaves. We are looking at proposals for turfing the field and increasing playing time on the fields. The meeting in July will be held the 3<sup>rd</sup> Tuesday at 7pm, 2<sup>nd</sup> floor and will be the Parks and Rec workshop. The public is invited to attend.

R. Duhaime: I have nothing to report.

S. Orr: I have nothing to report.

J. Sullivan: I have nothing to report, but there was a motion made at the beginning of this year that authorized me to sign capital reserve expenditures and I signed those as listed.

D. Winterton: Hooksett Youth Achiever of the Month met today. We made a selection and will give the award on July 9. The Economic Development Committee meeting yesterday was canceled, however I am encouraged that we now have 2 new members. The Planning Board approved the uses of SNHU to use both of the former CB Sullivan buildings. The one closest to DW highway will have office staff for interim purposes. The other usage will be for music. We approved it with restrictions that they not use it more than 20 hours per week and the decibel levels cannot exceed more than 75 to the edge of the property line. They are also going to dig up the parking lot that is on the west side of River Rd., in front of the old library, and turn that into green space.

S. Orr: Is it going to be for the music program with the college or nighttime coffee house type music?

D. Winterton: Instructional and rehearsal.

D. Ross: I have nothing to report.

J. Levesque: The Advisory Committee for the Transfer was not held last night.

T. Lizotte: I have nothing to report.

### **NON-PUBLIC SESSION**

**NH RSA 91-A:3 II (a)** The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her,

***J. Sullivan motioned to enter non-public session at 9:15 pm. Seconded by T. Lizotte.***

#### **Roll Call**

R. Duhaime – Yes

D. Winterton – Yes

D. Ross - Yes

J. Levesque – Yes

J. Lizotte: Yes

S. Orr – Yes

A. Jennings – Yes

J. Sullivan – Yes

***Vote unanimously in favor.***

***J. Sullivan motioned to extend the meeting from 9:30pm to 9:45pm. Seconded by T. Lizotte.***

***Vote unanimously in favor.***

***J. Sullivan motioned to extend the meeting from 9:45pm to 10:00pm. Seconded by D. Winterton.***

***Vote unanimously in favor.***

***A. Jennings motioned to extend the meeting from 10:00pm to 10:10pm. Seconded by D. Ross.***

***Vote unanimously in favor.***

***D. Ross motioned to exit non-public at 10:07pm. Seconded by J. Levesque.***

***Vote unanimously in favor.***

***D. Ross motioned to seal the non-public minutes of 6/25/14. Seconded by A. Jennings.***

***Vote unanimously in favor.***

***D. Ross motioned to adjourn at 10:08pm. Seconded by A. Jennings.***

***Vote unanimously in favor.***

Respectfully Submitted,

AnnMarie White  
Recording Clerk

AGENDA NO. Consent  
DATE: 7/9/14

**Staff Report**  
**Donation from the Builder's Club, Cawley Middle School**  
**July 9, 2014**

**Background:**

The Fun in the Sun Summer Camp program, which runs for 8 weeks during the summertime out of the Town Hall gym, has been offered a donation from the Builder's Club at the Cawley Middle School.

**Issue:**

This is an after-school program at the Cawley Middle School that would like to donate excess funds, which were acquired through their fundraising efforts throughout the year. They all took a vote on where to spend the money, and the majority chose Fun in the Sun.

**Discussion:**

The club wanted to be able to offer assistance with obtaining supplies needed for the crafts and activities that the program has to offer the campers this year. The Department of Public Works is very grateful and would like to thank the Builder's Club for their donation.

**Fiscal Impact:**


There will be no fiscal impact, as it will be revenue for the Fun in the Sun Summer Camp Program. The money that the town will receive is \$150.00 one time donation.

**Recommendation:**

I recommend that the Council motion to accept the \$150.00 donation from the Builder's Club at the Cawley Middle School to assist the Fun in the Sun Summer Camp program in obtaining supplies needed for crafts and activities per RSA 31:95-b, III (b).

**Prepared by:** Leo Lessard, Public Works Director

**Town Administrator Recommendation:** *Consent*

  
Dr. Dean E. Shankle, Ph.D.  
Town Administrator

AGENDA NO. concur  
DATE: 7/9/14

**Staff Report**  
**Health Trust donation to Fire Department**  
**July 9, 2014**

**Background:** Per RSA 31:95-b, III (b) for such amount less than \$5,000.00, the Council shall post notice in the agenda and shall include notice in the minutes of a Council meeting in which such moneys are discussed.

**Issue:** Acceptance of donated funds from Health Trust, Inc., (a branch of NH LGC) to promote Fire-Rescue Department health awareness programs.

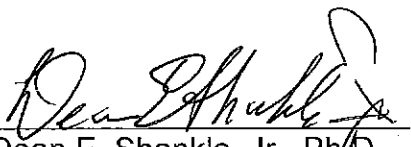
**Discussion:** The Health Trust offers funds to communities / agencies, which improve upon the percentage of previous Health Assessment (Know your Numbers program) participation. Hooksett improved upon that percentage and received funds in the amount of \$100.00. The donated funds are to cover fitness-wellness programs that may address nutrition, fitness and positive lifestyle changes. These programs are administered to Fire Personnel by the Assistant Fire Chief, who is acting as the designated Wellness Coordinator, and also overseen by an administrator with HealthTrustNH.org. It is expected that the funds will be used in the course of the calendar year 2014.

**Fiscal Impact:** These funds do not require any matching amounts or other financial obligation for the administration of the program, by the Town of Hooksett or the Hooksett Fire-Rescue Department.

**Recommendation:** Motion to accept the Health Trust Inc. donated funds in the amount of \$100.00, under RSA 31:95-b, III (b) and move into the Fire Department Donations fund account line.

**Prepared by:** Assistant Fire Chief Dean Jore

**Town Administrator Recommendation:** concur

  
\_\_\_\_\_  
Dean E. Shankle, Jr., Ph.D.  
Town Administrator

AGENDA NO. consent  
DATE: 7/9/14

**Staff Report**  
**Acceptance of Grant Funding**  
**Allenstown Police Department Active Shooter Training**  
**July 9, 2014**

**Background:** On June 26, 2014 three members of the Hooksett Police Department assisted the Allenstown Police Department with "Active Shooter" training at the Armand Dupont School.

**Issue:** To accept re-imburement from a grant received by the Allenstown Police Department for 'Active Shooter" training in the amount totaling \$666.00 The funds cover 4.5 hours of overtime for each of the three officers assigned to Allenstown for the training.

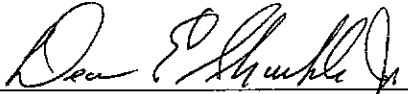
**Discussion:** The Allenstown Police Department received a grant to conduct "Active Shooter" Training at the Armand Dupont School in their community. Hooksett being a mutual aid town to Allenstown was asked to provide a Patrol Supervisor and two officers to assist their agency with the drill as mutual aid response officers.

**Fiscal Impact:** There is no fiscal impact to the town should the above listed be accepted by the Town Council. The funds utilized to cover overtime will be re-imbursed to the Town of Hooksett based upon the grant received by the Allenstown Police Department for the training.

**Recommendation:** To accept re-imburement from the grant received by the Allenstown Police Department to cover overtime for the assisting Hooksett Police personnel in the amount of \$666.00

**Prepared by:** Captain Jon Daigle, Hooksett Police Department

**Town Administrator Recommendation:** Concur.

  
\_\_\_\_\_  
Dean E. Shankle, Jr., Ph.D.  
Town Administrator

**Dean Shankle**

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**From:** Dick <armlaw@hotmail.com>  
**Sent:** Wednesday, June 04, 2014 6:58 PM  
**To:** Dean Shankle  
**Subject:** Unfinished Business

AGENDA NO. scheduled appointments  
DATE: 9/2/14

Mr. Shankle...

Please print this out for each Council Member and advise me when I may meet with them all, to discuss a resolution to the year old travail that has been visited upon me for my exercising constitutional; Rights under the 4th Amendment and Article 19 of the New Hampshire Bill of Rights.

My research shows that public servants have much for which they should be held accountable, particularly independent contractor, Mr. Todd Haywood.

"Without Prejudice" UCC 1-103, UCC 1-308. RSA 382-A 1-103, RSA 382-A 1-308

A. Richard Marple  
11 Dartmouth Street  
Hooksett

START

7. CRIMINAL EXTORTION AND COERCION. Extortion is a crime when, by **color of office**, any person extorts...**more than is due**... 18 U.S.C.A. § 871 et seq.; § 1951. A person is guilty of criminal coercion if, with purpose to unlawfully restrict another's freedom of action to his detriment, he threatens to... **take or withhold action as an official, or cause an official to take or withhold action.**

PURPOSE: Punish government employees for fraudulently concealing and converting qui tam fraud recovery proceeds as alternate remedies, forfeitures or free present or future work after concealing or hiding them from the courts of jurisdiction and the U.S. Treasury.

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Model Penal Code, § 223.4.

Extortion is a crime when, by **color of office**, any person extorts that which **is not due, or more than is due**, or before the time when it is due. 18 U.S.C.A. § 871 et seq.; § 1951.

The obtaining of property from another induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right. 18 U.S.C.A. § 871 et seq.; § 1951. A person is guilty of theft by extortion if he purposely obtains property of another by threatening to:

- inflict bodily injury on anyone or commit any other criminal offense; or
- accuse anyone of a criminal offense; or
- expose any secret tending to subject any person to hatred, contempt or ridicule, or to impair his credit or business repute; or
- take or withhold action as an official, or cause an official to take or withhold action; or
- bring about or continue a strike, boycott or other collective unofficial action, if the property is not demanded or received for the benefit of the group in whose



- interest the actor purports to act; or
- testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
- inflict any other harm which would not benefit the actor.

Model Penal Code, § 212.5., 144 F.Supp. 381, 34

A person is guilty of criminal coercion if, with purpose to unlawfully restrict another's freedom of action to his detriment, he threatens to:

(c) expose any secret tending to subject any person to hatred, contempt or ridicule, or to impair his credit or business repute; or

(d) take or withhold action as an official, or cause an official to take or withhold action. It may be... implied, legal or constructive,... where one party is constrained by subjugation to other... to do what his free will would refuse. Compelled to compliance; constrained to obedience, or submission in a vigorous or forcible manner.

**(Also see Duress; Extortion; Threat; Undue influence.)**

## Dean Shankle

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**From:** Dick <armlaw@hotmail.com>  
**Sent:** Saturday, June 21, 2014 4:11 PM  
**To:** Dean Shankle  
**Subject:** The Clearfield Doctrine

Mr. Shankle...

The **Clearfield Doctrine** proves when governments descend to the corporate level they **CEASE** to be governmental entities.

It is well settled that an officer must be either elected, appointed or commissioned. Employees cannot be made officers "by virtue of their employment." Even if they could, I.C. 59-703 (9) states,

*"Public office" means any position in which the normal and usual duties are conducted on behalf of a governmental entity."*

The **Clearfield Doctrine** is **explicit**. The corporation registered and known as Town of Hooksett is listed as a "CORPORATION" in the S.O.S. database and is, therefore, *"an entity entirely separate from government."* Notwithstanding any other RSA sections that are **also superseded by Federal law**, the alleged officers are **NOT** even employees of a "governmental entity." The stare decisis that follows is self-evident in application of law.

*"... the government descended to the level of a mere private corporation and takes on the character of a mere private citizen... For the purposes of suit, such corporations and individuals are regarded as an entity entirely separate from government." Bank of U.S. v. Planters Bank, 9 Wheat. 22 U.S. 904, U.S. v. Erie Ry Co., 106 U.S. 327; Clearfield Trust Co. v.*

*U.S. 318 U.S. 363 (1943).*

*"When governments enter the world of commerce, they are subject to the same burdens as any private firm or corporation." U.S. v. Burr. 309 U.S. 22; See 22 U.S.C.A. 286e. Bank of U.S. v. Planters Bank of Georgia. 6 L. Ed. (9 Wheat) 244; 22 U.S.C.A. 286 et. Seq., C.R.S. 11-60-103.*

An officer is defined as **"a person appointed or elected to a position of responsibility or authority in government or a private organization."** Random House Webster's Dictionary of the Law, p. 307.

WE created the government to **SECURE** our rights. That is the sole purpose! We need to withdraw our consent, as required by Article 12, New Hampshire Bill of Rights to permit the continuation of the perverted

mutated government; which, In its current form, is a predatory corporation. The corporation has become destructive to the ends of its institution. It no longer secures our rights, it takes them away! We exercise our Right to alter or abolish it, as the **Unanimous Declaration** says:

*"That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness."*

Pursuant to **ARTICLE 32** New Hampshire Bill of Rights, you are **"instructed"** to print this memo out and place it in each councilors file, for their reading and understanding. This will be part of my talk to them when you have scheduled my appearance with them. I look forward to receiving a scheduled date.

Without Prejudice UCC 1-103, UCC 1-308

A. Richard Marple, Sui Juris

## Dean Shankle

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**From:** Dick <armlaw@hotmail.com>  
**Sent:** Friday, June 06, 2014 4:13 PM  
**To:** Dean Shankle  
**Subject:** Print out for Counselors

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. Shankle...

Kindly print this out for placement with each member of the Council as I will be discussing the stare decisis of this and several other supreme court standing decisions when you advise me of the upcoming scheduled meeting. I do not want the Councilors to plead ignorance of the law, as that is no excuse. If they are not part of the solution to the existing travail that has been visited upon me, then they must be considered part of the problem.

**The individual Rights guaranteed by our Constitution** can be compromised and ignored by our government. however the Stare decisis that follows is mandatory as it has never been over-ruled.

**United States v. Johnson**, 76 F. Supp. 538, 539 (D. Pa. 1947), **Federal District Court Judge James Alger Fee** ruled that,

*"The privilege against self-incrimination is neither accorded to the passive resistant, nor to the person who is ignorant of his rights, nor to one indifferent thereto. It is a FIGHTING clause. It's benefits can be retained only by sustained COMBAT. It cannot be claimed by attorney or solicitor. It is valid only when insisted upon by a BELLIGERENT claimant in person." McAlister vs. Henkel, 201 U.S. 90, 26 S.Ct. 385, 50 L.Ed. 671; Commonwealth vs. Shaw, 4 Cush. 594, 50 Am.Dec. 813; Orum vs. State, 38 Ohio App. 171, 175 N.E. 876. The one who is persuaded by honeyed words or moral suasion to testify or produce documents rather than make a last ditch stand, simply loses the protection. . . . He must refuse to answer or produce, and test the matter in contempt proceedings, or by habeas corpus." [Emphasis added.]*

Notice the verdict's confrontational language: "*fighting*", "*combat*", and most surprising, "*belligerent*". Did you ever expect to ever read a Federal Court condemn citizens for being "*passive*" or "*ignorant*"? Did you ever expect to see a verdict that encouraged citizens to be "*belligerent*" IN COURT...?

Please re-read that extraordinary verdict. Then read it again, and commit it to memory, for it succinctly describes the essence of the American legal system. Clearly, we must do **SOMETHING**, for as Sir Edmund Burke said,

*The only thing necessary for evil to triumph is for good men to do nothing."*

"Without Prejudice" UCC 1-103, UCC 1-308. RSA 382-A 1-103, RSA 382-A 1-308

A. Richard Marple  
11 Dartmouth Street  
Hooksett

**Staff Report  
District Court Lease  
July 9, 2014**

AGENDA NO. 14-052  
DATE: 7/9/14

**Background:** The present lease to the State of New Hampshire for the space for the District Court is set to expire in September.

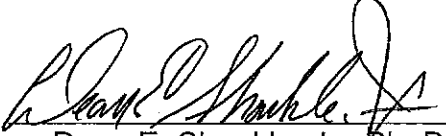
**Issue:** Whether to enter into a four-year lease with the State with the following increases set to commence September 1, 2014: a 0% increase year one, 1% increases in year two and year three, and a 1.5% increase in year four. This would result in a total payment to the Town for the four-year lease term of \$296,367.84. Other terms and conditions stay the same as the current contract..

**Discussion:** Although the proposed increases are minimal, it is certainly true that having the District Court in Hooksett is a tremendous savings of time and money for our Police Department. The State has been good tenants and Public Works has a good working relationship with them. When issues arise they are reasonable and will bear some of the costs if they are not strictly maintenance-related. The Public Works Director agrees that this is a good deal for the Town.

**Fiscal Impact:** Minor increases in revenue. No apparent increased costs. There was a concern on the part of Councilor Ross that the condition of the Fire Alarm system may result in unexpected costs. The Town, as the owner of the property, is responsible for this system but my understanding is that although it is old there are not specific problems at this time.

**Recommendation:** Move to approve the lease as proposed by the state and give the Town Administrator to sign it.

**Prepared by:** Dean E. Shankle, Jr., Town Administrator

  
Dean E. Shankle, Jr., Ph. D.  
Town Administrator

AGENDA NO. 14-055

DATE: 7/9/14

**Staff Report**  
**Annual Town & School Report**  
**July 09, 2014**

**Background:** Each year the Town Council approves the cover for the Annual Town & School report, and discusses procedure for generating the Council's report.

**Issue:** Approval of the 2013-2014 report cover and discussion on the Council's annual report.

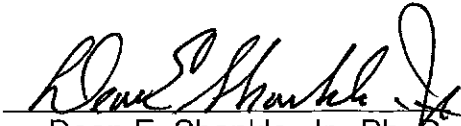
**Discussion:** The proposed cover for the Town Report this year displays photos of Veteran's Park (before and after improvements). The interior will discuss the park's history and latest improvements. Typically, the Council uses their report from the Town Meeting Guide as guidance for the Town Report, and authorizes the Chair to put it together.

**Fiscal Impact:** None

**Recommendation:** Motion to approve the 2013-2014 Annual Town & School Report cover with Veteran's Park as its theme, and to authorize the Chair to draft the Council's annual report.

**Prepared by:** Katie Rosengren, Project Coordinator

**Town Administrator's Recommendation:** Concur

  
Dean E. Shankle, Jr., Ph. D.  
Town Administrator

AGENDA NO. 14-056

DATE: 7/9/14

**Staff Report  
Street Name Approval  
July 9, 2014**

**Background:**

The Planning Board at its April 21, 2014 meeting moved to approve an on-campus connector road at Southern New Hampshire University. The road will connect East Side Drive to Donati Drive. SNHU requests that the street be named Victory Lane. All appropriate departments have approved the name: Building, DPW, Fire, and Police. The applicant respectfully requests that the Council approve the name.

**Fiscal Impact:**

None.

**Recommendation:**

I recommend that the Council motion to approve the proposed name of Victory Lane at the connection of East Side Drive and Donati Drive, Hooksett.

**Prepared by:**

Carolyn Cronin, Assistant Town Planner

**Town Administrator Recommendation:**



Dean E. Shankle, Jr., Ph.D.  
Town Administrator

## *Memorandum – Planning Department*

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**To:** Administration; Town Council  
**From:** Carolyn Cronin, Assistant Planner  
**Date:** June 19, 2014  
**Re:** **Street Name Approval Form**

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Attached please find a Street Name Approval packet for the newly approved connector road on campus at Southern New Hampshire University. All appropriate department heads have signed off.

I am requesting the Council adopt and sign off on the proposed name, Victory Lane, at their meeting on July 9, 2014.

Thanks and please contact me if you have questions.



Received

JUN 6 2014

Community Development

STREET NAME

APPROVAL FORM

To: Hooksett Town Council

Date:

Please review the following name (s) being proposed for new streets in Hooksett. The names have been reviewed for 9-1-1 compatibility and are with the established guidelines. The applicant is presently preparing a submission for the Planning Board and the street names must be approved, by you, prior to being deemed "complete" by the Planning Board.

NAME OF DEVELOPMENT: SNHU - CONNECTOR ROAD

NAME OF DEVELOPER: ANNEX SNHU

<u>PROPOSED NAME (S)</u>	<u>LOCATION</u>	<u>DESCRIPTION</u>
<u>VICTORY LANE</u>	<u>map 33, lot 6, 7</u> <u>map 38, lots 6, 7, 8-1</u>	<u>(off of East Side Dr.)</u>

Approved by the Hooksett Town Council \_\_\_\_\_ (Date)

- Town Council Chair \_\_\_\_\_
- ✓ Police Department \_\_\_\_\_
- ✓ Highway Department \_\_\_\_\_
- ✓ Fire Department \_\_\_\_\_
- ✓ Code Enforcement \_\_\_\_\_

Received

JUN 6 2014

Community Development

STREET NAME

APPROVAL FORM

To: Hooksett Town Council

Date:

Please review the following name (s) being proposed for new streets in Hooksett. The names have been reviewed for 9-1-1 compatibility and are with the established guidelines. The applicant is presently preparing a submission for the Planning Board and the street names must be approved, by you, prior to being deemed "complete" by the Planning Board.

NAME OF DEVELOPMENT: SNHU - CONNECTOR ROAD

NAME OF DEVELOPER: ANNEX SNHU

<u>PROPOSED NAME(S)</u>	<u>LOCATION</u>	<u>DESCRIPTION</u>
<u>VICTORY LANE</u>	<u>map 33, lot 6, 7</u> <u>map 38, lots 6, 7, 8-1</u>	<u>(off of East Side Dr.)</u>

Approved by the Hooksett Town Council \_\_\_\_\_  
(Date)

Town Council Chair \_\_\_\_\_  
 Police Department \_\_\_\_\_  
 Highway Department 6/6/14  
 Fire Department \_\_\_\_\_  
 Code Enforcement \_\_\_\_\_

Amended: March 17, 2004.

Received

JUN 6 2014

Community Development

**STREET NAME**

**APPROVAL FORM**

To: Hooksett Town Council

Date:

Please review the following name (s) being proposed for new streets in Hooksett. The names have been reviewed for 9-1-1 compatibility and are with the established guidelines. The applicant is presently preparing a submission for the Planning Board and the street names must be approved, by you, prior to being deemed "complete" by the Planning Board.

NAME OF DEVELOPMENT: SNHU - CONNECTOR ROAD

NAME OF DEVELOPER: APPROXIMATE SNHU

<u>PROPOSED NAME (S)</u>	<u>LOCATION</u>	<u>DESCRIPTION</u>
<u>VICTORY LANE</u>	<u>map 33, lot 67</u> <u>map 38, lots 6, 7, 8-1</u>	<u>(off of East Side Dr.)</u>

Approved by the Hooksett Town Council \_\_\_\_\_  
(Date)

Town Council Chair \_\_\_\_\_  
 Police Department \_\_\_\_\_  
 Highway Department \_\_\_\_\_  
 Fire Department [Signature] \_\_\_\_\_  
 Code Enforcement \_\_\_\_\_

Received

JUN 6 2014

Community Development

STREET NAME

APPROVAL FORM

To: Hooksett Town Council

Date:

Please review the following name (s) being proposed for new streets in Hooksett. The names have been reviewed for 9-1-1 compatibility and are with the established guidelines. The applicant is presently preparing a submission for the Planning Board and the street names must be approved, by you, prior to being deemed "complete" by the Planning Board.

NAME OF DEVELOPMENT: SNHU - CONNECTOR ROAD

NAME OF DEVELOPER: ~~SNHU~~ SNHU

<u>PROPOSED NAME (S)</u>	<u>LOCATION</u>	<u>DESCRIPTION</u>
<u>VICTORY LANE</u>	<u>map 33, lot 6-7</u> <u>map 38, lots 6, 7, 8-1</u>	<u>(off of East Side Dr.)</u>

Approved by the Hooksett Town Council \_\_\_\_\_  
(Date)

Town Council Chair \_\_\_\_\_  
 Police Department \_\_\_\_\_  
 Highway Department \_\_\_\_\_  
 Fire Department \_\_\_\_\_  
 Code Enforcement *[Signature]*

Received

JUN 6 2014

Community Development

STREET NAME

APPROVAL FORM

To: Hooksett Town Council

Date:

Please review the following name (s) being proposed for new streets in Hooksett. The names have been reviewed for 9-1-1 compatibility and are with the established guidelines. The applicant is presently preparing a submission for the Planning Board and the street names must be approved, by you, prior to being deemed "complete" by the Planning Board.

NAME OF DEVELOPMENT: SNHU - CONNECTOR ROAD

NAME OF DEVELOPER: SNHU

<u>PROPOSED NAME (S)</u>	<u>LOCATION</u>	<u>DESCRIPTION</u>
<u>VICTORY LANE</u>	<u>map 33, lot 6-7</u> <u>map 38, lots 6, 7, 8-1</u>	<u>(off of East Side Dr.)</u>

Approved by the Hooksett Town Council \_\_\_\_\_

(Date)

- Town Council Chair \_\_\_\_\_
- Police Department [Signature]
- Highway Department \_\_\_\_\_
- Fire Department \_\_\_\_\_
- Code Enforcement \_\_\_\_\_